

in cooperation with the



# Family Abduction

## Prevention and Response



# **Family Abduction Prevention and Response**

**2009  
Sixth Edition**

**Revised by Patricia M. Hoff, Esquire**

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# Acknowledgments

This is the sixth edition of *Family Abduction: Prevention and Response*. It was prepared by Patricia M. Hoff, Esquire. Julia Alanen, former Director of the National Center for Missing & Exploited Children®'s (NCMEC) International Missing Children's Division and Policy Counsel spearheaded the completion of this edition.

The first three editions of this guide were published as *Parental Kidnapping: How to Prevent an Abduction and What to Do If Your Child Is Abducted*. The first and second editions were written by Patricia M. Hoff. The third edition was revised by Patricia M. Hoff and Janet Kosid Uthe, Esquire. The fourth edition, published under the title of *Family Abduction: How To Prevent an Abduction and What to Do If Your Child Is Abducted*, was revised by Judith Drazen Schretter, Esquire, and Donna Castle Aspell, Esquire. The fourth edition rearranged the original material and incorporated valuable suggestions made by many readers of the earlier versions. The fifth edition, revised by Patricia M. Hoff, was retitled *Family Abduction: Prevention and Response*. In addition to updating the fourth edition with new laws and tips for resolving family-abduction cases, it included for the first time a national directory of abduction laws and resources.

This sixth edition updates and revises the fifth edition. In addition to providing information about new laws and resources it also provides addresses for many helpful websites.

The National Center for Missing & Exploited Children (NCMEC) acknowledges the many people who contributed to the previous editions of this guide and whose efforts paved the way for the current edition. The NCMEC staff members, interns, volunteers, and associates listed below are acknowledged for helping to ensure the presentation of accurate and useful information in this edition. They include John B. Rabun, Jr., ACSW, NCMEC Executive Vice President and Chief Operating Officer; Julia Alanen, Esquire, former Director of NCMEC's International Missing Children's Division and Policy Counsel; Susan Rohol, Esquire, NCMEC General Counsel; Yiota Souras, Director of NCMEC's Office of Legal Counsel; Bud Gaylord, Executive Director of NCMEC's Case Analysis Division; Marsha Gilmer-Tullis, Director of NCMEC's Family Advocacy Division; Bob O'Brien, former Executive Director of NCMEC's Missing Children Division; Patricia Willingham, NCMEC's Deputy Director of Case Management Support; Robert Hoever, NCMEC Associate Director of Training; Angela Johnson, NCMEC's Administration Manager; Fariza Ibrahim, former NCMEC Case Support Specialist; Steven Van Dyke and Anneke Victorica, NCMEC legal interns; Terri Delaney, NCMEC's Director of Publications; Christina Miles and Erin Fitzgerald, NCMEC Publications Specialists; Suzanne Lappin, NCMEC volunteer; and Liss Hart-Haviv, Executive Director of Take Root.

Artwork by John Katsu



## A Message to the Reader

Many child abductions in the United States are committed by a parent or other family member. An estimated 203,900 children were victims of family abduction in the United States in 1999, according to the second *National Incidence Studies: Missing, Abducted, Runaway, and Thrownaway Children (NISMART-2)*, a study published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, in 2002.<sup>1</sup> Children who are victims of family abduction are uprooted from their homes and deprived of their other parent. Often they are told the other parent no longer loves them or is dead. Too often abducted children live a life of deception, sometimes under a false name, moving frequently and lacking the stability needed for healthy, emotional development.

The term **parental kidnapping** describes the wrongful removal or retention of a child by a parent. Because child kidnappings are frequently committed by other family members, the term **family abduction** more accurately describes such action. Both terms are used interchangeably in this book. Both have civil and criminal meanings.

When a parental kidnapping occurs the government may pursue **criminal** process against the abductor if a criminal law has been violated. Law enforcement and prosecutors are part of the criminal-justice system. The left-behind parent may pursue **civil** remedies to prevent an abduction or recover a wrongfully removed or wrongfully retained child. The left-behind parent's lawyer and the family court are part of the civil-justice system. It is important to understand both criminal and civil remedies can be pursued when an abduction occurs. The decision to pursue civil remedies is up to the parent, whereas the prosecutor ultimately has discretion whether to pursue criminal process.

This guide covers civil and criminal remedies in parental kidnapping cases. It navigates parents and attorneys through the criminal- and civil-justice systems' responses to parental kidnapping. It describes actions parents can take and laws that may be helpful when their children are the victims of family abduction. It also explains how to prevent abductions.

Parents should take this book with them when they meet with their attorneys, law enforcement, prosecutors, and family-court personnel, many of whom may be handling a family-abduction case for the first time.

Other sources of information about parental-kidnapping cases are available to law enforcement, prosecutors, and judges handling these cases. For instance law enforcement may contact the National Center for Missing & Exploited Children® for a free copy of *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. Other publications for parents and concerned professionals are listed in the section titled "Bibliography" beginning on page 143.

<sup>1</sup>Andrea J. Sedlak, David Finkelhor, Heather Hammer, and Dana J. Schultz. "National Estimates of Missing Children: An Overview," *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, October 2002, page 10, NCJ 196465 [hereafter *NISMART-2*].



If your child is the victim of a parental kidnapping you can call the National Center for Missing & Exploited Children at 1-800-THE-LOST® (1-800-843-5678) for information and help. You can also encourage the law-enforcement investigator, the prosecutor, or your attorney to contact NCMEC for advice and technical assistance.

For more information about the full range of services and publications offered by NCMEC, please write, call, or visit at

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[www.missingkids.com](http://www.missingkids.com)

# Glossary

Here are some key words to help you use this guide and communicate with your lawyer and the law-enforcement community.

**abducted child** – a child who has been wrongfully taken, kept, or concealed by an abductor. Also called **victim child**.

**abductor** – a person who wrongfully takes, keeps, or conceals a child. The term includes married and unmarried parents, custodial and noncustodial parents, and other family members and their agents.

**certified order** – a copy of an order signed and certified as a true copy by the clerk of the court with whom the original order was filed. Different jurisdictions use different terms such as “**exemplified**” and “**teste**” orders.

**child-snatching lawsuit** – civil legal action seeking money damages brought by a victim parent and/or abducted child against an abductor and others who assist or support the abductor.

**custodial parent** – a parent who has been awarded sole or joint custody by a court.

**custody determination** – a court order awarding custody, including joint custody, and visitation, or otherwise allocating parenting time. Also called a **custody order**, **custody decree**, and **parenting plan**. Federal law now includes a separate definition of **visitation determination**. In this guide the term custody determination includes visitation determination.

**deportation** – the formal removal of an alien from the United States when the alien has been found removable for violating U.S. immigration laws.

**emergency jurisdiction** – legal authority of a court to issue temporary orders to protect a child within that jurisdiction when that child has been abandoned, or a child, sibling, or parent is subjected to or threatened with mistreatment or abuse.

**ex parte order** – a court order obtained without notice. An *ex parte* order is always temporary and followed by notice of a hearing by the issuing court.

**extradition** – legal procedure by which a person suspected of a crime, or an escaped criminal, is returned to the jurisdiction in which the crime was committed.

**family abduction** – the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or other family member depriving another individual of his or her custody or visitation rights. Family abductions can occur before or after a court issues a custody determination. Criminal statutes vary across the country both as to the title of the

offense and the conduct that is considered unlawful. Also called **parental kidnapping, child abduction, child snatching, and custodial interference.**

**felony** – a serious crime usually punishable by imprisonment for at least one year. A less serious crime is a **misdemeanor.**

**Hague Convention** – The Hague Convention on the Civil Aspects of International Child Abduction.

**ICARA** – International Child Abduction Remedies Act.

**INTERPOL** – International Criminal Police Organization, the world’s largest international police organization with 186 member countries including the United States. INTERPOL facilitates cross-border police cooperation. INTERPOL color-coded notices of Red, Blue, and Yellow may be issued in international, parental-kidnapping cases.

**INTERPOL Blue Notice** – seeks to collect additional information about a person’s identity or activities in relation to a crime.

**INTERPOL Red Notice** – seeks the arrest or provisional arrest of wanted persons with a view to extradition.

**INTERPOL Yellow Notice** – seeks to locate missing persons, often minors.

**interjurisdictional** – between two jurisdictions including between two states or two territories or between a state and a territory.

**IPKCA** – International Parental Kidnapping Crime Act.

**joint custodian** – a parent who has been awarded joint custody, sometimes called shared custody, by a court. A joint custodian may have joint legal custody, joint physical custody, or both.

**jurisdiction** – legal authority of a court to make child-custody determinations.

**left-behind parent** – the parent from whom a child has been wrongfully taken, kept, or concealed. Also called **searching parent** and **victim parent.**

**missing child** – federal law defines this term to mean any individual younger than 18 years of age whose whereabouts are unknown to such individual’s legal custodian, but note that federal law requires entry of information about missing children younger than 21 into the Federal Bureau of Investigation’s National Crime Information Center database. Definitions of “missing child” vary among states and territories.

**missing-child clearinghouse** – an agency of a state or territory that maintains records of missing children and, in some cases, assists local law-enforcement agencies in locating and recovering missing children.

**modify** – change. As a general rule the person seeking to modify a custody order must show a substantial change in circumstances since the custody determination was issued and that the modification would be in the subject child’s best interest. A parent may petition a court to modify an existing custody determination, for instance, to include prevention measures such as supervised visitation and bonds.

**NCCUSL** – National Conference of Commissioners on Uniform State Laws. This is also known as the Uniform Law Commission. Representatives from all 50 states and the U.S. territories participate in this organization, which drafts uniform laws on various issues. NCCUSL has produced the **Uniform Child Custody Jurisdiction Act**, **Uniform Child Custody Jurisdiction and Enforcement Act**, and **Uniform Child Abduction Prevention Act**.

**NCIC** – the National Crime Information Center database maintained by the Federal Bureau of Investigation.

**NCIC-MPF** – the Missing Person File within the Federal Bureau of Investigation’s National Crime Information Center database.

**noncustodial parent** – a parent who has not been awarded custodial rights by a court. A noncustodial parent may be awarded visitation rights, sometimes called **access rights** or **parenting time**, by a court.

**parent** – unless otherwise noted **parent** refers to a child’s biological parent, a person with legal custody or guardianship of that child, or a person or entity acting in such a capacity on behalf of that child during a crisis whether such is a family member, friend, or governmental agency.

**parental kidnapping** – *see* **family abduction** beginning on page ix.

**parole** – release of a convicted criminal from prison before his or her full term of incarceration but with restrictions and conditions.

**personal service** – a means by which a party to a lawsuit receives notice of a court action typically accomplished by handing the notice and other legal documents to the person. Many jurisdictions allow additional methods of service. *See* **substitute service** on page xii.

**pick-up order** – a court order directing local law-enforcement officials to pick-up a child from his or her abductor. This is also called a **warrant to take physical custody of child** or **warrant in lieu of a writ of habeas corpus**.

**PKPA** – Parental Kidnapping Prevention Act.

**probation** – release of a convicted criminal with no incarceration or before his or her full term of incarceration but with restrictions and conditions.

*pro bono* – free legal representation provided by an attorney.

*pro se* – a person who represents him- or herself in a court proceeding.

**prosecutor** – a person in the criminal-justice system who can file criminal charges against and prosecute an abductor for violating the law. Also called a **district attorney, state’s attorney, commonwealth attorney, or solicitor**. Federal prosecutors are called **U.S. Attorneys** and **Assistant U.S. Attorneys**.

**search warrant** – a legal order issued by a court allowing law enforcement to locate and take possession of private records, evidence, and information from a specific location for a criminal investigation.

**state** – as used herein includes a state of the United States of America; the District of Columbia; and any commonwealth, territory, or possession of the United States.

**subpoena** – legal order used in civil and criminal proceedings to demand an individual to come to court. A subpoena may also demand private records and information be produced for inspection or in court.

**substitute service** – a substitute for **personal service**. Both parties to a lawsuit must receive notice of all court actions. If a party cannot be found or deliberately conceals his or her whereabouts, most jurisdictions allow **publication** as an alternative to **personal service**.

**temporary custody** – custody for a limited time period. A judge may issue a temporary custody order before hearing the full case from both parents or after a trial but with the expectation of reviewing the custody decision in the near future. **Temporary orders** are issued in emergency cases.

**UCAPA** – Uniform Child Abduction Prevention Act.

**UCCJA** – Uniform Child Custody Jurisdiction Act.

**UCCJEA** – Uniform Child Custody Jurisdiction and Enforcement Act.

**USNCB-INTERPOL** – U.S. National Central Bureau of INTERPOL.

# Family-Abduction Prevention and Action Checklist

by Patricia M. Hoff

This chapter summarizes steps a parent can take to help prevent an abduction or recover a child after an abduction. Each step is explained in the following chapters. As the checklist illustrates, a parent can seek relief, often simultaneously, from the civil courts, governmental agencies, and the criminal-justice system.

A parent is responsible for getting and enforcing a custody determination through the courts. Typically a parent hires a private attorney to help with the process though parents can appear *pro se*, or without an attorney, in court as well. A parent may also go to court for measures to prevent abduction or hold an abductor and/or accomplices civilly liable for damages resulting from the abduction. A parent may also seek assistance from various agencies with civil remedies when his or her child has been abducted. Such agencies include a missing-child clearinghouse and in an international-abduction case from the Missing Children Division of the National Center for Missing & Exploited Children<sup>®</sup> and the Office of Children's Issues (OCI) at the U.S. Department of State.

Law enforcement and prosecutors in all levels of government are responsible for investigating and prosecuting parental-kidnapping crimes. Typically a left-behind parent's role is to bring the case to the attention of law enforcement whose response will reflect both mandatory duties and discretionary authority. For example law enforcement has a mandatory federal duty to enter information about each missing-child case into the Federal Bureau of Investigation's National Crime Information Center-Missing Person File (NCIC-MPF) within two hours of report receipt.<sup>2</sup> Whether a parent will be prosecuted for abduction lies within the discretion of prosecutors. Each parental-kidnapping case is unique, and strategic decisions are made based on the facts of the case and personalities of all involved as to whether criminal process should be used along with civil remedies. Once law-enforcement authorities and/or prosecutors become involved in a case, they may call upon a parent in connection with the investigation or criminal trial. A parent may request status reports about the case, but law-enforcement authorities will not release sensitive information that might jeopardize an ongoing investigation.

<sup>2</sup>The Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act), Pub. L. No. 109-248 mandates law enforcement entry of information about missing and abducted children into NCIC within two hours of receipt of the report.



## **Preventing an Abduction**

- Go to court and obtain a custody determination specifically defining custody and visitation rights and clearly stating the basis for the court's jurisdiction and manner in which notice and opportunity to be heard were given to the parties.
- If there is a risk of abduction, ask the court to include prevention measures in the custody order. Provide the court with evidence establishing a credible risk of abduction in **your** case, and request prevention measures tailored to **your** case.
- Abduction risk factors and personality profiles of potential abductors, as well as abduction-prevention measures, are discussed in the chapter titled "Preventing Abductions" beginning on page 9. By way of example, abduction risk factors include past abductions or abduction threats, lack of economic or familial ties to a child's home state, and evidence of abduction planning activities.
- Check laws in your jurisdiction for abduction-prevention statutes. A few jurisdictions already have such laws and others may soon enact the recently completed Uniform Child Abduction Prevention Act. In the absence of specific prevention statutes, judges may enter prevention orders to protect children.
- Abduction-prevention measures include supervised visitation, posting a bond, entering a child's name in the Passport Issuance Alert Program, and surrendering a child's passport(s) to the court.
- Parents can take precautionary measures to reduce the risk of abduction. These are discussed in the chapter titled "Preventing Abductions" beginning on page 9. Some examples are to notify your child's school or daycare of custody orders, flag passport applications for your child, and teach your child to use the telephone to call for help.

## **If Your Child Is Abducted**

- Once you are sure your child has been abducted, immediately call or go to your local law-enforcement agency and file a missing-person report. Complete the "Missing-Person Report for an Abducted Child" on page 261, and bring it with you when going to your local law-enforcement agency.
- Ask law enforcement to enter information about your child into the FBI's NCIC. Federal law requires law enforcement to enter each missing-child case into NCIC within two hours of report receipt. Relevant sections of the applicable laws – Missing Children Act, National Child Search Assistance Act, and Adam Walsh Child Protection and Safety Act of 2006 – are reprinted respectively beginning on pages 155, 157, and 158. Bring this guide with you when meeting with law-enforcement authorities and show them these Acts. Law enforcement will decide if the circumstances of a child's disappearance meet the protocol for activation of an America's Missing: Broadcast Emergency Response (AMBER) Alert and/or other community notification.
- Report your child missing to the National Center for Missing & Exploited Children (NCMEC) by calling toll-free at 1-800-THE-LOST® (1-800-843-5678). Visit NCMEC's website at [www.missingkids.com](http://www.missingkids.com).



- Verify law enforcement has made the NCIC entry. If you cannot get this information from your local law-enforcement agency, call NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) and ask them to check NCIC to see if your child is listed. NCMEC can confirm NCIC entries but is not authorized to make them.
- If law enforcement does not enter information about your child into NCIC, your missing-child clearinghouse may be able to help by contacting law enforcement about your case. *See* the missing-child clearinghouse list in the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199 or contact NCMEC for additional information. You can also ask your local FBI office to enter information about your child into NCIC. The Missing Children Act authorizes the FBI to make such entries. Contact information for the FBI is available in your local telephone book and at [www.fbi.gov](http://www.fbi.gov). From the home page click on the “Your Local FBI Office” link.
- If you suspect your child has been taken out of the country, call NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) and the U.S. Department of State’s Office of Children’s Issues toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090 for advice about what to do. Find out if you have a remedy under the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention). If you do, consider filing an application under the Hague Convention for your child’s return. If you do not have a passport, apply for one in the event you have to travel outside of the United States to recover your child. Visit the U.S. Department of State’s website at [www.travel.state.gov](http://www.travel.state.gov), and click on the “Apply for a Passport” link.
- If your child is in the process of being abducted internationally by a family member, contact the Office of Children’s Issues **without delay** toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090. Also call NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) and the FBI. Contact information for the FBI is available in your local telephone book and at [www.fbi.gov](http://www.fbi.gov). From the home page click on the “Your Local FBI Office” link.
- If your child has been taken out of this country, or is in the process of being taken out of the country, report the abduction to your local FBI office. Ask to speak to the FBI’s Crimes Against Children Coordinator. The FBI has jurisdiction to investigate violations of the federal International Parental Kidnapping Crime Act (IPKCA).
- If an international abduction is in progress, urge law enforcement to immediately contact the U.S. National Central Bureau (USNCB)-INTERPOL for help in intercepting the abductor. USNCB-INTERPOL does not respond to requests directly from parents. Law-enforcement agencies may contact USNCB-INTERPOL directly or through the INTERPOL State Liaison Office. Law-enforcement agencies in the United States may contact USNCB-INTERPOL directly through Nlets, The International Justice and Public Safety Network, at DCINTER00. Parents concerned about an abduction-in-progress should also immediately contact NCMEC; OCI; transportation carriers the abductor may use such as airlines, train and bus companies; and local law-enforcement and Immigration and Customs Enforcement (ICE) officials at airports and other transportation facilities the abductor may use. Put them

on notice of the imminent abduction and request help in preventing your child's removal from the country. Provide a photograph of your child and suspected abductor if available. Please remember abductors may use remote or distant transportation facilities instead of those closest to the abduction site.

- Contact your missing-child clearinghouse and any local nonprofit, missing-children organization (NPO) for whatever assistance they may provide. Consult the section titled "Nationwide Directory of Family-Abduction Laws and Resources," beginning on page 199, for information about the missing-child clearinghouse and NPOs in your area. Referrals to other NPOs are available from the Association of Missing and Exploited Childrens Organizations Inc. (AMECO) by calling toll-free at 1-877-263-2620, dialing directly at 703-838-8379, or visiting [www.amecoinc.org](http://www.amecoinc.org).
- If you do not already have a custody order, immediately get one. Consider hiring a lawyer to help you. A **temporary custody order** is usually enough to get help from law-enforcement authorities at least until your child is located. You do not need a custody order to file a missing-person report or have your child's description entered into NCIC. A court can issue a custody order even if your child has been abducted from your jurisdiction or outside of the country and you were never legally married to the abductor. If the abductor's whereabouts are unknown, making it impossible for you to serve him or her personally with notice of the lawsuit, you are allowed to give notice by publication. The sooner you act the more likely it is you can prevent the abductor from getting a valid custody determination from another jurisdiction or country. This in turn will make it easier for you to enforce your custody order and recover your child.
- If you already have a custody order get additional copies from the court. It is helpful to have at least one, but preferably two or three, **certified** copies available to show or give to law-enforcement and other agencies.
- Consider asking law enforcement or the prosecutor to file criminal charges against the abductor. Weigh the pros and cons of such action. You must be prepared to press charges after your child is returned. In some international-abduction cases foreign judges applying the Hague Convention will not return a child to the United States if criminal charges are pending in this country against the abductor. If you want to press charges meet personally with the local prosecutor to discuss prosecution. Be aware that the criminal law in your jurisdiction or the jurisdiction in which your child is located may or may not cover the abductor's conduct. Citations to criminal laws can be found in the section titled "Nationwide Directory of Family-Abduction Laws and Resources," beginning on page 199. Even if the abductor is criminally charged and government is proceeding against the abductor, you should be prepared to bring a civil action in court to enforce your custody order when the child is located.
- If the prosecutor charges the abductor with a felony, law-enforcement authorities should promptly enter the felony warrant into NCIC. NCIC files for the child and abductor should be cross-referenced. Ask law enforcement or NCMEC to verify these NCIC entries have been made.
- If there is evidence the abductor has fled the state or country to avoid felony prosecution, also ask the prosecutor to apply to the local U.S. Attor-

ney for a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant pursuant to the Fugitive Felon Act. If a UFAP warrant is issued the FBI can conduct an investigation to find the abductor.

- If your child has been abducted from the United States, or such conduct has been attempted, or wrongfully retained in another country, a federal law violation may have occurred. Consider meeting with the U.S. Attorney to discuss possible charges under the International Parental Kidnapping Crime Act. As described above, criminal charges against the abductor may interfere with your efforts under the Hague Convention to secure your child's return. Discuss this possible pitfall with the federal prosecutor.
- Conduct your own search while law enforcement is conducting its investigation. You will find many search tips in the chapter titled "Searching for Your Child" beginning on page 63. If you have questions about a particular search method, including whether it would interfere with the criminal investigation, check with law enforcement before proceeding.
- Contact the crime victims' assistance office in your jurisdiction, as well as the Office for Victims of Crime (OVC) in the federal government, to find out if any assistance, such as financial, counseling, or otherwise, is available to help you with locating and recovering your child. OVC can be reached at 202-307-5983 or [www.ovc.gov](http://www.ovc.gov). This website lists contact information for other crime-victim programs.

#### **After Your Child is Located**

- To facilitate enforcement of your custody order, file or register your custody order with the local family court in the jurisdiction where your child is located. Follow procedures set forth in the law of that jurisdiction. If the Uniform Child Custody Jurisdiction Act (UCCJA) is in effect, send a certified copy of your custody order to the clerk of the court for filing. Under the UCCJA, once filed, a sister-jurisdiction order is entitled to be enforced as if it were a local order. If the jurisdiction in which your child is located has enacted the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), streamlined procedures in that law allow, but do not require, you to register your custody order. Registration is designed to simplify and expedite enforcement proceedings at a later date. A registered child-custody order can be enforced as if it were a local custody order.
- Ask local law-enforcement authorities to help with the recovery. The UCCJEA in many jurisdictions authorizes prosecutors, and law enforcement acting on their request, to assist with civil enforcement of custody orders. This statutory role is discretionary, however, and they may not get involved. In some jurisdictions law enforcement may assist based on custom and practice or written guidelines. In many jurisdictions, however, local law enforcement will not help recover an abducted child without a local court order. Filing or registering your order, *see* above, should be sufficient for law enforcement inclined to help.
- It may be necessary to petition the court where your child is located to enforce your custody order. A lawyer can help you do this. If notice of an enforcement proceeding, or other court action such as registration, is likely to cause the abductor to flee with or endanger your child, you can ask the court

to issue a special pick-up order for your child. *See* the chapter titled “Recovering Your Child” beginning on page 93.

- If your child is located in another country, consider hiring an attorney in that country to help recover your child. This may entail filing a petition for return under the Hague Convention, if it is in effect, or an action asking the foreign court to enforce your U.S. order or issue its own custody order. Send copies of your custody order and any criminal warrants for the abductor to your attorney. **Note:** Some Hague Convention countries provide counsel for the applicant-parent.
- Take steps to prevent a repeat abduction. Consider going back to court after your child is recovered to limit the abductor’s visitation rights and add prevention provisions to your custody decree to reduce the risk of another abduction. *See* the chapter titled “Preventing Abductions” beginning on page 9.
- Consider seeking psychological help for every family member to help with the reunification process. *See* the chapter titled “Psychological Issues in Recovery and Family Reunification” beginning on page 127.
- Consider filing a child-snatching lawsuit against the abductor and any accomplices. *See* the chapter titled “Civil-Court Remedies If Your Child Is Abducted” beginning on page 23.
- Be responsive to prosecutors’ requests as they prepare and present the government’s criminal case against the abductor.
- Inform all entities from which you have requested help that your child has been recovered.



# Preventing Abductions

by Patricia M. Hoff

## Chapter Overview

This chapter explains what parents can do to help safeguard children against family abduction. It focuses on special provisions that can be included in custody orders to help prevent abduction. Knowing when to ask for preventive measures, and which ones to request, is facilitated by an evaluation of three factors – the risk of abduction, obstacles to recovery, and potential harm to a child if abducted. This information should be helpful to parents seeking to prevent repeat or threatened abductions, as well as to those who suspect the other parent may be planning a first-time abduction. Below is a **summary list of prevention tips** more fully discussed in this chapter.

1. You need a custody order specifying the rights of both parents with respect to your child. Most jurisdictions call these rights “custody and visitation,” although some jurisdictions use different terminology. Consider hiring a lawyer to help you.
2. Be sure the custody order clearly states the basis for the court’s jurisdiction and manner in which notice and opportunity to be heard were given to the parties. This will facilitate interjurisdictional enforcement of custody and visitation rights and the recovery of your abducted child.
3. If you are concerned about abduction, ask the judge to include prevention provisions in the custody order. Your jurisdiction may be one of the few that already has abduction-prevention laws such as the Uniform Child Abduction Prevention Act (UCAPA). Other jurisdictions may soon enact UCAPA. Even in the absence of specific abduction-prevention statutes, judges may enter prevention orders to protect children.
4. To decide which prevention measures to request, evaluate the risk of abduction, obstacles you would encounter trying to recover your child, and potential harm your child is likely to suffer if abducted. More restrictive preventive measures will be needed when the risk of abduction is high, obstacles to recovering your child would be difficult to overcome, and abduction is likely to be harmful to your child.
5. How can you tell if there is a risk of abduction? Consider the list of “red flag” indicators of abduction risk and six personality profiles listed below. One caveat is the absence of these indicators does not mean an abduction will not occur and their presence does not guarantee an abduction will occur. There may be an increased likelihood of abduction if a parent has
  - Previously abducted or threatened to abduct your child
  - No strong ties to the jurisdiction in which your child lives
  - Friends or relatives living in another state, territory, or country
  - A strong support network
  - No job, is able to work anywhere, or is financially independent – in other words is not tied to the area for financial reasons
  - Engaged in planning activities such as quitting a job; selling a home; terminating a lease; closing a bank account or liquidating other assets; hiding or destroying documents; applying for a passport and/or visa,

- birth certificates, school or medical records; purchasing airline tickets for your child; or undergoing plastic surgery to materially alter appearance
  - Experienced a change in immigration status affecting his or her right to remain in this country
  - A history of marital instability, lack of cooperation with the other parent, domestic violence, or child abuse
  - A criminal record
6. While there may be no way to know for sure if a parent will abduct his or her child, six personality profiles have been identified by social scientists<sup>3</sup> that may be helpful in predicting which parents may pose a risk of abduction.
- |           |  |
|-----------|--|
| Profile 1 | Parents who have threatened to abduct or abducted previously   |
| Profile 2 | Parents who suspect or believe abuse has occurred and friends and relatives support these beliefs  |
| Profile 3 | Parents who are paranoid delusional  |
| Profile 4 | Parents who are severely sociopathic   |
| Profile 5 | Parents who are citizens of another country, or dual citizens of the United States and another country, with strong ties to the country of origin and in a mixed-culture marriage that is ending |
| Profile 6 | Parents who feel alienated from the legal system and have family/social support in another community   |
7. You may ask the court to include prevention provisions in a custody order such as
- Specific statement of custody and visitation rights; avoid terms such as “reasonable visitation”
  - Supervised visitation
  - Bonds and other guarantees
  - Joint-custody orders – avoid in parental abduction and family violence cases; if ordered, specify residential arrangements for the child
  - Prohibition on unauthorized pick-up of child
  - Authorization for law-enforcement assistance to recover an abducted child
  - Relocation restrictions on custodial parent with the child
  - Restrictions on removal of the child from his or her home state, territory, or country such as surrendering passports; prohibiting passport applications; notifying foreign consulate of passport restrictions; putting in place mirror-image orders; requiring assurances of return from foreign visits; and defining terms in the custody order in conformance with the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention)
8. Practical steps parents can take to reduce the risk of abduction
- Taking pictures of your child
  - Keeping a complete written description of your child
  - Making a record of your child’s Social Security Number (SSN)
  - Having your child fingerprinted
  - Teaching your child to use the telephone
  - Seeking counseling
  - Asking law enforcement or the prosecutor to intervene
  - Notifying schools, daycare centers, and babysitters of custody orders
  - Making lists of information regarding the child and other parent
  - Filing/Registering the custody order where the noncustodial parent lives
  - Flagging passport applications for your child
  - Treating child support and visitation as separate issues

<sup>3</sup>Janet R. Johnston and Linda K. Girdner, “Family Abductors: Descriptive Profiles and Preventive Interventions,” *Juvenile Justice Bulletin*, Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, January 2001, NCJ 182788. Janet R. Johnston, Inger Sagatun-Edwards, Martha-Elin Blomquist, and Linda K. Girdner. *Early Identification of Risk Factors for Parental Abduction*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, March 2002, NCJ 185026. Consult the section titled, “Bibliography” beginning on page 143 for information about obtaining these bulletins or *see* page 13.

## Get a Valid, Enforceable Custody Order

It is important for a parent who is trying to prevent an abduction to get a valid **custody order** from a court with jurisdiction to make such an order. A well-written custody order not only defines the rights and responsibilities of both parents with respect to their child, but also is often critical to recovering a child after an abduction. Special provisions can be included in custody orders – both original and modification orders – to help prevent abduction.

To make or modify a custody order a court must have jurisdiction under law, the UCCJA or UCCJEA, over custody matters and notice must be given to the parties. The court's exercise of jurisdiction must also comply with the Parental Kidnapping Prevention Act (PKPA), in order for its custody determination to be eligible for "full faith and credit" or enforcement nationwide as a matter of federal law. These laws and the process for getting and enforcing valid custody determinations are described in the chapter titled "Civil-Court Remedies If Your Child Is Abducted" beginning on page 23.

Most parents retain a lawyer to obtain a custody order, whether it is an original order or a modification of an existing order. A lawyer can also assist in getting a custody order enforced and your child returned. Your attorney may work with a lawyer in another jurisdiction or country if you have to bring enforcement proceedings in another jurisdiction. Your lawyer can also help you request the filing of criminal charges against the abductor if such action is desirable and then advocate for investigation and prosecution.

Your jurisdiction may be one of the few that already has abduction-prevention laws. Consult the section titled "Nationwide Directory of Family-Abduction Laws and Resources" beginning on page 199. Many other jurisdictions may soon enact the recently completed Uniform Child Abduction Prevention Act (UCAPA) available at [www.nccusl.org](http://www.nccusl.org). From the home page click on the "Final Acts & Legislation" link. Then in the "Select an Act Title" field select "Child Abduction Prevention," and then click on the "Search" button. This act is also reprinted beginning on page 191. These laws provide parents and courts with guidance about when abduction-prevention measures are needed and which prevention measures may be ordered. Parents seeking prevention measures and their lawyers should read UCAPA. Even in the absence of specific abduction-prevention statutes, judges may enter abduction-prevention orders to protect children.

## Prevention Provisions in the Custody Order

Specific provisions can be included in custody orders to help protect against abduction and deter violations of the order. If the original order does not include prevention provisions you may go back to court to modify the order. This entails filing a petition in which you ask a court with modification jurisdiction to order specific preventive measures. Under both the UCCJEA and PKPA the jurisdiction that issued the original custody order has exclusive continuing modification jurisdiction so long as specified conditions are met.

Often the risk of abduction arises before there is a custody order. If circumstances permit, promptly seek temporary custody with prevention provisions. In exigent circumstances, such as when an abduction is in progress, courts in many jurisdictions will issue temporary emergency relief, for instance an injunction, to prevent an abduction even before custody has been determined. As a general rule



any relief the court grants on an emergency basis is temporary. The next step is to get a custody order incorporating safeguards on a more permanent basis.

Be careful about the provisions you ask the court for because too many restrictions may be counterproductive. For instance making visitation too infrequent, structured, or impersonal may exacerbate tensions between the parents and actually lead to rather than prevent an abduction. Also consider your child's needs and feelings. Even if your child was previously abducted, he or she may have a close, caring relationship with the abducting parent despite the emotional pain and distress you experienced. Counseling may help your family arrive at an acceptable compromise.

### **Making the Case for Prevention Provisions**

Be prepared to persuade the judge the prevention measures you seek are necessary. Focus your argument on the three factors of **risk of abduction; obstacles to location, recovery, and return if your child is abducted; and potential harm to your child if abducted.**

**Risk of Abduction** Risk factors that may increase the chances of a child being abducted include having a parent who has

- Previously abducted or threatened to abduct your child
- No strong ties to the jurisdiction in which your child lives
- Friends or relatives living in another state, territory, or country
- A strong support network
- No job, is able to work anywhere, or is financially independent – in other words is not tied to the area for financial reasons
- Engaged in planning activities such as quitting a job; selling a home; terminating a lease; closing a bank account or liquidating other assets; hiding or destroying documents; applying for a passport and/or visa, birth certificates, school or medical records; purchasing airline tickets for your child; or undergoing plastic surgery to materially alter appearance
- Experienced a change in immigration status affecting his or her rights to remain in this country
- A history of marital instability, lack of cooperation with the other parent, domestic violence, or child abuse
- A criminal record

**Caveat:** The absence of these factors does not guarantee an abduction will not occur and their presence does not make an abduction certain. While there may be no way to know for sure if a parent will abduct his or her child, social scientists<sup>4</sup> have identified six personality profiles that may be helpful in predicting which parents may pose a risk of abduction.

<sup>4</sup>*Id.*

Profile	Characteristics
1	Parents who have threatened to abduct or abducted previously
2	Parents who suspect or believe abuse has occurred and friends and relatives support these beliefs
3	Parents who are paranoid delusional
4	Parents who are severely sociopathic
5	Parents who are citizens of another country, or dual citizens of the United States and another country, with strong ties to the country of origin and are in a mixed-culture marriage that is ending
6	Parents who feel alienated from the legal system and have family/social support in another community

Abducting parents across the six personality profiles share many common characteristics. They are likely to deny or dismiss the value of the other parent to the child. They believe they know what is best for the child; cannot see how or why they should share parenting with the other parent; and are likely to have very young children who are easy to transport and conceal and who are also unlikely to protest verbally or tell others of their plight. With the exception of the paranoid profile, abducting parents are apt to have the financial and moral support from a network of family members, friends, and/or cultural or underground groups. Many abductors do not consider their actions illegal or morally wrong. Mothers and fathers are equally likely to abduct, though at different times – fathers before a court order and mothers after an order has been issued.

The common characteristics of abducting parents and the profiles of parents at risk of abducting their children outlined above are described in detail in *Early Identification of Risk Factors for Parental Abduction* and *Family Abductors: Descriptive Profiles and Preventive Interventions*.<sup>5</sup> Both reports are available at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page, in the “Site Search” field, respectively enter “NCJ 185026” and “NCJ 182788,” and then click on the “Go” button. Free copies may also be obtained by calling the National Criminal Justice Reference Service (NCJRS) toll-free at 1-800-851-3420 or dialing directly at 301-519-5500.

**Obstacles to Locating and Recovering Your Parentally Abducted Children** A parent may encounter legal, procedural, cultural, and practical obstacles to recovering his or her abducted child. In family abduction cases, lack of funds is a common barrier to hiring lawyers and financing searches. Local statutes may not provide adequate remedies, making it harder to recover a child. The failure of law-enforcement agencies to take a missing-child report, make an NCIC entry, or actively investigate a family abduction can be major obstacles to locating an abducted child and also violate mandates stipulated in the Missing Children Act, National Child Search Assistance Act, and Adam Walsh Child Protection and Safety Act of 2006.

International abductions to countries that have not yet ratified the Hague Convention may present difficult obstacles if the “abducted-to” country does not recognize court orders issued in the United States; favors its own nationals; or awards custody based on religious, cultural, or gender grounds.

Information about foreign family/child custody law is available on the U.S. Department of State’s website at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “International Parental Child

<sup>5</sup>*Id.*

Abduction” heading click on the “Guarding against & responding to parental child abduction” link. Then respectively click on the “Resources” and “Country Specific Fliers” links.

Abductions to most countries that are parties to the Hague Convention present fewer obstacles because a legal remedy exists to seek a child’s return. Some Hague Convention countries, however, are non-compliant with the Hague Convention and may pose obstacles to return.

The U.S. Department of State prepares annual Hague Convention compliance reports, which are available at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “International Parental Child Abduction” heading click on the “Guarding against & responding to parental child abduction” link. Then respectively click on the “Resources” and most recently posted “Report on Compliance with the Hague Abduction Convention” links.

**Potential Harm to the Child** Family abduction has been characterized as a form of child abuse because of the harmful effects it has on children. Abducted children may be forced to lead a fugitive life under assumed names, sometimes with altered appearances, and kept out of school to avoid detection. The abductor may tell them the left-behind parent abandoned them, does not love them, or is dead. They may be neglected by their abductors and indoctrinated to fear law-enforcement officers and other adults who might help them. These and other problems experienced by abducted children are discussed in the chapter titled “Psychological Issues in Recovery and Family Reunification” beginning on page 127. In addition to possible long-term psychological harm, abducted children may be physically harmed at the time of the abduction as well as during the period of concealment. Parents most likely to harm their children are those who have serious mental and personality disorders, a history of violence or abuse, or little or no prior relationship with their child.

For more information about the impact of abduction on victim children contact Take Root, an organization of adult members who were victims of parental abduction as children. Visit [www.takeroot.org](http://www.takeroot.org) or call toll-free at 1-800-ROOT-ORG (1-800-766-8674).

**Weighing the Factors** Strict preventive measures are warranted when the risk of abduction is high, a child is likely to be harmed, and/or the obstacles to recovery would be difficult to overcome. Less restrictive measures may suffice when the risk of abduction is low, the likelihood of location and recovery high, and there is little or no projected harm to the child.

### Sample Prevention Provisions

To simplify enforcement of custody and visitation orders in the United States and facilitate recovery after an abduction, every well-written custody order should clearly state the

- Basis for the court’s exercise of jurisdiction and
- Manner in which notice and opportunity to be heard were given

In addition to these provisions, which belong in **every** custody order, consider the prevention safeguards noted below either alone or in combination.

**Specify Custody and Visitation Rights** Clearly state the custody and visitation rights of each party, including grandparents who have been granted visitation.

Avoid vague language such as “reasonable visitation.” Parents may not agree about what is “reasonable,” which can lead to conflict, and authorities may be unwilling to intervene when court orders are vague. Specify when visitation begins and ends including days and times. The order should identify the parent with whom the child will spend birthdays, school vacations, and major holidays. Specify the child’s residential arrangements at all times.

**State the Penalties for Violating the Order** Include a provision, prominently placed on the first page of the order, plainly stating violation of the order may subject the party in violation to civil and/or criminal penalties. Also ask the judge to advise the parties, while they are in court, about the possible consequences of violating the order.

**Supervised Visitation** Some situations warrant supervised visitation such as when an abduction has previously occurred or abduction threats have been made, when domestic violence or child abuse are alleged, or where the possibility exists the child will be abducted to a country from which recovery would be difficult. Ask the judge to allow visits only at designated times and places such as the custodial parent’s home; a supervised visitation center; or under the supervision of a person designated by the court such as a social worker, member of the clergy, or relative.

To find a supervised visitation center in your area, visit the website of the Supervised Visitation Network at [www.svnetwork.net](http://www.svnetwork.net) or call 904-389-7800.

**Bonds and Other Guarantees** When there is a risk of child abduction or noncompliance with the provisions of a custody order, it may be wise to ask the court to require a parent to post a bond or give some other security or guarantee to help ensure compliance with its orders and/or the child’s continued presence in or return to the jurisdiction. Some jurisdictions have enacted laws governing issuance of bonds in child-custody cases. These laws are listed in the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199. Bonds may also be available in other jurisdictions that have not yet enacted specific laws; however, they may not be available in all jurisdictions.

A parent can request the court in an initial custody proceeding to order the other parent to post a bond. If certain circumstances arise after the court has issued its initial order a parent may file a motion with a court that has modification jurisdiction. Such circumstances could include abduction threats or new plans to exercise visitation in another country. The parent requesting a bond should be prepared to present persuasive evidence there is a risk of abduction or future violation of the custody/visitation order.

The amount of the bond should be sufficient to deter an abduction or other violation of the custody or visitation provisions of a court order, taking into account the financial circumstances of the parent who must post it, the “obligor.” A wealthy parent may be required to post a substantial cash bond. As an alternative to a cash bond a parent of limited means may be ordered to deposit with the

court title to real estate or personal property such as a car. The property would be held in escrow pending compliance with the order and/or return of the child. The parent whose custody or visitation rights are protected by the bond is known as the obligee.

Generally if the obligor violates the conditions of the bond, the obligee files a motion with the court to hold the obligor in contempt and order payment or forfeiture of the bond. Upon court order the proceeds of the bond are released to the obligee. The money is then available to the obligee to search for the child, hire an attorney, bring legal proceedings to recover the child, or enforce custody or visitation rights.

If the obligor is ordered to post a bond in connection with a civil proceeding, the bond remains in effect for as long as the civil judge orders. If a parent is directed to post a bond in connection with a criminal proceeding, such a bond remains in effect for no longer than the period of criminal punishment.

After consultation with the National Center for Missing & Exploited Children® (NCMEC), the Professional Bail Agents of the United States (PBUS) created a child-custody and visitation bond to be available to parents in high-risk situations. PBUS trains agents and insurance agencies regarding use of these bonds.

For information about obtaining child-custody and visitation bonds in your area, contact PBUS at 202-783-4120 or visit [www.pbush.com](http://www.pbush.com).

**Joint-Custody Orders** Joint custody is a valuable option for some families because it allows both parents to actively participate in the upbringing of their children. Joint custody does not work, however, in all situations. If possible avoid joint custody in cases where there is a history of family violence, parental kidnapping, friction between the parents; when an objection has been expressed by one parent to joint custody; or when the parents live in different jurisdictions or countries.

Whenever joint custody is ordered, the custody order should clearly specify the child's residential arrangements at all times. This is particularly important for enforcement purposes. Courts need to know what they are enforcing, and law-enforcement officers are reluctant to intervene in alleged custodial-interference cases when court orders are vague about where, and with whom, the child is supposed to be.

**Authorize Law-Enforcement Assistance** Many law-enforcement officers are unclear about their role in preventing and responding to parental-kidnapping cases. A provision in the custody order directing law-enforcement officers to take specific actions may produce faster, more effective assistance. One useful provision would direct law enforcement to "accompany and assist" the left-behind parent in recovering his or her child. Another would authorize law enforcement to recover the child.

**Prohibit Unauthorized Pick-Up of the Child** Prohibit the noncustodial parent from picking up the child from school, daycare centers, and babysitters, unless the custodial parent gives written permission.

**Restrict Noncustodial Parent's Right to Remove the Child from the Jurisdiction or Country** Include a provision in the custody order prohibiting the noncustodial parent from removing the child from the jurisdiction, the country, or both

without prior consent of the court or written consent of the custodial parent. A provision in the order restricting the child's removal from the United States will enable a parent to request the U.S. Department of State not to issue a U.S. passport for the child. Be advised such a provision will not prevent another country from issuing a passport for a child who is also a national of that country. Parents can, however, ask the other country to restrict issuance of a passport. Other countries may do so at their discretion.

**Restrict the Custodial Parent's Right to Relocate With the Child** A noncustodial parent may desire a provision in the custody order requiring the custodial parent to get consent from the noncustodial parent or court before moving away with the child. The restriction may cover domestic or international moves. The noncustodial parent may be concerned the child will be moved so far away that meaningful access is restricted or the child will be relocated to a country that will not honor a U.S. custody order. **Note:** A provision giving a noncustodial parent the right to be consulted about where the child lives may be interpreted by some courts as a right of custody within the meaning of the Hague Convention, which in turn would give a noncustodial parent the right to seek the child's return under the Hague Convention.

There is a growing body of law concerning the right of a custodial parent to relocate with his or her child. The trend is in favor of allowing relocation. Therefore, before seeking restrictions on the custodial parent's right to relocate with the child, noncustodial parents and their lawyers should review the law to determine what standards, tests, and/or presumptions apply.

Ideally, if the custodial parent plans to move, both parents should discuss what effect this will have on visitation. Litigation may be avoided if the parents can agree on the move and necessary adjustments to the visitation schedule. Depending on the distances involved it may be practical to have fewer but longer visits. For instance it may be better for the child to spend summers and major holidays with the noncustodial parent and the school year with the custodial parent. It is also a good idea to consider dividing the increased costs of visiting between the parents or allocating those costs to the parent who is moving away, instead of leaving the full burden on the noncustodial parent. If these issues are anticipated at the time the original order is made, that order can expressly permit the custodial parent to move with the child and indicate how visitation will change, if at all, in the event of a move. Otherwise the original order will have to be modified to reflect changes in visitation. The order should also require the parents to keep each other informed of their new addresses and telephone numbers.

## Preventing International Abductions and Wrongful Retentions

The provisions noted below, alone or in combination, may also help deter international abductions and wrongful retentions in other countries. Some provisions are geared toward preventing removal of a child from this country. Others are intended to help ensure a child's return to this country after a lawful visit to another country. Also *see* the chapter titled "International Child Abduction," beginning on page 105, for more information about this topic.

The U.S. Department of State's website at [www.travel.state.gov](http://www.travel.state.gov) provides information about preventing international, parental, child abduction. From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Prevention," and "Children's Passport Issuance Alert Program" links.

Prevention measures include

- **Restricting a child's removal from the United States.**
- **Surrendering passports and other travel documents.** The custody order can direct the noncustodial parent to surrender his or her passport(s) and other travel documents, as well as any passports or other travel documents for the child in his or her possession, **before** visiting the child. The court may order passports surrendered to, among others, the custodial parent, the court, the clerk of the court, or the party's attorney.
- **Prohibiting issuance of new or replacement passport for a child.** Regulations reduce the possibility a passport issued in the United States could be obtained to further an abduction. The law and accompanying regulations require any person applying for a U.S. passport for a child younger than 16 to demonstrate both parents' consent to its issuance or the applicant-parent has sole authority to obtain a passport for a child.

To prevent issuance of a new or replacement passport for your child, seek a court order or provision in a custody order prohibiting the other parent from applying for a passport on the child's behalf. Send a copy of your court order to the Office of Children's Issues, U.S. Department of State, 2201 C Street, Northwest, SA-29, Washington, DC 20520-2818. They may be reached by calling toll-free at 1-888-407-4747, dialing directly at 202-736-9090, and via fax at 202-736-9132.

You should also ask the Office of Children's Issues to enter information about your child into the Children's Passport Issuance Alert Program. See "Flag Passport Applications" on page 22 for additional information about this program.

More information about restricting the issuance of passports is available in the chapter titled "International Child Abduction" beginning on page 105. Passport information is also available at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Prevention," and "Children's Passport Issuance Alert Program" links.

**Note:** Foreign governments are not bound by custody orders issued by courts in the United States and may issue passports to children who are their nationals and visas to children who are not. You can, however, ask a foreign embassy or consulate not to issue a passport or visa to your child. Send the embassy or consulate a written request along with certified copies of any court orders you have addressing custody or international travel regarding your child. You should copy the U.S. Department of State on any letter you send. There is no legal mandate for foreign governments to comply with U.S. court orders or requests, but they may do so voluntarily.

- **Notifying foreign consulate of passport restrictions.** The court order may require the foreign parent to notify his or her embassy or consulate of the

order prohibiting the issuance of a new or replacement passport for a child. The court may further require the parent to furnish the court with a letter from the foreign embassy or consulate acknowledging receipt of a copy of the order. Although they are under no legal mandate to comply with U.S. court orders or requests, foreign governments may do so voluntarily.

- **Seeking mirror-image orders.** Before allowing your child to visit another country, the court may require the noncustodial parent to obtain an order from a court in the country where the visit is to occur recognizing the U.S. custody order and continuing jurisdiction of the U.S. court and agreeing to enforce the U.S. order in the event of a wrongful removal or retention. Alternatively the foreign court may issue its own order with terms identical to the U.S. order.

Be aware foreign courts are not legally obligated to issue such an order. Seeking a mirror-image order may be counterproductive in some countries, so before seeking this type of prevention measure it is advisable to consult an attorney in the foreign country about any “downside” risks. Although courts in a few countries, such as Australia, Canada, New Zealand, and the United Kingdom, may issue identical orders, courts in many countries may assume jurisdiction and enter their own custody orders, which may not conform to U.S. custody orders or ignore provisions conflicting with religious or other internal law. For example Islamic countries may not honor a U.S. order awarding custody to a mother under certain circumstances.

- **Seeking assurances of return from foreign visits.** When international visits are to occur the parent in the United States may ask the court to order the other parent to give assurances the child will be returned. Examples of such assurances include requiring the noncustodial parent to provide the custodial parent with a copy of the child’s round-trip airline tickets, an open ticket for the left-behind parent to travel to the country in case the child is not returned, addresses where the child will be, and telephone numbers of people with whom the child will be staying.
- **Defining terms in the custody determination to facilitate use of the Hague Convention.** Under the Hague Convention custody rights are defined by the law of the child’s country of habitual residence. In order for the Hague Convention to apply the child must have been removed from, or retained outside of, his or her country of habitual residence. To simplify application of the Hague Convention the party in the United States should ask the court to include a provision declaring the United States to be the child’s habitual residence. There is no assurance, however, a foreign court will treat a declaration of “habitual residence” made by a court in the United States as binding.

A person with “custody rights” has the right to seek return under the Hague Convention. The right to determine the child’s residence is considered a right of custody. If a noncustodial parent has the right to be consulted before a child is taken to another country, he or she **may** be deemed by some courts to have “custody rights” and thus may seek the child’s return under the Hague Convention. For this reason a noncustodial parent may seek – and a custodial parent may resist – a provision in a custody determination requiring consultation and consent before the child is removed from the country. This



was discussed under the section titled “Restrict the Custodial Parent’s Right to Relocate with the Child” on page 17.

## Practical Things Parents Can Do to Reduce the Risk of Abduction

- **Take pictures of your child.** Take photographs of your child often. Be sure to take profile shots as well as front poses. If possible buy your child’s school portraits every year and take videos. A photograph of the other parent may also be helpful in the event of an abduction.
- **Keep a complete written description of your child.** This should include hair and eye color; height; weight; date of birth; birthmarks; other unique physical attributes; and other features such as glasses, contact lenses, braces, piercings, and tattoos.
- **Make a record of your child’s Social Security Number (SSN).** Internal Revenue Service rules require all children older than 1 year of age to have a SSN. You need a SSN to claim a child as a dependent on a tax return.
- **Have your child fingerprinted.** Most law-enforcement agencies provide this service at no charge, but they do not keep the child’s prints on file. You will be given the only fingerprint card for safekeeping.
- **Teach your child to use the telephone.** Teach your child his or her full name and how to use the telephone. Make sure your child knows your complete telephone number including area code. If your child is old enough to remember more than one number, teach your child your office, cellular, and/or other numbers at which you can be reached. Tell your child you will accept a collect call. Show your child how to dial the operator and “911” for help.
- **Consider counseling.** Some abductors may take a child when they feel, rightly or wrongly, their parental relationship with the child is threatened. Counseling may help ease you through potentially threatening times such as the initial separation, filing of a lawsuit for divorce or custody, issuance of final decrees, and start of a new romantic relationship.

Consider seeking assistance from Child Find® of America. This nonprofit organization serves missing children and their families, offers telephone counseling for parents who are considering abducting their own children, mediation, support services, and referrals to other organizations. The mediation program can be reached toll-free at 1-800-A-WAY-OUT (1-800-292-9688), and Child Find can be reached at 1-800-I-AM-LOST (1-800-426-5678) and at [www.childfind®ofamerica.org](http://www.childfind®ofamerica.org).

- **Ask law enforcement or the prosecutor to intervene.** Take abduction threats seriously especially if the parent making them has recently quit a job, sold a home, terminated a lease, closed a bank account, or taken any other action in preparation for flight. Threats may indicate a growing frustration that could motivate that parent to disappear with your child. Ask law enforcement or the prosecutor to contact the would-be abductor about the consequences of the abduction namely that taking a child is a crime and the offender could be imprisoned, be fined, or both. If the potential abductor has threatened your child, another family member, or you, notify your local law-enforce-

ment agency or the prosecutor. You may also be able to get a protection order under local law.

- **Notify schools, daycare centers, and babysitters of custody orders.** Certified copies of your custody order should be placed in your child's school files and copies should be given to teachers, daycare personnel, and babysitters. If there is a risk of abduction by the noncustodial parent, inform all individuals who care for your child of that risk and give them a photograph of the noncustodial parent if you have one. Ask to be immediately alerted if the noncustodial parent makes any unscheduled visits, and instruct them not to allow your child to leave the property with the noncustodial parent without your permission.

The best protection is to have a provision in your custody order prohibiting unauthorized pick-up of your child by the noncustodial parent from schools, daycare centers, and babysitters. Even without such a provision, though, a child should be released only to the parent entitled to custody. It is important to keep school authorities, daycare personnel, and babysitters aware of any changes in your custody or visitation arrangements. The custodial parent must also realize if the noncustodial parent is violent or threatening, school and daycare officials as well as babysitters may have no alternative but to release your child to that parent in order to prevent immediate injury to your child or other children in the area. Ask your child's school and/or caretakers to **immediately** notify law enforcement in the event of an abduction. A copy of the custody order should be immediately given to law enforcement responding to the call.

Custodial parents should notify school officials, daycare personnel, and babysitters if their children are going to be absent and ask to be immediately notified if their children do not arrive on schedule. A few jurisdictions require school officials to verify student absences, but custodial parents need to be sure all people who normally care for their children know the situation and the possibility of abduction. Time is critical in abduction cases. If a child is abducted on the way to school, daycare, or the babysitter, it is extremely important for the custodial parent to be immediately notified so a search for the child and abductor can immediately begin.

- **Keep lists of information.** Make a list of the noncustodial parent's address, telephone numbers, SSN or citizen-identification numbers, passport number(s), driver's license number, credit-card numbers, bank-account numbers, and date and place of birth. The same information should be gathered for relatives and friends who might help the abductor carry out an abduction.
- **File or register the custody decree where the noncustodial parent lives.** Follow procedures in the UCCJA or UCCJEA, whichever law is in effect in the state where the noncustodial parent lives and child will be visiting. Filing or registering puts the court on notice that a custody determination already exists. A valid order is entitled to enforcement and cannot be modified except as specified in the PKPA and consistent state laws. More information about filing and registration is found in the chapter titled "Recovering Your Child" beginning on page 93.
- **Treat child support and visitation as separate issues.** Child support and visitation are legally separate issues. As a general rule the refusal to pay child support is not a legal ground for denying visitation, and denial of visitation is

not a legal excuse to not pay child support. Additionally child abduction does not relieve the duty to support.

**Caveat:** It has been noted a parent may abduct a child as revenge because the custodial parent sued for overdue child support. While it is not our intention to discourage you from enforcing your right to collect overdue child support, it may be advisable to take extra precautions while doing so.

- **Flag passport applications.** A parent who is concerned a child may be taken to another country without his or her consent can request the child's name be placed in the U.S. Department of State's Children's Passport Issuance Alert Program. To make use of this program a parent or attorney should provide the child's full name, date and place of birth, telephone number, and a copy of the relevant custody orders to the Office of Children's Issues, U.S. Department of State, 2201 C Street, Northwest, SA-29, Washington, DC 20520-2818, 1-888-407-4747, 202-736-9090, fax 202-736-9132. This form is available at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "A-Z Index of Topics" and "Form – Request Entry into the Children's Passport Alert Program" links. A copy of this form is also found on page 269.

The requesting parent should be notified when a passport application is received for his or her child. If the U.S. Department of State has a court order on file providing for joint or sole custody to the requesting parent or restricting the child's travel, a passport should not be issued.

# Civil-Court Remedies If Your Child Is Abducted

by Patricia M. Hoff

## Chapter Overview

This chapter focuses on civil-court actions a parent can take to get a custody determination that will be enforceable between jurisdictions and how to find an attorney to help with that process. It also covers child-snatching lawsuits seeking compensation for the pain and suffering and out-of-pocket expenses caused by an abduction.

The information in this chapter is important for married parents going through a separation or divorce and unwed parents who may need a custody order to obtain help in the event of an abduction. There is also a section explaining the rights and remedies of noncustodial parents in custody and visitation disputes. Parents in abusive relationships will find a section addressing domestic-violence issues in the context of child abduction. Special issues in custody cases involving Native American children and military dependents are also addressed. A **summary of civil-court remedies if your child is abducted by a family member** is presented below. These remedies are more fully discussed in this chapter.

1. If you do not already have a custody determination, you should promptly get one. Do not delay.
2. File for custody in a court with child-custody jurisdiction. Under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), in effect in nearly all states, the child's "home state" has priority to enter an initial custody determination. The child's "home state" is also the preferred place to file for an original custody order under federal law. Courts in every jurisdiction are required to enforce "home state" custody orders.
3. If you already have a custody order and want to change it, the original issuing court has exclusive jurisdiction to modify the order under the UCCJEA and federal law if the respective statutory criteria are met. A court may have exclusive jurisdiction to modify even if the child has moved and established a new home elsewhere.
4. Consider hiring a lawyer to help you. Try to find an attorney who is knowledgeable about parental-kidnapping issues and whose services you can afford. Use the list of sources in this chapter to find a lawyer in your area.
5. You must give the abductor notice of your custody lawsuit. If you cannot give actual notice, for example because the abductor has gone into hiding, the law allows you to publish notice. You may be required to seek court permission before doing so. Inform the court of your unsuccessful efforts to give actual notice.

6. You can file for custody on “home state” grounds even if your child is no longer in that jurisdiction. Act promptly so as not to lose extended “home state” status. The only time the child’s presence is required is when the court exercises emergency jurisdiction.
7. The court may issue a temporary custody order at first. This should be enough for law enforcement to begin a criminal investigation and prosecutor to consider prosecution, if they have not already done so. It should also facilitate your own search.
8. Parents who are not married should consult a lawyer about getting a custody determination.
9. If you are considering leaving the jurisdiction with your child because of domestic violence or child abuse, consult a lawyer **before you go** about getting a temporary custody order and/or protection order. If you leave the state for safety’s sake before getting a custody or protection order, file for temporary custody on emergency grounds as soon as possible after arriving in the new state. The UCCJEA, in effect in most states, expressly allows a court to exercise emergency jurisdiction when the child, sibling, or parent is threatened with mistreatment or abuse. Depending on state law, you may have to file for permanent custody in the child’s “home state,” the one you left, but the “home state” court may decline jurisdiction in favor of your new jurisdiction. You may wish to call the National Domestic Violence Hotline® for referral and information at 1-800-799-SAFE (1-800-799-7233) or visit [www.ndvh.org](http://www.ndvh.org).
10. Suing a parent in active military duty is possible, but you may encounter delays in such proceedings based on the Servicemembers Civil Relief Act of 2003 (SCRA), which is formerly known as the Soldier’s and Sailor’s Relief Act of 1940 (SSCRA).
11. When a child is abducted to or from a Native American reservation, issues arise about which jurisdiction’s laws apply. There are no simple answers. You will need the help of a lawyer familiar with the applicable tribal and state laws.
12. Your child and/or you may have a cause of action against the abductor and others who helped with the abduction if your jurisdiction’s law, including statutes, common law, and case law, permits lawsuits based on an abduction. If such cases are allowed you may be able to recover money damages to compensate for your actual out-of-pocket expenses incurred in locating and recovering your child and the emotional pain and suffering you endured. Lawsuits are not appropriate in every case. You may wish to consult an attorney to discuss the pros and cons of filing such action in your case.
13. Many of the same remedies available to custodial parents are also available to noncustodial parents when a child is wrongfully taken or retained by the custodial parent.

## Getting a Custody Determination

If you do not already have a custody determination, you need to get one as promptly as possible from a court with jurisdiction over child custody. A well-drafted custody determination not only defines the rights and responsibilities of both parents with respect to their child, but often is critical to recovering a child after an abduction. Custody issues are resolved by mutual agreement, which may arise out of mediation or collaborative law negotiations, or by litigation.

You do not need a custody determination to report your child missing to local law enforcement or have information about your child entered in the Federal Bureau of Investigation's National Crime Information Center's Missing Person File (NCIC-MFP). These are steps you should promptly take regardless of whether there is a custody determination. *See* the chapter titled "Criminal Remedies in Family-Abduction Cases" beginning on page 41.

### Agreement of the Parties

Some parents work out custody and visitation matters on their own and file their agreement with the court. Many jurisdictions provide forms for uncontested proceedings so parents can handle the matter themselves. Both parties, however, may retain counsel either separately or together to review the agreement and/or file it with the court. Once filed the court reviews the proposed agreement and typically issues an order reflecting its terms.

### Mediation

If parents cannot resolve custody issues by themselves, they may try voluntary mediation or a court may refer the case for mediation. Mediation involves both parties meeting with a professional, neutral mediator to reach agreement about child-custody issues. The advantages of mediation are that parents can avoid a lengthy and potentially expensive and acrimonious legal proceeding and parents are usually willing to abide by the terms of a mediated agreement. Mediation, however, is not for everyone. It may be unsuitable or ineffective in high-conflict families where there is a history of actual or threatened abduction or domestic violence. Some jurisdictions require custody mediation except in certain circumstances such as those mentioned above. If a mediation agreement is reached both parties may retain counsel either separately or together to review the agreement and/or file it with the court. The court reviews the agreement and typically issues a custody determination with its terms.

### Collaborative Law

"Collaborative law" is a relatively new option for parents seeking to resolve custody issues without the uncertainty and expense of litigation. Though similar to mediation in that it seeks a mutually agreed solution, it differs because each party is represented by his or her own lawyer. The novelty is that the parties and their lawyers all commit to negotiating a mutually acceptable custody agreement without going to court. The parties have the benefit of legal advice and professional advocacy as they seek common ground. Their agreement would be reviewed

and made an order of the court. If custody is not resolved, the attorneys must withdraw and the parties must then retain new lawyers to litigate custody in court.

## **Litigation**

Custody issues not resolved by mutual agreement are resolved by litigation. Litigation entails filing a lawsuit and having a hearing before a judge. In some jurisdictions the hearing is referred to a special master who makes a recommendation that is then reviewed by a judge. The special master and/or judge will hear from both parties before deciding custody. The judge may also hear from a representative of the child. Other witnesses, including experts, may also testify. Based on all of the information available to it, the court then makes a custody determination in the child's best interests. Child custody litigation can be time-consuming and costly.

## **Do You Need a Lawyer?**

Ordinarily an attorney presents a custody case to the court. A parent may represent him- or herself, but this can be difficult for numerous reasons. First some laws are not easy to understand without legal training. The relationship between federal laws and the laws of different jurisdictions, in particular with regard to child custody, is complicated. Second a parent may be too emotionally involved to objectively approach the legal issue in the case such as what is in the child's best interests. Third many parents may be uncomfortable working with opposing counsel and judges. A parent's nervousness and inexperience may hurt the case.

For these reasons most people consult with and retain a lawyer. Your lawyer can go to court on your behalf to obtain or modify a custody order and assist you in getting the order enforced and your child returned. Your lawyer can also help you evaluate whether to pursue criminal charges against an abductor and urge law enforcement and the prosecutor to investigate and prosecute if such action is warranted. You may hire a second lawyer to help enforce your order in another jurisdiction or country, or your attorney may associate with local counsel in the other jurisdiction or country to assist with enforcement proceedings. Your custody lawyer or a different attorney who specializes in litigation may counsel you regarding child-snatching lawsuits and sue the abductor on your behalf for money damages.

## **What to Look For In a Lawyer**

Ideally you want to find a knowledgeable lawyer whose services are affordable. Use the list of resources in the section titled "Finding a Knowledgeable Lawyer" beginning on page 27 to identify lawyers who have experience with family-abduction cases. If you cannot find a lawyer with expertise in handling family-abduction cases, look for a family lawyer who has handled domestic and/or international child-custody cases.

After you have identified one or more lawyers, call for an initial consultation. There may be a small fee involved. Some lawyers will talk to you on the

telephone, and others will set up an appointment for you at their office. Your conversation will be confidential even if you choose not to hire the lawyer.

Describe your situation in detail and ask about the lawyer's experience with cases like yours. Inquire about the lawyer's familiarity with the laws of a particular state or jurisdiction and federal laws and remedies that may apply to your case such as the Uniform Child Custody Jurisdiction Act (UCCJA), Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), Parental Kidnapping Prevention Act (PKPA), federal and state criminal-custodial interference laws, and child-snatching lawsuits. If your child has been taken or kept in another country, ask about the lawyer's familiarity with the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention), and International Parental Kidnapping Crime Act (IPKCA).

Ask about the lawyer's hourly rate and amount of retainer you must pay before work begins. There may be court costs and filing fees to pay as well. You should ask for an estimate of your total legal bill. Depending on your financial circumstances, you may want to discuss flexible payment arrangements. Keep in mind you may be able to recover legal expenses from the abductor at the end of the proceeding. The UCCJA, UCCJEA, PKPA, and Hague Convention all have provisions addressing attorney fees. These are discussed in the chapter titled "Recovering Your Child" beginning on page 93. If you are comfortable with the lawyer, hire him or her. If not, interview another.

Advice about what to look for in an attorney is available in the National Center for Missing & Exploited Children's brochure titled *Just in case...Parental guidelines in finding professional help in case your child is missing or the victim of sexual exploitation*. It is available at [www.missingkids.com](http://www.missingkids.com). From the home page respectively click on the "More Publications," "Just in Case...Series," and "Just in Case...Finding Professional Help" links. A free copy may also be obtained by calling NCMEC at 1-888-24-NCMEC (1-888-246-2632).

## Finding a Knowledgeable Lawyer

You may be able to get referrals for attorneys with experience handling family-abduction cases from the sources listed below.

- **The Association of Missing and Exploited Childrens Organizations Inc.** (AMECO) can refer you to local nonprofit groups helping parents of children who are victims of family abduction. Such nonprofit groups may be able to recommend local attorneys who have experience handling parental-kidnapping cases. For more information contact AMECO toll-free at 1-877-263-2620, by dialing directly at 703-838-8379, or by visiting [www.amecoinc.org](http://www.amecoinc.org).
- **Team HOPE**, an NCMEC program funded by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP), is an organization of trained family-member volunteers who provide crisis assistance, support, and guidance to left-behind parents in the United States whose children are the victims of abduction. Volunteers are uniquely qualified to provide assistance because they are parents or relatives who have had or still have a missing child. Those who have experienced the abduction of a child may be good sources for referrals to lawyers and other professionals who can help. For referral to a family-member volunteer contact Team HOPE toll-free at 1-866-305-HOPE (1-866-305-4673) or visit [www.teamhope.org](http://www.teamhope.org).



- The **American Bar Association (ABA)** maintains a website with links to lawyer-referral services and free legal services throughout the country. You can contact the ABA at 1-800-285-2221 or visit [www.abanet.org](http://www.abanet.org). From that home page, under the “Public Resources” heading, click on the “Find Legal Help” link, and then click on the link for the state in which you need a lawyer.

This is an excellent online resource. You may not have to look elsewhere for links to lawyer-referral services for private attorneys, legal aid, or *pro bono* counsel.

- **Local bar associations can also provide attorney-referral services.** Contact your local bar association and ask if they provide lawyer-referral services. If so contact the lawyer-referral service for the names of several lawyers in your area who have handled family-abduction cases or regularly handle child-custody cases. If you cannot identify an attorney through local information sources, contact that state’s bar association, which is usually located in the capital city, and ask for lawyer referrals as above. For an online directory of bar associations visit [www.abanet.org](http://www.abanet.org). From the home page click on the “Topics A-Z” link. Then respectively click on the “Bar Associations (State and Local) Information” and “Bar Directories” links.
- The **American Bar Association, Family Law Section** is another resource for attorney referrals. Contact the Family Law Section of the ABA at 312-988-5145 and ask for the names and telephone numbers of the chairpersons of the Child Custody Committee and International Law Committee if you need help with an international-abduction case. Contact these lawyers and ask for the names of several attorneys in your area who handle family-abduction or child-custody cases. Another option is to ask the local bar association for the name and telephone number of the Chairperson of the Family Law Section if there is one. Contact that person and ask for the names of several family-law attorneys in your area.
- The **American Academy of Matrimonial Lawyers (AAML)** may also provide attorney referrals. Contact AAML at 312-263-6477 and ask for the name and telephone number of the Chairperson of your state’s chapter. Call that person and ask for the names of several attorneys in your area who have handled family-abduction or child-custody cases. This information is also available at [www.aaml.org](http://www.aaml.org). From that home page click on the “Locate An Attorney” link.
- **Telephone directories** list “attorneys” in the yellow pages. If your telephone book lists lawyers under areas of specialization, check under “family law.”
- **Court personnel** may be able to identify lawyers with relevant experience.

### Free and Reduced-Fee Legal Services

If you cannot afford a private lawyer you may qualify for free or reduced-fee legal services. Check with the organizations noted below about whether they can help you with your case or refer you to someone who can.

- **Legal aid.** Look in the government pages of your area telephone directory under “Legal Aid” or “Legal Services Corporation” (LSC) for the number of the closest legal-aid office or visit LSC’s website at [www.lsc.gov](http://www.lsc.gov). From the home page click on the “Find Legal Assistance” link, which enables you to identify the nearest legal-aid office. Call and ask if the office takes cases similar

to yours. Some legal-aid offices do not take family-law cases. If the office can help you, make an appointment. If not, ask for a referral to the closest office that can help you.

- **Legal aid for undocumented immigrants who are domestic-violence victims.** Federal law enacted in January 2006<sup>6</sup> expanded the services that LSC-funded programs can provide to indigent, undocumented aliens who are victims of domestic violence or whose children have been victimized. Specifically LSC-funded programs now may provide legal assistance to help an undocumented immigrant or child escape from domestic violence, sexual assault, trafficking, or “Section U”<sup>7</sup> crimes or to protect against future domestic violence, sexual assault, trafficking, or “Section U” criminal activity.

The law allows LSC to provide “related legal assistance” to eligible aliens who are victims of domestic abuse even if they are not married to or the child of their abusers. Previously the law only allowed such assistance when the domestic abuse was perpetrated by the spouse or parent of the victim. In another change LSC-funded programs may assist the abused spouse or child to seek suspension of deportation or self-petition for immigrant status, thus avoiding the necessity of relying on the citizen/legal permanent resident abusive spouse or parent’s willingness to file or pursue the petition on his or her behalf.

LSC-funded, legal-aid offices are nonprofit, nongovernmental organizations not affiliated in any way with immigration authorities. LSC-funded programs are not required to maintain records regarding the immigration status of their clients who are victims of domestic violence. Attorney-client communications are confidential, so undocumented immigrant domestic-violence victims should not hesitate to consult with a licensed legal-aid immigration attorney. Decisions to provide representation are made on a case-by-case basis. Most legal-aid offices maintain lists of alternate legal resources if the victim turns out not to be qualified for legal-aid services.

For additional domestic-violence-victim legal resources contact one of the attorneys in NCMEC’s Missing Children Division at 1-888-24-NCMEC (1-888-246-2632).

- **Local bar associations.** If you do not qualify for free legal services but do not have enough money to hire a private lawyer, you may be eligible for special reduced-fee programs set up by local, bar-association groups. In addition to reduced-fee programs, many bar associations encourage attorneys to commit a part of their time to *pro bono* cases. An attorney handling a case *pro bono* does not charge for his or her services, although a parent may still be required to pay court costs and filing fees. A list of *pro bono* programs is available at the American Bar Association website at [www.abanet.org](http://www.abanet.org). From the home page, under the “Public Resources” heading, click on the “Find Legal Help” link. Then click on the link for the area of interest. You may also call your local bar association to ask about programs in your area for low-income individuals.

<sup>6</sup>Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 103-322 (VAWA 2006), Section 104, “Ensuring Crime Victim Access to Legal Services.”

<sup>7</sup>The types of crimes covered by Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(15)(U)) include rape, torture, trafficking, domestic violence, incest, sexual assault, abusive sexual contact, sexual exploitation, kidnapping, and abduction.

- **Law school clinics.** A law school in your area may operate a law clinic able to help you. Clinical programs have a dual purpose. They give law students actual case experience while serving the legal needs of eligible individuals. Law students are supervised by the clinic director, who is a licensed attorney. Check the local telephone book for law schools in your area.
- **Employers and unions.** Find out from your employer or union if legal services are provided as a fringe benefit of your employment or membership.
- **Domestic-violence shelters.** Sometimes local battered women’s shelters help find affordable legal counsel. For information contact the National Domestic Violence Hotline toll-free at 1-800-799-SAFE (1-800-799-7233) or visit [www.ndvh.org](http://www.ndvh.org). On the home page respectively click on the “Get Help” and “Get Help in My Area” links. Also *see* the section discussing “Legal Aid for Undocumented Immigrants Who Are Domestic-Violence Victims” on page 29.
- **Parents’ rights organizations.** Left-behind parents’ groups, including fathers’, grandparents’, and mothers-without-custody organizations, and similar groups may be able to recommend lawyers to those seeking assistance.
- **U.S. Department of Defense legal assistance.** If you are a member of the armed services or family member accompanying the service member, you may be eligible for legal assistance from the Legal Assistance Office for your branch of service. For additional information and possible referrals for legal assistance, contact Military OneSource toll-free at 1-800-342-9647 or visit [www.militaryhomefront.dod.mil](http://www.militaryhomefront.dod.mil). On the home page, in the “Search” field, type “Legal Assistance” or “Legal Matters.”

### Finding Lawyers In Other Countries

Additional sources of attorney referrals for international parental-kidnapping cases include

- The **U.S. Department of State, Office of Children’s Issues (OCI)** can be reached by calling toll-free at 1-888-407-4747 or dialing directly at 202-736-9090. OCI maintains lists of English-speaking lawyers in other countries. If a child has been taken to a Hague Convention country, OCI can contact the foreign Central Authority to inquire about the availability of free or reduced-fee counsel for the applicant parent. For information about attorneys in other countries visit [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “Abduction Resources” heading respectively click on the “Finding an Attorney” and “Attorneys Abroad” links.
- The **International Academy of Matrimonial Lawyers (IAML)** is comprised of lawyers in the United States and other countries with expertise in international, family-law matters. Visit IAML’s website at [www.iaml.org](http://www.iaml.org) for referrals to lawyers in the United States and other countries. IAML may also be reached at 850-681-2300.
- **Team HOPE**, as noted in the entry on page 27, is composed of family-member volunteers who have experienced the abduction of a child. Team HOPE members may be good sources of referrals to attorneys and other professionals who can help in a particular country. For a referral to a fam-

ily-member volunteer, contact Team HOPE toll-free at 1-866-305-HOPE (1-866-305-4673) or visit [www.teamhope.org](http://www.teamhope.org).

- **Foreign bar associations** can be reached through the Internet and/or embassies and also may be resources for attorneys in other countries.

## Filing for Custody

“Filing for custody” involves filing legal papers, generally called **pleadings**, in which you ask the court to grant the requested relief such as an initial custody order, a change of custody or visitation, or prevention provisions. A custody action should be filed in a court that has jurisdiction to make a valid custody determination. An enforcement action is typically filed wherever the child is located.

### Jurisdiction

Three statutes affect a court’s jurisdiction to make or modify a custody order and require courts to enforce orders issued by another court. They are the Parental Kidnapping Prevention Act (PKPA), Uniform Child Custody Jurisdiction Act (UCCJA), and Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). These statutes are summarized below and apply to proceedings in states and territories.

The PKPA is a federal law that impacts the exercise of child-custody jurisdiction by courts throughout the nation. The UCCJA and UCCJEA are state statutes. The UCCJA was drafted in 1968. The UCCJEA was drafted in 1997 as a replacement for the UCCJA. As of November 2008, 46 states, the District of Columbia, Guam, and the U.S. Virgin Islands have enacted the UCCJEA. The remaining states follow the UCCJA, though it is likely most if not all of them will enact the UCCJEA in the near future. Consult the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199 for citations to the laws in effect in your state and the state where enforcement is sought.

**Caveat:** Even though the UCCJA and UCCJEA are both “uniform” statutes, jurisdictions tend to change the language when they adopt them. Consequently it is essential to read the version of the act in effect in your state and the state where the enforcement is sought.

Parents of abducted children need to be aware of these laws and should bring them to the attention of their lawyers. In turn lawyers should be prepared to familiarize judges with relevant sections of the UCCJA or UCCJEA and PKPA as well as the federal Violence Against Women Act in cases involving domestic violence.

To make a valid custody determination a court must have jurisdiction over custody matters under either the UCCJA or UCCJEA, and notice and opportunity to be heard must be given to the parties. The court’s exercise of jurisdiction must also comply with the PKPA in order for its custody determination to be eligible for “full faith and credit” or enforcement nationwide as a matter of federal law.

The PKPA requires courts to enforce and not modify sister state custody and visitation determinations if the court making the order exercised jurisdiction consistent with federal criteria. Under the PKPA, “home state” is the preferred basis

for making an initial custody determination. For cases in which a change in custody is sought, the PKPA grants exclusive continuing jurisdiction to the original decree state if the original exercise of jurisdiction complied with the PKPA, a contestant or the child continues to live in the “home state,” and state law provides a basis for custody jurisdiction. The PKPA also prohibits a court from exercising jurisdiction when another court is already exercising jurisdiction consistently with its terms.

The UCCJA or UCCJEA, whichever is in effect, regulates which state has jurisdiction to make or modify a custody or visitation order and requires sister states to enforce and not modify custody and visitation orders made by other states and, in most cases, other countries.

The UCCJA is not entirely consistent with the PKPA, and, as a result, some custody orders made under the UCCJA are not entitled to “full faith and credit” in other states under the PKPA. In case of a conflict the federal law preempts or takes precedence over inconsistent state law. The UCCJEA was written to remove inconsistencies with the PKPA so custody and visitation orders made under state law would be entitled to “full faith and credit” as a matter of federal law. The UCCJEA also provides expedited procedures for interjurisdictional enforcement of custody and visitation.

### **File In the Child’s “Home State”**

As a general rule, in order to get an initial custody determination entitled to nationwide enforcement, you must file for custody in the child’s **home state**. That is the location where the child lived for at least six months just before the custody action. The child need not be physically present for the court to exercise home state jurisdiction. The only time the child’s presence is required to make a custody determination is when a court exercises emergency jurisdiction. Home state jurisdiction is the preferred basis for initial jurisdiction under the UCCJEA and PKPA. Although the UCCJA treats home state jurisdiction and significant-connection jurisdiction as co-equals, it is better to seek an initial custody determination in the child’s home state because the resulting custody order must be granted “full faith and credit” in sister states.

Both the UCCJA and UCCJEA extend home state jurisdiction if a child is abducted or otherwise absent from the state. The left-behind parent has six months from the time the child is gone to file for custody in the home state. During this time the abductor cannot establish a new “home state” for the child, and any custody order obtained in the home state is enforceable wherever the child is found.

### **What If There Is an Emergency?**

Both the UCCJA and UCCJEA recognize emergencies require prompt judicial action. In both statutes the child must be present in the jurisdiction for a court to exercise emergency jurisdiction. The grounds for exercising emergency custody jurisdiction are narrow because emergency jurisdiction is meant to be reserved for extraordinary cases. The UCCJEA expressly allows a court to exercise emergency custody jurisdiction when a parent flees on account of domestic violence. Additional details about this are found in the section titled “Getting Custody in

Special Circumstances” beginning on page 34. Courts are supposed to enter temporary orders in emergency cases, so the court that would ordinarily have jurisdiction can address the underlying custody and visitation issues. The UCCJEA makes it possible for a temporary emergency order to become permanent in certain circumstances. Notice must be given in emergency cases for the court to enter a custody determination that is entitled to enforcement in other states or territories.

### Notice to the Abductor

All parties to a lawsuit are entitled to “notice and opportunity to be heard” as a matter of due process. In child-custody and family-abduction cases to which the UCCJA or UCCJEA and PKPA apply, parties, including abductors, must be given notice of court proceedings and an opportunity to present their side of the case.

The person filing the lawsuit, the plaintiff, has a legal obligation to give notice and opportunity to be heard to the person being sued, the defendant. The defendant is not legally obligated to participate in the proceeding. As long as a party has been given notice and an opportunity to be heard, the court can enter a binding order on the party.

Notice must be given in a manner “reasonably calculated to give actual notice.” The UCCJA and UCCJEA contain special notice provisions that may be particularly helpful when **the abductor’s location is unknown**. Both statutes recognize actual notice may not be possible, particularly if a case involves parental kidnapping or other efforts by one party to deliberately hide from another or thwart service of process, and allow notice by publication if other means are not effective. It is advisable, and in some states required, to ask the court for permission to use publication as a means of service when other methods have failed. Support your request for notice by publication by documenting all efforts you have made to give actual notice.

**Caveat:** If you are advised you cannot file for custody after the abductor and child have disappeared because it is impossible to give notice, ask your lawyer to review the *Jurisdiction* and *Notice* provisions of your state’s law, which is either the UCCJA or UCCJEA.

While it is possible to obtain a custody order after an abduction it may not be possible to charge the abductor with a crime if the criminal law of the state requires a “knowing violation of a court order” as an element of the offense. Under such statutes there **must** be proof the abductor **actually** knew of the court order he or she is accused of violating. It may, however, still be possible for law enforcement to locate and obtain the return of the child.

### Service of Civil Process

In some jurisdictions local law-enforcement agencies may serve **civil process**, the legal paperwork telling a person he or she is a party to a lawsuit such as a court action to obtain or enforce a custody determination. The agency notifies the abducting parent a custody action has been filed by delivering a copy of the legal documents to that parent. Frequently the sheriff’s office or county police department serves civil process. Usually you have to inform these agencies where to find the person they will serve. The agency serving civil process will be the one serving the area where the abductor is located.

In the event the local law-enforcement agency in the abductor's locale does not or cannot serve the abductor with civil process, it is possible to use the services of a private process server. Your lawyer can advise you whether to use the local law-enforcement agency or a private process server to serve the abductor.

### Temporary Custody Orders

After filing for custody you may initially obtain a temporary custody order. Judges usually make temporary custody orders before they have had the benefit of hearing from both parents or the case is fully investigated. Temporary orders are commonly made in the early stages of parental-kidnapping cases when the court is unable to hear from both parents because one parent has abducted the child and is in hiding. Temporary custody orders are the appropriate relief when courts exercise emergency jurisdiction. As long as notice and opportunity to be heard are given, temporary orders are enforceable in other states.

After a full hearing, the court enters its order. These are sometimes referred to as "permanent" or "final" orders despite the fact custody orders are always subject to change or modification. The PKPA, UCCJA, and UCCJEA set forth rules governing modification jurisdiction and other laws set forth substantive grounds for modifying custody.

You do not need a custody order for law-enforcement authorities to take a missing-person report and enter information about your child in the Federal Bureau of Investigation's National Crime Information Center database. Nor do you need a custody order for some state criminal laws and the International Parental Kidnapping Crime Act to apply. Still, obtaining a custody order, even a temporary custody order, can help with your search and recovery efforts.

## Getting Custody in Special Circumstances

### Pre-Decree Abductions

In pre-decree abduction cases, both the UCCJA and UCCJEA allow left-behind parents to file for custody in the child's "home state" even after the child has been abducted and do not require the child to be physically present for a court to exercise jurisdiction. Notice by publication is authorized for situations where personal service is ineffective such as when an abductor evades process by concealing his or her whereabouts. This was discussed earlier in the section titled "Notice to the Abductor" on page 33.

### Domestic Violence and Child Abuse

If you are a victim of domestic violence, or your child is the victim of abuse, you are strongly advised to consult an attorney **before leaving the jurisdiction**. Time permitting, you should be able to get a temporary custody order. Temporary custody orders entered in accordance with UCCJA or UCCJEA and PKPA are entitled to enforcement by other states.

Victims of domestic violence can call the National Domestic Violence Hotline toll-free at 1-800-799-SAFE (1-800-799-7233) or visit [www.ndvh.org](http://www.ndvh.org) for information about crisis intervention and referrals to shelters, legal services, and counseling. Legal technical assistance in interstate, child-custody/domestic-

violence cases is available from the Legal Resource Center on Violence Against Women at [www.lrcvaw.org](http://www.lrcvaw.org) or 301-270-1550. Undocumented immigrants who are victims of domestic violence may also be eligible for legal aid. To learn more about this option *see* the section titled “Free and Reduced-Fee Legal Services” beginning on page 28.

In urgent situations you should be able to obtain a protection order under local law. Protection orders may include temporary custody provisions. Protection orders are enforceable interstate under the federal Violence Against Women Act. Custody and visitation provisions contained in protection orders may or may not be enforceable in sister states. The enforceability of such provisions may depend on whether the UCCJA or UCCJEA, including their notice requirements, was followed.

When seeking a protection order and/or custody order, the victim parent should ask the court to prevent the disclosure of their contact information to the alleged abuser.

Getting a custody order before leaving the jurisdiction has two benefits. First the victim parent can ask a judge to include a specific visitation schedule and other protective provisions in the custody order including pick-up and drop-off points or supervised and limited visitation. Second a valid custody order should protect the victim parent from later being accused of, or prosecuted for, custodial interference. The laws of some jurisdictions give domestic-violence victims a rebuttable affirmative defense to the crimes of parental kidnapping, criminal custodial interference, and interference with visitation if they promptly notify criminal-justice authorities of the reason for their flight and seek custody within a specified period of time. Parents should discuss the consequences of failing to file for custody before departing the state.

If it is too dangerous to remain in the jurisdiction, the parent should promptly consult an attorney upon arrival in the new jurisdiction. If that jurisdiction has enacted the UCCJEA, the parent can petition for custody on emergency grounds. The order may become permanent if no action is brought in the child’s home state and the order so provides. If a custody action is filed or pending in the home state, the victim parent must respond to that suit. In some circumstances it may be possible to do so without actually returning to the state, such as by appearing through an attorney or telephonically. The parent may ask the court for custody or, in the alternative, to decline jurisdiction in favor of the new state.

The UCCJA does not expressly provide for emergency jurisdiction based on domestic violence as the UCCJEA does; however, courts in UCCJA jurisdictions may interpret the statute broadly and issue temporary orders to protect the child’s safety. The victim parent must then file for custody in the child’s home state. The parent can simultaneously request the “home state” court to decline jurisdiction on inconvenient forum grounds in favor of the new state.

## **Unmarried Parents**

In some jurisdictions the mother of a child born out of wedlock has custody of the child unless there is a contrary custody order. Even though an unmarried mother living in such a jurisdiction may be able to recover an abducted child without obtaining a custody order, it is still a good idea to go to court and obtain a custody order prior to any problems arising. This will expand the number of



legal remedies available to secure the child's return and lessen the confusion if the child is found in a jurisdiction where officials are unfamiliar with such custody laws. It will also provide a definite plan for the child's custody once the child is returned.

An unmarried mother living in a jurisdiction without such automatic rights of custody is usually in the same position as other parents without custody orders. Her custody rights are no greater than the father's custody rights. The fact the father is not named on the child's birth certificate may not provide the mother with adequate legal protection in the event the father takes the child. Paternity presumption laws that presume a man is the father may apply if he and/or the mother and child **acted** as if he were the parent.

An unmarried father who wishes to obtain custody must first establish legally that he is the father of the child. He may do this by filing a paternity action. Being named on the birth certificate may help prove he is the father. Paternity presumptions based on his actions toward the child and the actions of the mother and child toward him may also help prove he is the father if the laws in that jurisdiction recognize such presumptions. In jurisdictions where no presumptions are used, he may need to use blood or deoxyribonucleic acid (DNA) testing to prove he is the father. Once paternity is established the father can ask the court to award him custody, just as a father in any divorce proceeding may do. Unmarried parents should consult with a lawyer when seeking a custody order.

### **When a Parent Is In the Military**

The Servicemembers Civil Relief Act<sup>8</sup> (SCRA), formerly known as the Soldier's and Sailor's Civil Relief Act of 1940, offers protections to servicemembers from certain civil judicial and administrative proceedings when the servicemember's current military duty materially affects his or her ability to appear. SCRA does not apply to criminal proceedings.

Protections under SCRA include stays of proceedings for a minimum of 90 days when the servicemember files a written request meeting statutory requirements; stays of execution of judgments; and relief from default judgments, which are court decisions made when a defendant does not make an appearance in the case.

SCRA does not bar a parent from filing for custody even if the other parent is in the military. A parent, however, should anticipate possible delays in the proceeding upon the servicemember's request to the court. A parent should also inform the court by affidavit that the defendant is a servicemember if he or she does not appear in court. Your lawyer should review SCRA to become familiar with the changes in the law.

Other issues arise in enforcement cases when the parent in the military is stationed in another country. *See* the chapter titled "International Child Abduction" beginning on page 105 for information about this situation.

Information about available military resources and legal assistance may be obtained by calling Military OneSource toll-free at 1-800-342-9647 or visiting [www.militaryhomefront.dod.mil](http://www.militaryhomefront.dod.mil).

<sup>8</sup>50 U.S.C. APPENDIX §§ 501-596, War and National Defense, Servicemembers Civil Relief Act. Pub. L. No. 108-189, Sec. 1, Dec. 19, 2003, 117 Stat. 2835.

## Native American Children

When Native American children are subjects of custody proceedings involving foster care, termination of parental rights, pre-adoptive placements, and adoption, the Indian Child Welfare Act (ICWA) is the governing law. Intrafamily custody disputes, such as those arising in the context of divorce, do not fall under ICWA and other laws as noted below may apply.

The custody of Native American children living on a reservation will usually be decided under tribal law. Although more than one tribe may live on a single reservation, each reservation usually has one set of tribal laws. The laws of different reservations vary. Even if both parents are members of the same tribe, the laws of their individual reservation may vary. If a Native American child living on a reservation is the subject of a custody dispute between parents who are members of different tribes, the tribe with jurisdiction may be the one in which the child is **enrolled**. Frequently the governing body of the reservation where the child lives may decide the case. These disputes are between tribes and governed by tribal law. Children living on a reservation whose parents are of different backgrounds – one Native American and one non-Native American – may be considered by the tribe and law to be Native American children, and custody of these children may be governed by the tribe or reservation of the Native American parent.

Information about a particular tribe's custody laws may be available from the tribe or Bureau of Indian Affairs (BIA) at 202-208-3710 or [www.doi.gov/bia](http://www.doi.gov/bia). Information may also be available from the National Congress of American Indians at 202-466-7767 or [www.ncai.org](http://www.ncai.org). From the home page click on the "Tribal Directory" link.

When Native American children do not live on a reservation, state law will usually apply to settle custody disputes arising in connection with divorce proceedings. Legal complications occur when a child moves, or is moved on and off a reservation, typically because one parent is Native American and the other is not. Tribal-state jurisdictional issues are apt to arise when a child living on the reservation is abducted from the reservation, and, conversely, when a child living off the reservation is abducted to a reservation. Does the tribal or state court have jurisdiction to decide custody? Are tribal courts required to enforce state court custody orders or defer to the other state court's custody proceedings? Are state courts bound to enforce tribal custody orders or defer to the tribal court? These are complex legal questions needing careful attention from lawyers with special knowledge of tribal law and state family law.

While a few states addressed the question of state court custody jurisdiction over Native American children in their UCCJA statutes, most did not. Nor does the PKPA expressly apply to child-custody-jurisdiction disputes between tribes and states. Courts interpreting the statutes are divided on whether these statutes apply to jurisdictional disputes between state and tribal courts concerned with custody of the same child.

States that enact the UCCJEA may adopt provisions requiring their courts to treat tribes as if they are states, treating tribal-court custody proceedings as if they are sister state court proceedings, and enforcing tribal custody orders. Check the UCCJEA in your jurisdiction and the jurisdiction in which your child is

located to determine whether the law includes a section titled “Application to Indian Tribes.”

State criminal-custodial interference statutes and missing-children laws may apply to cases involving Native American children abducted to or from a reservation if any prohibited act occurs outside the boundaries of the reservation. In addition these criminal statutes may apply if the reservation has accepted a state’s criminal laws.

## Child-Snatching Lawsuits

In addition to going to court for a custody determination, child-snatching lawsuits may provide another avenue of relief for parents of abducted children. Left-behind parents may file these lawsuits, on their own and/or on behalf of the child, against the abductor and others who assist the abductor, such as grandparents, siblings, friends, and businesses, for tortious or wrongful conduct. The lawsuits seek money damages from the abducting parent and his or her associates to compensate for the expenses, pain, and suffering resulting from the abduction.

Child-snatching lawsuits have been based on claims for unlawful imprisonment, interference with custody or visitation, enticement, intentional infliction of emotional distress, outrageous conduct, and civil conspiracy. These lawsuits have been successfully brought in both state and federal courts. A few jurisdictions have enacted laws expressly allowing lawsuits of this kind. Courts in a number of jurisdictions have allowed child-snatching lawsuits based on common law. Courts in a few jurisdictions have declined to recognize a new cause of action in child-snatching cases, leaving victims to seek relief in other ways.

The section titled “Nationwide Directory of Family-Abduction Laws and Resources,” beginning on page 199, lists child-snatching lawsuits for each jurisdiction.

Your family lawyer may be able to file a child-snatching lawsuit for you, or you can consult an attorney whose practice focuses on personal-injury matters. After the lawsuit is filed there is a period for “discovery.” This fact-finding process may reveal important information about an abducted child’s location.

**Caveat:** Child-snatching lawsuits are not advisable in every case. You may be too financially or emotionally exhausted to become involved in another lawsuit. You may be unable to collect a judgment in your favor if the defendant is judgment proof or unable to pay.

Child-snatching lawsuits, however, are not the only way to recover some or all of your costs such as fees for attorneys, private investigators, and counseling. The UCCJA, UCCJEA, PKPA, Hague Convention, and ICARA all include cost-recovery provisions for prevailing parties. In addition crime-victim-assistance laws in many jurisdictions allow the court to order the abductor and/or others who assisted the abductor to repay the searching parent for some or all costs incurred in the location, recovery, and post-recovery treatment of a child. For information about victim-compensation programs in your area visit [www.ovc.gov](http://www.ovc.gov). From the home page respectively click on the “Help for Victims” and “OVC’s Directory of Crime Victim Services” links.

## Noncustodial Parents' Civil Remedies When Custodial Parents Disappear With a Child

When a custodial parent goes into hiding with a child, a noncustodial parent has many of the same rights and remedies as a custodial parent to locate the child and enforce visitation rights.

Noncustodial parents may initiate a missing-person investigation and request entry of information about the child into NCIC. These steps are discussed in the chapter titled "Criminal Remedies in Family-Abduction Cases" beginning on page 41.

A noncustodial parent may file an action asking a court to modify the original custody determination and award him or her custody. A modification action normally would be filed in the jurisdiction where the original order was made. The PKPA grants exclusive continuing modification jurisdiction to the original decree court if a parent or child continues to live there and the law of the original state provides any basis for jurisdiction.

Modification is by no means automatic. In fact persuading the court to change custody is usually difficult and costly. The standards for modifying custody and visitation orders vary and are set forth in the local law of the state or territory. Typically evidence is required of a major and significant change in circumstances making it in the child's best interest to change custody. Abduction of the child may not be enough justification to change custody. If the evidence warrants a change of custody, in most states even an award of **temporary** custody by the court will allow you to use all the resources listed in this guide, including those offered by the National Center for Missing & Exploited Children, to help find your child.

A noncustodial parent may be able to sue and collect money damages from the custodial parent for violating visitation rights. There is some case-law support for this. Lawsuits for interference with visitation rights may discourage obstruction of visitation and compensate the noncustodial parent for the costs incurred in enforcing visitation rights. Such lawsuits were discussed in the section titled "Child-Snatching Lawsuits" on page 38.

If state law permits, missing-child clearinghouses may also provide services to noncustodial parents seeking to enforce their visitation rights. Contact information regarding the clearinghouse in your state is available in the section titled "Nationwide Directory of Family-Abduction Laws and Resources," beginning on page 199. Some missing-children organizations and various advocacy groups may also be able to assist.

The Federal Parent Locator Service (FPLS) may be used by authorized persons to locate custodial as well as noncustodial parents. Unless restricted by court order, noncustodial parents have the same rights as custodial parents under the Family Educational Rights and Privacy Act (FERPA) to school records. The FPLS and FERPA are discussed in the chapter titled "Searching for Your Child" beginning on page 63.

All books and brochures published by NCMEC are available to noncustodial parents. Many of the resources listed in the section titled "Bibliography," beginning on page 143, may be helpful to a noncustodial parent in the event a custodial parent disappears with the child. A noncustodial parent should be pre-

pared to be an **active participant** in the search. It may be necessary, in some instances, to obtain court orders for the disclosure of the information.

Notwithstanding the remedies listed above, noncustodial parents may find they face more difficulties than custodial parents do in locating and recovering their children. Gaps and inconsistencies in the laws and law-enforcement policies may frustrate even the most patient noncustodial parents. You may find it helpful to join with other victimized parents to advocate for changes in the laws and local law-enforcement policies. Missing-child clearinghouses and victim-advocacy organizations may also be helpful.

# Criminal Remedies in Family-Abduction Cases

by Patricia M. Hoff

## Chapter Overview

This chapter describes how the criminal-justice system responds to family-abduction cases. It provides an overview of laws aimed at finding missing children and bringing abductors to justice. It explains what parents should expect from law enforcement and prosecutors at all levels and how to request their intervention.

**Parents** should simultaneously pursue all appropriate remedies including both civil remedies and assistance from law enforcement. Below is a **summary of the ways you can involve law enforcement and prosecutors** as more fully discussed in this chapter.

1. Immediately report your missing child to local law enforcement.
2. Request law enforcement to enter information about your child into the Federal Bureau of Investigation's National Crime Information Center-Missing Person File (NCIC-MPF) without delay. Law enforcement is required to enter every missing-child case into NCIC within two hours of receiving the report. If the abduction is in progress, talk to law enforcement about possibly issuing an America's Missing: Broadcast Emergency Response (AMBER) Alert or using other means to enlist the public's help in locating your child. Typically AMBER Alerts only apply to children who have been abducted and are facing grave danger. More information about this system is available at [www.amberalert.gov](http://www.amberalert.gov).
3. If you have trouble getting law enforcement to take a missing-person report or enter information about your child into NCIC, contact your missing-child clearinghouse or the National Center for Missing & Exploited Children® at 1-800-THE-LOST® (1-800-843-5678). The FBI can enter valid cases into NCIC if local law enforcement fails to do so. Law enforcement is required to investigate missing-children cases reported to NCIC.
4. Actively search for your child even while the case is being investigated.
5. Evaluate the pros and cons of criminal prosecution. If the pros outweigh the cons and you are committed to going through with a prosecution, even if you recover your child, contact a local prosecutor about prosecuting the abductor. If your child has been abducted to another country, you may also contact the U.S. Attorney to discuss federal criminal charges under the International Parental Kidnapping Crime Act (IPKCA).

6. If the abductor is charged with a felony and flees to another state or country, talk to the prosecutor about seeking an Unlawful Flight to Avoid Prosecution warrant, pursuant to which the FBI investigates the case.
7. Law-enforcement authorities have many tools available to investigate criminal, family-abduction cases including
  - NCIC Wanted Person File cross-referencing to your child’s entry in the Missing Person File
  - INTERPOL for international-abduction cases
  - Be-on-the-Lookout (BOLO) bulletins
  - Mail covers
  - Computer-matching programs run through Departments of Motor Vehicles and the National Law Enforcement Telecommunications System
  - Search warrants and subpoenas
  - Outstanding warrants
  - Missing-child clearinghouses
  - Federal Parent Locator Service
  - Flag records
  - Project ALERT

Other tools are available for investigating international abductions. These tools are described in the chapter titled “International Child Abduction” beginning on page 105. Once a child is abducted to another country, law-enforcement authorities in the United States must rely on foreign law-enforcement authorities to continue the investigation on foreign soil.

8. Suggest that law enforcement contact NCMEC at 1-888-24-NCMEC (1-888-246-2632) to request a free copy of *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. This guide is also available at [www.missingkids.com](http://www.missingkids.com). From the home page click on the “More Publications” link. Then click on the “Abduction” link and scroll down to the “Investigator’s Package” link.
9. Ask the prosecutor and/or law enforcement if you will need a local court order to recover your child once located. In some jurisdictions you will have to go into a local court to obtain an order enforcing your out-of-state custody order.
10. To avoid confusion caused by conflicting custody orders, promptly file or register your custody order in a court in the jurisdiction where the abductor is located. The legal authority is found in either the Uniform Child Custody Jurisdiction Act (UCCJA) or Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).
11. Go back to court to modify your custody order to include provisions to prevent a reabduction.
12. Contact crime-victim programs to find out if you are eligible for assistance.

## Left-Behind Parent's Role

While pursuing whatever criminal remedies are appropriate to the situation, a left-behind parent should actively pursue all appropriate civil remedies to locate and recover his or her child and prevent a reabduction.

If your child is missing, or the abductor is criminally charged, press for an active investigation by law enforcement. Cooperate with law-enforcement investigators, and try to develop leads on your own even as law enforcement is investigating.

Although law enforcement may be able to initiate an investigation and even locate your child, the court or recovering agency may not release a child to the left-behind parent if the custody issue has not been resolved in civil court. You must work through the civil courts to secure and enforce your custody rights. Promptly take steps to get a custody determination if you do not already have one. If you have an order, you should be prepared to file an enforcement action once your child is found. Do not rely on the criminal process to vindicate your custody rights. The prosecutor is not your private lawyer. He or she represents the public interest in having criminal laws enforced. Even if the prosecutor becomes involved in the civil aspects of a child-custody enforcement action under the UCCJEA, this is done on behalf of the court. Your own lawyer represents your personal interest in having your child returned and can go to family court on your behalf to try to accomplish this.

You may also find it necessary to go back to court to modify the original custody order. You may ask the court to change custody, restrict the abductor's visitation rights, or order other prevention measures to safeguard against a reabduction. These steps are necessary even if a criminal court's sentence for parental kidnapping temporarily alters an abductor's exercise of custody or visitation rights through conditions of probation, incarceration, or parole. The abductor's rights and responsibilities toward the child continue to be defined by the existing custody determination unless and until it is modified by a civil court with custody jurisdiction.

## Law Enforcement and Prosecutors' Roles in Family-Abduction Cases

Every left-behind parent should understand how law-enforcement authorities and prosecutors can help in locating and recovering an abducted child and bringing the abductor to justice. This chapter describes the criminal-justice-system response to family-abduction cases.

**Local** law enforcement, such as your local police department or sheriff's office, and prosecutors, such as district attorneys, state's attorneys, and prosecuting attorneys, serve various functions in family-abduction cases. Law-enforcement officers take reports of missing children and are required by federal law to enter them in NCIC within two hours of report receipt and investigate these cases. They may provide assistance in serving the legal paperwork or civil process necessary before the courts will make or enforce your custody order. Prosecutors may prosecute the abductor depending on the circumstances of the abduction and scope of the criminal laws in effect in your jurisdiction. In appro-



priate cases they may request federal investigative assistance pursuant to the federal Fugitive Felon Act.

In addition to traditional criminal-justice-system functions, law enforcement and prosecutors in many states also have civil statutory authority pursuant to the UCCJEA to locate and recover children and enforce custody determinations. This public-enforcement role is described in the chapter titled “Searching for Your Child” beginning on page 63.

**Federal** prosecutors, such as U.S. Attorneys and Assistant U.S. Attorneys, and the FBI respond to parental-kidnapping cases pursuant to federal law. U.S. Attorneys may prosecute international-abduction cases pursuant to IPKCA. In addition they may charge a fugitive with violating the Fugitive Felon Act, pursuant to which an Unlawful Flight to Avoid Prosecution (UFAP) warrant may be issued for the fugitive’s arrest. The FBI investigates abductions between states/territories and international-abduction cases pursuant to the Fugitive Felon Act. The FBI also investigates international-abduction cases in connection with alleged IPKCA violations. The FBI maintains NCIC, a computerized database that is an important tool in locating abducted children and their abductors. The FBI is authorized by federal law to confirm entries of missing children into NCIC and make those entries in valid cases when local law enforcement does not do so.

TROUBLE  
SHOOTING

## What If a Criminal-Justice Professional Won’t Get Involved?

There may be a gap between what the law allows and help you actually get from law enforcement and prosecutors. One possible explanation is prosecutors have discretion to decide whether and how to pursue possible criminal-law violations. Likewise the civil authority under the UCCJEA is also discretionary. Another possible explanation is some criminal-justice-system professionals believe family-abduction cases are private matters best left to the family court to resolve.

In response to laws enacted in recent years to combat parental kidnapping and find missing children and because of a heightened public awareness of the need to protect children from the harmful effects of abduction, many criminal-justice personnel have embraced a more responsive approach to family-abduction cases.

If you encounter law enforcement and prosecutors who are reluctant to intervene in your family-abduction case, it may help to show them the passages below.

We also now recognize children are deeply and permanently affected by family abduction. The emotional scarring caused by these events requires officers to recognize family abduction not as a harmless offense where two parents...are arguing over who ‘loves the child more,’ but instead as an insidious form of child abuse. The history of the issue has also demonstrated law enforcement has a much broader responsibility than the simple act of ‘retrieval.’ By responding promptly, professionally, and efficiently to reports of family abduction, officers and the agencies they represent become, in effect, a means of protection for the child.<sup>9</sup>

<sup>9</sup>Stephen E. Steidel, Editor. *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. Alexandria, Virginia: National Center for Missing & Exploited Children, 2006, page 84.

...parents...do have the right to look to the criminal-justice system for assistance. To dismiss such pleas for help could push an anguished parent...into desperate actions. Offering guidance...may avert potential domestic violence and reabduction incidents.<sup>10</sup>

## Missing-Person Investigation

### Report Your Missing Child to Local Law Enforcement

Because the first few hours of an investigation are critical, you must act quickly when you discover your child is missing. After checking with friends and relatives to help ensure the other parent is not legitimately delayed in returning your child, immediately contact law enforcement to file a missing-person report. Use the “Missing-Person Report for an Abducted Child” form on page 261 to organize the information you will need to give law enforcement.

If you believe your child is being removed from the United States to another country also notify the closest FBI field office without delay. Ask to speak with the Crimes Against Children (CAC) Coordinator. A list of FBI field offices is available at [www.fbi.gov](http://www.fbi.gov). From the home page click on the “Your Local FBI Office” link, or check your local telephone directory for the closest FBI office.

### Ask Law Enforcement to Enter Your Child’s Description In NCIC

When asking law enforcement to enter information about your child into NCIC be sure to specify the nationwide National Crime Information Center database, as law-enforcement agencies may mistake area “Be-on-the-Lookout” bulletins, also known as BOLOs, or teletypes, for NCIC. The NCIC entry is critical because information placed in a state system alone cannot be accessed nationwide.

Federal law, the National Child Search Assistance Act, 42 U.S.C. §§ 5779-5780, as amended by the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003 and Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act) requires every federal, state, and local law-enforcement agency to report **each case of a missing child younger than the age of 21** to NCIC. The law **prohibits any waiting period** before accepting a missing-child report and **requires entry** of missing-child reports **within two hours of receipt** into both the state law-enforcement system and NCIC.

The two-hour entry mandate was added by the Adam Walsh Act. It applies to all jurisdictions regardless of whether the local laws note “immediate” or “prompt” entry or allow longer waiting periods. Relevant sections of these federal laws are reprinted beginning on page 155. Child-abduction cases should be entered into NCIC in either the endangered or involuntary category, and the Child Abduction (“CA”) flag should be entered in the NCIC record. If an AMBER Alert is issued the AMBER Alert (AA) flag should be entered in the NCIC record. *See* information about this program on page 46.

You do not need a custody determination to report a child missing or for the child’s name to be entered into NCIC. If you have a custody order, however, bring

<sup>10</sup>*Id.*, page 106.

it with you when you report your child missing. Information about your missing child must be entered in NCIC even if the abductor is not charged with a crime.

NCIC is a computerized database of documented criminal-justice information maintained by the FBI to help criminal-justice agencies at all governmental levels perform their duties including apprehending fugitives and locating missing persons. Criminal-justice agencies enter records into NCIC, which in turn are accessible to law-enforcement agencies nationwide. NCIC stores vast amounts of criminal-justice information that is instantly retrievable through an NCIC terminal to any authorized agency 24 hours a day, 365 days a year. Data is stored in 18 different files, including the Missing Person File, Vehicle File, License Plate File, Wanted Person File, and Protection Order File.

In family-abduction cases, criminal-justice agencies throughout the nation can use the NCIC database to help apprehend an abductor and locate an abducted child. The missing-person section of the computer database is primarily designed to provide law-enforcement officers with easy access to basic information about people whose whereabouts are unknown. Official agencies around the country may also use the NCIC to verify case information for other purposes. Information about the abductor may also be entered in various NCIC files. Depending on the case, abductor entries may be made in the Wanted Person File; Vehicle File; License File; and, in some jurisdictions, the Missing Person File. All NCIC entries pertaining to the child and abductor should be cross-referenced. In that way the child may be detected if an NCIC check is run on the abductor, for instance during a routine traffic stop.

### **America's Missing: Broadcast Emergency Response (AMBER) Alert**

If an abduction is in progress, talk to law enforcement about possibly issuing an AMBER Alert. An AMBER Alert causes an urgent news bulletin to be broadcast over the airwaves as well as on highway signs to enlist the public's help in finding an abducted child and stopping the abductor. AMBER Alerts are not issued in every case. The circumstances surrounding the child's disappearance must meet the local AMBER Alert criteria. Even if a case does not meet criteria for issuing an AMBER Alert, other investigative tools will be employed, and in some instances media may be called upon to help publicize the case.

The U.S. Department of Justice recommends the criteria noted below for AMBER Alert programs nationwide.

- Law-enforcement officials must have reason to believe an abduction of a child age 17 or younger has occurred.
- Law-enforcement officials must believe the abducted child is in imminent danger of serious bodily injury or death.
- Sufficient descriptive information must exist about both the victim and abductor for an AMBER Alert to assist in the recovery of the child.
- The child's name and other critical data, including the Child Abduction flag must be entered into NCIC.

More information about the AMBER Alert program is available at [www.amberalert.gov](http://www.amberalert.gov).

## What if Local Law Enforcement Does Not Take A Missing-Person Report or Make the NCIC Entry?

Authorities have the primary responsibility for taking missing-person reports and entering information into NCIC. If local law enforcement fails to enter a valid case into NCIC, parents should seek assistance from their missing-child clearinghouse and/or NCMEC at 1-800-THE-LOST® (1-800-843-5678). Clearinghouse contact information is found in the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199. Clearinghouse personnel can contact local law enforcement about the case. NCMEC can also confirm, but cannot make, an entry in NCIC. Another option is to contact the local FBI office for help. The Missing Children Act, reprinted beginning on page 155, gives the FBI a concurrent mandate to make an NCIC entry. If NCIC entry criteria are met, the FBI should enter information about the child into NCIC.

Follow the steps noted below to report your child missing and help ensure NCIC entry.

- Call your local law-enforcement agency or missing-child clearinghouse to find out what documentation you must present to file a missing-person report for your child. When you ask this question they may take your report over the telephone, but it is still advisable to follow the next step.
- Immediately go to your local law-enforcement agency with the necessary documentation and report your child missing. Give a complete description of your child including a physical description, date of birth, age, grade in school, dental records, and circumstances of the disappearance. Also provide law enforcement with complete descriptions of the abductor, the abductor’s vehicle, and any accomplices. Provide recent photographs of your child, the abductor, and any accomplices. Use the “Missing-Person Report for an Abducted Child” worksheet on page 261 to compile information. Bring it with you to the law-enforcement agency. Also bring a certified copy of your custody order, if you have one, and a copy of your child’s birth certificate. If some of this documentation cannot be easily obtained, do not wait to gather all of it. You can make arrangements to send it later. Take this guide with you which contains key sections of the National Child Search Assistance Act, as amended, and Adam Walsh Act beginning respectively on pages 157 and 158.
- If you have trouble getting law enforcement to take a missing-person report, contact your missing-child clearinghouse or NCMEC for help.
- Record the name, badge or ID number, and telephone number of the officer who takes the missing-person report as well as the name of the department and date.
- Request a copy of the missing-person report. If you cannot get a copy, ask for the case number. Give this information to NCMEC and any other missing-children organizations with which you are working.
- Ask to have all information regarding your missing child entered into NCIC within two hours of report receipt. If law enforcement is reluctant to perform this task, explore the possibility of obtaining the NCIC forms from the investigating officer and filling them out yourself. A missing-children organization may be able to help you complete the forms.

- As soon as you have reported your child missing to local law enforcement, call the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678) to report the abduction and ask for additional guidance.
- Check with law enforcement two hours after making the report to confirm that information about your child has been entered into NCIC.
- If you cannot get confirmation of the NCIC entry from local law enforcement, or if the NCIC entry has not been made, contact NCMEC or your missing-child clearinghouse for help. Some missing-children organizations may also be willing to intervene on your behalf. NCMEC can confirm, but cannot make, NCIC entries. Be ready to provide your child's last and first names and date of birth.
- Go to your local FBI office with the appropriate documents and ask them to enter information about your child into NCIC if you are unable to do so through local law enforcement. Take this guide with you which contains key sections of the Missing Children Act, National Child Search Assistance Act, and Adam Walsh Act beginning respectively on pages 155, 157, and 158. These laws require the FBI to make the entry.
- Check back after two hours to request confirmation the FBI entered information about your child into NCIC. You may find it necessary to request help from NCMEC or your missing-child clearinghouse.

### **Ask Law Enforcement to Pursue a Missing-Person Investigation**

Once your child's description is entered in NCIC, ask law enforcement to pursue a missing-person investigation to locate your child. The Missing Children's Assistance Act, 42 U.S.C. §§ 5780(3)(B), (C), requires law-enforcement agencies entering missing-child reports into NCIC "to institute or assist with appropriate search and investigative procedures" and maintain close liaison with NCMEC while working missing-children cases.

Missing-children investigations present unique difficulties to law-enforcement agencies. They are labor-intensive investigations and frequently require expenditure of significant resources to extend the investigation beyond the local city or town. Moreover sophisticated document searches also require the services of investigators trained in white-collar crime.

Encourage the officer investigating your case to contact the National Center for Missing & Exploited Children at 1-888-24-NCMEC (1-888-246-2632) for a copy of *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. This guide is also available at [www.missingkids.com](http://www.missingkids.com). From the home page click on the "More Publications" link. Then click on the "Abduction" link and scroll down to the "Investigator's Package" link.

Your missing-child clearinghouse may be a resource for the law-enforcement agency investigating the case. Many missing-child clearinghouses were established within law-enforcement agencies and have law-enforcement authority throughout the state and the ability to assist other law-enforcement agencies with missing-child investigations. Mention the missing-child clearinghouse to the investigating officer, who may not be familiar with it.

Bear in mind the primary job of law enforcement is to investigate criminal activity and bring criminals to justice. Accordingly most law-enforcement resources, personnel, and training are devoted to criminal investigations. The law-enforce-

ment guide highlighted above recognizes the competing demands of the job. It instructs officers to “be candid with the left-behind parent...about the time constraints caused by other cases but, at the same time, reassure him or her there is a law-enforcement commitment to find the child.”<sup>11</sup>

## After a Missing Child Is Found

Even after a missing child is located, law enforcement may not release the child to the left-behind parent without a court order. Be prepared to enforce your court order wherever your child is found. *See* the chapter titled “Recovering Your Child” beginning on page 93.

## Criminal Charges

### State Criminal Charges

All 50 states and the District of Columbia have enacted criminal, parental-kidnapping statutes to deter parental kidnapping and punish abductors.<sup>12</sup> The statutes go by different names including custodial interference, child abduction, concealment, and parental kidnapping. The elements of the offense vary. Every state and the District of Columbia consider parental kidnapping a serious **felony** crime under some circumstances because of the risk of harm to the child and disruption to the stability of the parent-child relationship. Felony crimes are punishable by jail or prison terms longer than one year, by payment of a stiff fine, or both. Many states also have laws treating parental kidnapping as less serious crimes called **misdemeanors**. Misdemeanors are punishable by incarceration in jail for up to one year, by payment of a fine, or both.

Nearly every state expressly treats interstate parental kidnapping, abduction across state lines as a felony. Extradition, the return of the defendant to the jurisdiction where the crime was committed, is permitted for felony crimes but not usually for misdemeanors. An Unlawful Flight to Avoid Prosecution (UFAP) warrant can be obtained only if the underlying crime is a felony. UFAP warrants are more fully discussed in the section titled “Fugitive Felon Act” beginning on page 50.

Some states have made the concealment of the child a felony. Most such laws require the abductor have knowledge of the custody order he or she is accused of violating. Some jurisdictions also require evidence the child has been taken from that jurisdiction. Only some of these criminal laws cover interference with visitation rights.

Defenses to abduction are available in some statutes including flight to protect the child and flight from domestic violence. To take advantage of these defenses some laws require victims who flee from domestic violence to notify law enforcement within a specified period of time as to their whereabouts and seek appropriate relief in court.

In both misdemeanor and felony cases the judge may, but does not have to, incarcerate a convicted offender. The judge may place an offender on probation

<sup>11</sup>*Id.*, page 92.

<sup>12</sup>Federal criminal laws and the PKPA apply to any commonwealth, territory, or possession of the United States; however local criminal and civil laws in these jurisdictions vary. For instance Guam has two applicable criminal statutes, § 22.40, Child stealing, and § 22.50, Custodial interference, whereas the U.S. Virgin Islands has no explicit criminal, parental-kidnapping law but the UCCJEA is in effect there.

and impose various conditions of probation such as a fine, restitution, community service, or restrictions on leaving the community.

Parental kidnapping may be punishable under the laws of the jurisdiction to which the child was taken as well as the jurisdiction from which the child was abducted. If the local prosecutor in your jurisdiction does not or cannot prosecute the case, for instance, if the facts of the case do not constitute a crime under your local law, a prosecutor in another jurisdiction may be able to prosecute if a crime has occurred under the laws of that jurisdiction.

Review the parental-kidnapping laws of your state as well as the state to which your child was abducted. Statutory citations for parental-kidnapping laws are listed in the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199. You may be able to obtain copies of parental-kidnapping laws from missing-child clearinghouses, missing-children organizations, your lawyer, law enforcement, the prosecutor, NCMC at 1-888-24-NCMEC (1-888-246-2632), or online by searching the statutory citations listed on [www.findlaw.com](http://www.findlaw.com).

Also check the general kidnapping law and other criminal laws that might apply to your case such as burglary, car theft, assault and battery. Share information about the abduction with law enforcement and the prosecutor so they can evaluate whether these other statutes apply.

If an abductor receives assistance from friends or relatives and sufficient evidence exists to prove this, law-enforcement authorities and prosecutors should not overlook filing charges against the accomplices to the crime.

### **Federal Criminal Charges**

Two federal criminal statutes expressly apply to family-abduction cases. They are the Fugitive Felon Act and International Parental Kidnapping Crime Act. The FBI has jurisdiction to investigate alleged violations of these federal statutes. Other federal criminal statutes may also come into play in an abduction case, for instance, passport-fraud statutes and conceivably the Military Extraterritorial Jurisdiction Act of 2000.<sup>13</sup>

**Fugitive Felon Act** The Parental Kidnapping Prevention Act, Section 10, Pub. L. No. 96-611, Dec. 28, 1980, 94 Stat. 3573, 18 U.S.C. § 1073 note, expresses Congressional intent that the Fugitive Felon Act applies to interstate- and international-abduction cases when an abductor flees the state or country to avoid prosecution under applicable felony statutes. The Fugitive Felon Act, 18 U.S.C. § 1073, is a federal statute in aid of state prosecution. It allows state and local prosecutors to obtain the FBI’s help in finding and returning fugitives who have fled the state or country to avoid felony prosecutions. The FBI becomes involved in the investigation upon issuance of a UFAP warrant. Although federal criminal charges are initially brought against the fugitive in connection with a UFAP, those charges are normally dropped once the fugitive is arrested, and the fugitive is prosecuted under state law upon return to that jurisdiction.

<sup>13</sup>Pub. L. No. 106-523, Sec 1, Nov. 22, 2000, 18 U.S.C. §§ 3261-3267, provides the members of the Armed Forces and civilians employed by or accompanying the Armed Forces outside of the United States are subject to criminal prosecution in the United States for conduct outside of the United States that would be punishable as a felony if committed within the United States. This statute provides a mechanism for returning the defendant to the United States. This law is reprinted beginning on page 186.

Left-behind parents interested in the issuance of a UFAP warrant should direct their requests to the local or state prosecutor, not the FBI or U.S. Attorney. It is up to the local or state prosecutor to apply for the warrant.

The prosecutor applies in writing to the U.S. Attorney or FBI for a UFAP warrant under the Fugitive Felon Act. The prosecutor must give assurances that the offender will be extradited for prosecution. There must also be evidence the abductor has left the state. A UFAP warrant will not be issued if the abductor's whereabouts are known, since in such cases the prosecutor can begin extradition without the help of the FBI. An exception is made in international-abduction cases such that if a UFAP warrant is issued the FBI investigates the case. If the fugitive-parent has fled to another country, the FBI may call upon foreign law-enforcement authorities to investigate. If the FBI locates the abductor in the United States, the FBI makes the arrest and turns the abductor over to local authorities for extradition and prosecution. If the abductor is located in another country, U.S. law-enforcement authorities must request assistance from their foreign counterparts to make an arrest. The FBI does not have jurisdiction in other countries.

The FBI's investigation pursuant to a UFAP warrant is directed at finding and returning the fugitive. The child is not the focus of the investigation; however, if the FBI locates the child in the course of their investigation they may alert local child-welfare authorities and the left-behind parent, who can then pursue recovery of the child. If the child is present when the abductor is arrested, the FBI can turn the child over to local authorities. If the abductor is located but the child is not, the left-behind parent must continue to search for the child on his or her own.

**The International Parental Kidnapping Crime Act** IPKCA makes it a federal felony to remove a child younger than 16 from the United States, or attempt to do so, or retain a child outside the United States with the intent to obstruct the lawful exercise of parental rights. IPKCA defines parental rights as the right to physical custody of the child, including visitation rights, whether the right is joint or sole and whether the right arises by operation of law, court order, or legally binding agreement of the parties. IPKCA provides affirmative defenses if the defendant was acting within the provisions of a valid custody or visitation order; was fleeing an incidence or pattern of domestic violence; or failed to return the child due to circumstances beyond his or her control and notified or made reasonable attempts to notify the other parent within 24 hours and returned the child as soon as possible. Violation of the statute is punishable by a fine, by up to 3 years of imprisonment, or both.

The U.S. Attorney, usually in the district from which the child was taken, has authority to bring IPKCA charges in an international-abduction case. In deciding whether to bring charges under IPKCA, the U.S. Attorney considers, among other things, whether state charges are pending that could effectively resolve the case, and whether IPKCA is the only charging option such as when an offense cannot be charged under state law. For instance pre-decree abductions and visitation interference frequently are chargeable only under IPKCA. If the abduction is to a Hague Convention country, the U.S. Attorney will consider whether a civil remedy has been or may be sought under the Hague Convention and how criminal prosecution might affect return proceedings. If the abduction is to a non-Hague Convention country, the U.S. Attorney will consider whether extradition from that country is feasible.



The FBI investigates IPKCA violations, usually following a complaint by the left-behind parent. As in UFAP investigations, the FBI's goal is to find and apprehend the abductor. If the child is located as a result of the investigation, the actual return of the child must be arranged by the parent.

### **Pressing Charges**

Many law-enforcement agencies do not treat parental kidnapping as a serious criminal act and are reluctant to commit the law-enforcement resources necessary to fully investigate, in part because of their belief some victimized parents press charges in order to barter for the return of the child only to drop the charges later when the child is located.

You must seriously consider whether you want the abductor to be prosecuted. Think about how your child will react to having a parent arrested, tried, and possibly sent to jail. Realize if you have a change of heart, you may not be able to stop a prosecution later on. Your child and you, as well as other relatives and close friends, may be called on to testify in the criminal trial. This will prolong your involvement with the criminal-justice system and may make psychological recovery more difficult for both your child and you. If your child is called to testify as a witness, call NCMEC at 1-888-24-NCMEC (1-888-246-2632) to request a copy of *Just in case...Guidelines in case your child is testifying in court*. This brochure is also available at [www.missingkids.com](http://www.missingkids.com). From the home page click on the "More Publications" link, and then on the "Just in Case...Series" link. Then scroll to the "Just in case...Testifying" link. Also be aware a criminal conviction does not automatically restrict the abductor's visitation rights. To accomplish this you will have to go back to civil court to modify the custody order. Criminal charges can complicate child-recovery efforts in international-abduction cases involving Hague Convention countries. See the section titled "Pursuing Federal Criminal Charges In International-Abduction Cases" on page 54.

On the positive side a felony warrant may be the determining factor in a recovery. Some jurisdictions will render assistance in abduction cases only if there is a criminal warrant. A criminal court may exert continuing authority over the abductor through conditions of the sentence that may help prevent a reabduction.

If you are determined to have the abductor criminally charged, prosecuted, and punished and are willing to assist law enforcement, prosecutors, and the court as requested, then it is appropriate for you to pursue criminal charges against the abductor and accomplices, assuming the abduction is punishable under state or federal law.

**Pursuing State Criminal Charges** Follow the steps noted below to pursue **state criminal charges** against the abductor.

- Review the criminal parental-kidnapping laws in your state and the state in which your child is located. Use the section titled "Nationwide Directory of Family-Abduction Laws and Resources," beginning on page 199, to find statutory citations. Make copies of these laws.
- Be prepared to show law enforcement or the prosecutor how the laws apply in your case. You may find it useful to talk to your lawyer, missing-child clearinghouse officials, or a missing-children organization such as NCMEC before you talk to law enforcement or the prosecutor. Be aware

- There is confusion about whether criminal charges can be brought against a parent who abducts a child in violation of a joint-custody order. Some states have passed laws making it clear criminal-custodial-interference laws apply to joint-custody orders. In jurisdictions without such laws legal arguments can be made that a joint custodial parent who unilaterally takes a child without consent violates the joint custodial parent's rights. The more detailed the joint-custody order is about the child's residential arrangements, the easier it will be to establish that a criminal-law violation has occurred. Even if criminal charges are not filed against the abductor, your rights under the joint-custody order can still be enforced in civil court once your child is located.
  - There may be confusion about which jurisdiction can charge the crime. Generally speaking the jurisdiction from which the child was taken charges the abductor with a crime. When the initial taking is lawful but the child is subsequently wrongfully retained, for instance when a lawful visit becomes an unlawful holdover, the wrongful retention may be a crime in both the jurisdiction in which it occurred and the jurisdiction from which the child was originally removed. It should not matter if the violated court order was obtained in another state provided the order is valid.
  - Law-enforcement authorities may be reluctant to act if presented with conflicting custody orders – your order and one obtained by the abductor in another jurisdiction. The best way to avoid this legally ambiguous situation is to promptly file or register your custody determination in a civil court in the state to which the abductor has taken your child. The UCCJA authorizes such filings, and the UCCJEA has a special registration process. The more quickly you act the better your chances of preventing the abductor or accomplice from getting a custody order from a local court.
- Call the local prosecutor's office and find out who makes the decision to file criminal charges in the jurisdiction where the crime occurred. It may be law enforcement, the prosecutor, or a local magistrate. Then make an appointment to speak to the person who makes such decisions. You may want to have your lawyer or a representative of a missing-children organization attend this meeting with you. Take a certified copy of your custody decree with you, which you can obtain from the clerk of the court.
  - If law enforcement, the prosecutor, or a magistrate has questions about the operation of the criminal laws, ask them to call NCMEC's Missing Children Division at 1-888-24-NCMEC (1-888-246-2632) and ask to speak with a lawyer.
  - Request **felony** rather than **misdemeanor** charges if appropriate under that jurisdiction's law. Felony charges are more serious and more law-enforcement resources can be assigned to resolve them including increasing the ease of searching for your child outside of your jurisdiction. Felony charges enable issuance of a nationwide warrant for arrest of the abductor through the NCIC Wanted Person File. Felony charges also enable the prosecutor to seek a federal UFAP warrant so the FBI can provide investigative assistance if the abductor has left the state.
  - If you cannot obtain a felony charge ask for misdemeanor charges. Use this opportunity to discuss with the prosecutor or law enforcement the use of

subpoenas or search warrants and other special investigative tools to obtain private records in the search for the abductor and your child. These are more fully discussed in the chapter titled “Searching for Your Child” beginning on page 63.

- If an arrest warrant is issued, ask for the warrant number along with the NCIC Wanted Person File number. You should use the warrant number on posters or fliers of your missing child. All NCIC entries for the abductor and your child should be cross-referenced.
- You can help law enforcement with their investigation by providing family background information including the abductor’s marital status, child-support obligations, whether the abductor is receiving welfare assistance, whether complaints about or prosecutions for domestic violence or child abuse have occurred in the past, and the status of custody orders and custody-related court proceedings.

**Pursuing Federal Criminal Charges In International-Abduction Cases** Parents of children abducted from the United States to other countries, or wrongfully kept in another country should follow the steps noted below to pursue **federal criminal charges** against the abductor.

- Contact the nearest FBI field office to request an investigation. Check your local telephone directory for the number or visit [www.fbi.gov](http://www.fbi.gov). From the home page click on the “Your Local FBI Office” link. Arrange a meeting with an FBI Special Agent, preferably the Crimes Against Children Coordinator, to discuss what the FBI can do and what you should do. The FBI Special Agent can get technical assistance from the FBI’s Crimes Against Children Unit in Washington, DC, at 202-324-3666. Information about this Unit is available on the FBI’s website at [www.fbi.gov](http://www.fbi.gov). From the home page, in the “Search” field, type “Crimes Against Children.”
- Contact the U.S. Attorney’s Office to arrange a meeting, in person or by telephone, with an Assistant U.S. Attorney to discuss the possibility of the federal government charging the abductor under the International Parental Kidnapping Crime Act. Have a copy of IPKCA, found beginning on page 178, handy for your reference and, if need be, to familiarize the federal prosecutor with the law. The U.S. Attorney can get technical assistance with IPKCA prosecutions from the U.S. Department of Justice, Criminal Division, Child Exploitation & Obscenity Section at 202-514-5780 and on international extradition from the Office of International Affairs at 202-514-0000. Information about these sections is also available at [www.usdoj.gov](http://www.usdoj.gov). From the home page click on the “DOJ Agencies” link. Then respectively click on the “Criminal Division” and “Child Exploitation & Obscenity Section” links. Also from the home page, in the “Search” field, type “Office of International Affairs” and select the links of interest.

**TROUBLE SHOOTING**

**Convincing the Prosecutor to Prosecute** The prosecutor has discretion in deciding to prosecute a case. In other words it is up to the prosecutor to decide which cases are prosecuted and which are not. You cannot force a prosecutor to prosecute a case; however, there may be ways to raise the profile of your case, which in turn may influence the prosecutor’s decision to prosecute.

- If a prosecutor fails to file criminal charges **without justification**, ask to speak to a supervisor. Consider making an appointment to speak with or send a letter directly to the elected or appointed prosecutor.
- Rally public support for prosecution.
  - Ask local and/or federal politicians to contact the prosecutor in regard to the abduction.
  - Obtain help from your missing-child clearinghouse or a missing-children organization.
  - Organize your family and community groups to begin a letter-writing campaign.
  - Seek media coverage of your child’s abduction emphasizing the need for criminal prosecution. Before you do this, read the chapter titled “Searching for Your Child” beginning on page 63.
- Consider joining with other victimized parents to advocate for changes in the laws and law-enforcement policies.
  - Ask law-enforcement agencies to establish written policies about parental-kidnapping and missing-child cases.
  - Request local law-enforcement officers and prosecutors to participate in training courses about handling parental-kidnapping and missing-children cases. Visit [www.amber-net.org](http://www.amber-net.org) for programs offered in conjunction with the federal AMBER Alert program and [www.missingkids.com](http://www.missingkids.com) for programs offered by NCMEC. From the home page click on the “Training” link.
  - Missing-child clearinghouses and missing-children organizations may also be of assistance.
  - Do not overlook the influence of your local political parties and their election platforms.

## The Criminal Investigation

Law-enforcement authorities investigate criminal family-abduction cases in many ways. Some methods are summarized in this section to give parents an idea of what a criminal investigation involves. Other investigative tools law enforcement may use are outlined in the chapter titled “Searching for Your Child” beginning on page 63.

An excellent guide to investigating family-abduction cases, *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*, is available to law enforcement free-of-charge from NCMEC at [www.missingkids.com](http://www.missingkids.com). From the home page click on the “More Publications” link. Then click on the “Abduction” link and scroll down to the “Investigator’s Package” link. A copy may also be obtained by calling NCMEC toll-free at 1-888-24-NCMEC (1-888-246-2632).

## Felony Warrants

Most importantly, if the abductor is charged with a felony, law enforcement should immediately enter the arrest warrant into the NCIC Wanted Person File for national dissemination to law-enforcement agencies. Misdemeanor warrants will go only into a statewide computer system. All NCIC entries concerning the abductor and missing child should be cross-referenced.

## **INTERPOL**

Law-enforcement authorities handling international, parental-kidnapping cases should contact USNCB-INTERPOL at 202-616-9000 for assistance. Additional information is available at [www.usdoj.gov/usncb](http://www.usdoj.gov/usncb).

## **“Be-on-the-Lookout” Bulletins**

Law enforcement can issue “Be-on-the-Lookout” bulletins, also called BOLOs, Attempts to Locate (ATLs), or All Points Bulletins (APBs), to help other law-enforcement agencies find an abductor’s vehicle. These bulletins, however, are of limited value unless law enforcement is in hot pursuit of the abductor or has a reasonable idea of where the abductor is fleeing.

## **Mail Covers**

This investigative tool is available to law-enforcement authorities only and can be used only when a felony is under investigation. It allows the U.S. Postal Service to note return addresses and postmark information on mail believed to be useful in locating a fugitive. The information is given to law-enforcement officials only for use in an official investigation. You can help by giving the investigating officer a list of important dates, such as anniversaries, birthdays, deaths, and weddings, that might trigger a communication from the abductor to relatives or friends. Law enforcement should consult with the local Postal Inspector for guidance in requesting mail covers.

## **Use SSN, DMV, Nlets**

Law enforcement in some jurisdictions can run an abductor’s name and Social Security Number (SSN) in a computer-match program against the Department of Motor Vehicles (DMV) records of all 50 states and the District of Columbia. Information about driver’s licenses and motor-vehicle violations may be useful in locating the abductor. Law enforcement can run the vehicle identification number (VIN) in the same manner to ascertain if the abductor’s vehicle has been registered or titled in another jurisdiction. Law enforcement can also check with the National Insurance Crime Bureau (NICB) to determine if any insurance claims have been made on the vehicle. Similarly law-enforcement authorities in most jurisdictions can run a computer-match program through an Nlets, The International Justice and Public Safety Network, teletype, which may pick-up additional information about the abductor’s movements or whereabouts.

## **Search Warrants and Subpoenas**

Law-enforcement investigators can use search warrants for the abductor’s former residence to determine if the abductor left behind any clues. Law enforcement can use subpoenas to gain access to telephone records, mail-forwarding information, and credit-card records. It will frequently be necessary to trace the abducting parent’s source of income or financial support. Parental-kidnapping investigations can be similar to investigations involving white-collar crime. *See* the section titled “Sources of Information,” beginning on page 68, for the types of documents law enforcement may try to obtain.

## **Outstanding Warrants**

Law-enforcement investigators can periodically check for outstanding warrants.

## **Missing-Child Clearinghouses**

A missing-child clearinghouse has been established in every state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Canada. Many clearinghouses are within state law-enforcement agencies and assist local law-enforcement agencies with missing-child investigations. Investigating officers may contact their missing-child clearinghouse for assistance. Contact information is listed in the section titled “Nationwide Directory of Family-Abduction Laws and Resources,” beginning on page 199.

## **Parent Locator Service**

The Federal Parent Locator Service (FPLS) is a computerized national location network operated by the Office of Child Support Enforcement (OCSE). FPLS was originally established to provide address information to state and local child-support agencies to locate absent parents. All states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands participate in the federal child-support-enforcement program of which the Parent Locator Service is a part.

The PKPA expanded access to the FPLS to “authorized persons” in criminal, parental-kidnapping and civil, child-custody cases. Law-enforcement officers and prosecutors are “authorized persons” for purposes of accessing FPLS information. State prosecutors and law-enforcement officials gain access to address information in the FPLS database by applying to the State Parent Locator Service. Federal law-enforcement agencies and prosecutors have direct access to the FPLS. *See* the chapter titled “Searching for Your Child,” beginning on page 63, for a detailed description of the FPLS. State Parent Locator Services may also be accessible to law enforcement in connection with parental-kidnapping investigations.

## **Flagging Records**

Law enforcement can flag a child’s birth certificate and school records as a means of locating the child and abductor.

## **Project ALERT**

Created by NCMEC in 1992, Project ALERT (America’s Law Enforcement Retiree Team) enlists retired law-enforcement professionals from around the country to provide on-site assistance and consultation to requesting law-enforcement agencies in domestic and international cases of missing, abducted, and sexually exploited children. Assistance is offered free-of-charge solely for the benefit of the investigating agency. In addition to evaluating, developing, and suggesting new approaches to cases, the volunteers are also available for public-speaking and community-awareness programs. Law enforcement may obtain more information about Project ALERT toll-free at 1-888-24-NCMEC (1-888-246-2632).

## The Arrest

Ask law enforcement to keep you informed about the status of your case especially when an arrest is imminent. Follow the instructions of the arresting officer regarding where you should be at the time of the arrest. **Do not go to the scene of the arrest unless you are requested to do so by the arresting officer.**

Important advice for law enforcement about making arrests in family-abduction cases is contained in NCMEC's publication titled *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*. This guide is available at [www.missingkids.com](http://www.missingkids.com). From the home page click on the "More Publications" link. Then click on the "Abduction" link and scroll to the "Investigator's Package" link. A free copy may also be obtained by calling NCMEC at 1-888-24-NCMEC (1-888-246-2632).

What happens to the child when the abductor is arrested? In a few states law-enforcement authorities are directed by law to return a child to a lawful custodian when the abductor is arrested. While laws in most jurisdictions do not require this, in some places officers may return an abducted child to the lawful custodian, upon proof of custody, as long as they are not prohibited from doing so. Some jurisdictions may require the left-behind parent to file or register his or her custody order in a local court. Certain laws, including the UCCJEA in many states, may allow the prosecutor to go to court to obtain a pick-up order, which would direct law enforcement to bring the child to court for further action or turn the child over to the lawful custodian. **Note:** Prosecutors who use civil legal authority to recover a child most likely are not also pursuing criminal remedies, and thus the child's pick-up probably is not attendant to the abductor's arrest.

In many UCCJEA states, prosecutors or other designated public authorities, in addition to private attorneys, may petition a court for a pick-up order. Prosecutors in California have operated under a similar law for many years and are familiar with these cases and can react quickly. In states where the law is relatively new, designated public authorities may be unprepared, or unwilling, to respond in a timely way. Since time is of the essence, working with a private attorney may be the best way to proceed.

If law enforcement will not turn the child over to you until you obtain a local court order, you will have to go to court to enforce your custody order. See the chapter titled "Recovering Your Child" beginning on page 93. Your lawyer should coordinate with law enforcement so you have an enforcement order in place when the abductor is arrested or as soon thereafter as possible. The UCCJEA, in effect in most states, provides a "next day" enforcement procedure and also provides a mechanism in conjunction with an enforcement action to take physical custody of the child to prevent an imminent abduction. It helps to have the court include language in the enforcement order directing law enforcement to pick-up your child or accompany and assist you in the recovery.

Be prepared to travel on short notice to resume custody. Your presence might be crucial at a hearing regarding release of your child. If you cannot afford to travel to the place where the arrest will be made, it may be possible to obtain financial assistance. For more information about possible assistance contact NCMEC's Family Advocacy Division at 1-888-24-NCMEC (1-888-246-2632), your missing-child clearinghouse, a missing-children organization in your community, or a victim-assistance program in the jurisdiction where your child is

located. For contact information *see* the section titled “Nationwide Directory of Family-Abduction Laws and Resources,” beginning on page 199.

If you are unable to pick-up your child at the time of the arrest, it may be possible to ask a relative or friend to do so. **Make arrangements with the law-enforcement agency in advance** to help ensure they will release your child to someone other than you. If law enforcement is unable to accommodate you in this matter, it may be possible in some jurisdictions for you to temporarily place your child with a child-protective-services agency. If this occurs an additional court hearing may be required before your child is released to your custody.

## Extradition

When the abductor is arrested in another state, he or she may agree to return voluntarily to the jurisdiction in which the criminal charges are pending. Otherwise the prosecutor in that jurisdiction will have to **extradite** the abductor in order for a criminal trial to take place. Extradition decisions involve consideration of the seriousness of the crime as well as the financial resources available to the prosecutor to pay the expenses associated with transporting the abductor back to that jurisdiction. Family-abduction cases compete with all other felony crimes for priority in the budgeting of extradition funds. Not every offender is extradited.

When an abductor is apprehended in another country, international extradition is the legal process used to secure the abductor’s return to the United States for prosecution under state or federal law. Prosecutors coordinate extradition through the U.S. Department of Justice, Office of International Affairs. International extradition in parental-kidnapping cases depends on the United States having an extradition treaty with the country of refuge. The country of refuge must also be willing to extradite for parental kidnappings and its own nationals if an abductor is a national of that country.

The United States has more than 100 extradition treaties in effect. The Extradition Treaties Interpretation Act of 1998 authorizes the United States to interpret “kidnapping” in “list” treaties to include parental kidnapping. The United States will take this interpretation only if the foreign country does so as well. Key sections of this Act and a policy statement regarding its interpretation are reprinted beginning on page 183. The United States government may request extradition, but ultimately the decision to extradite is up to the foreign country.

State and local prosecutors may decide not to file criminal charges or seek extradition in parental-kidnapping cases because of the costs involved in extraditing fugitives. These include fees for transporting the abductor and escort officers back to the jurisdiction and translating documents. Although the government should bear these costs, some parents have reported being asked to cover these costs. A different solution may be available in international, parental-kidnapping cases if an abductor is charged with violating IPKCA. In that case the federal government would bear the cost of extradition. The local prosecutor or left-behind parent can discuss possible IPKCA charges with the federal prosecutor.

**It is critical to understand the abducted child is not subject to extradition.** When an abductor is arrested, authorities will inform the left-behind parent so he or she can take steps to recover the child. If the child is in another country, the



foreign government may be able to take the child into protective custody pending further proceedings under its own laws and procedures.

## Conviction and Punishment

An abductor who is convicted of or pleads guilty to parental kidnapping will be sentenced in accordance with the statute that has been violated. Because the court may have latitude in setting the punishment, the victim parent should attempt to express his or her views. Ask the prosecutor to seek an appropriately strict sentence. Consult with the prosecutor about submitting a “Victim-Impact Statement” to the court prior to sentencing. Try to attend the sentencing hearing. Some jurisdictions give the victim the right to be heard at sentencing.

Incarceration, in the form of a prison term, may be ordered. Be aware a judge may be unwilling to impose jail time, or you may not want it. In those cases the court may place the abductor on probation. As a precaution against another abduction the judge may order the abductor to report regularly to a probation officer, or parole officer after incarceration, and prohibit travel outside of the jurisdiction without proper written approval. A court may also require the abductor to post a bond for the duration of the probation period prior to resuming visitation with the child. In a separate civil proceeding the left-behind parent may seek a bond of longer duration and request supervised visitation for the abductor and other appropriate prevention measures. *See* the chapter titled “Preventing Abductions” beginning on page 9. A judge may fine the abductor and/or order the abductor to make restitution to the left-behind parent for the costs of locating and recovering a child.

## Victim Compensation and Assistance

All states, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have established programs to provide compensation and assistance to crime victims. Victim compensation programs reimburse victims for crime-related expenses such as medical costs, mental-health counseling, and lost wages or loss of support. Victim-assistance services, provided by community-based organizations, include crisis intervention, counseling, emergency shelter, and emergency transportation. In addition to such state or territorial funds, crime-victim programs receive federal Victim of Crime Act (VOCA) funding.

Each program is administered independently, and programs vary as to which crimes are covered, are eligible, and have available compensation and assistance. Most programs were designed to aid victims of violent crimes. Some also aid victims of nonviolent crimes including parental kidnapping. Some specifically address the needs of the families of missing children.

Information about the crime-victim program in your jurisdiction is available from

- Your prosecutor’s office.
- U.S. Department of Justice, Office for Victims of Crime (OVC) at 202-307-5983 or [www.ovc.gov](http://www.ovc.gov). From the home page click on the “Help for Victims” link, and then click on the “OVC’s Directory of Crime Victim Services” link.

- National Association of Crime Victim Compensation Boards at [www.nacvcb.org](http://www.nacvcb.org). From the home page click the “Prog. Directory” link.
- National Organization for Victim Assistance toll-free at 1-800-TRY-NOVA (1-800-879-6682), by dialing directly at 703-535-NOVA (703-535-6682), or by visiting [www.trynova.org](http://www.trynova.org). From the home page click on the “Help For Victims, Families, & Friends” link.
- National Center for Victims of Crime toll-free at 1-800-FYI-CALL (1-800-394-2255), by dialing directly at 202-467-8700, or visiting [www.ncvc.org](http://www.ncvc.org). From the home page click on the “Help for Crime Victims” link.

Information about federal-assistance programs for victims of federal crimes is available from

- U.S. Department of Justice’s Office for Victims of Crime at [www.crimevictims.gov](http://www.crimevictims.gov).
- FBI’s Office for Victims Assistance (OVA) at 202-324-3000 or [www.fbi.gov](http://www.fbi.gov). From the home page, in the “Search” field, type “OVA.” Every FBI office has a Victim Specialist who can assist victims of federal crimes. The FBI may assist in recovery and reunification of abducted children by providing advice about planning for recovery and reunification, financial assistance either through NCMEC’s reunification funds or FBI emergency victim assistance funds, assistance with evaluating a child through a Children’s Advocacy Center or other child-protection-assessment program, and referrals for counseling for children.

For information about special programs to help the families of missing children contact NCMEC’s Family Advocacy Division at 1-888-24-NCMEC (1-888-246-2632).

For information about victim assistance in international, child-abduction cases contact NCMEC at 1-800-THE-LOST (1-800-843-5678) or the U.S. Department of State’s Office of Children’s Issues by calling toll-free at 1-888-407-4747 or dialing directly at 202-736-9090. Ask to speak with an Abduction Officer.



# Searching for Your Child

by Patricia M. Hoff

## Chapter Overview

It is essential for you to actively participate in the search for your child. This chapter describes sources of information and assistance that may help you find your child. Below is a **summary list of tips on conducting your own search.**

1. File a missing-person report for your child with law enforcement and request entry of information about your child into the Federal Bureau of Investigation's National Crime Information Center-Missing Person File (NCIC-MPF) with a Child Abduction ("CA") flag. In urgent cases meeting applicable criteria an America's Missing: Broadcast Emergency Response (AMBER) Alert may be issued to help locate your child. If so the AMBER Alert (AA) flag will be added to the NCIC record.
2. Contact the National Center for Missing & Exploited Children® at 1-800-THE-LOST® (1-800-843-5678); your missing-child clearinghouse; and nonprofit, missing-children organizations as listed in the section titled "Nationwide Directory of Family-Abduction Laws and Resources," beginning on page 199, for information and assistance. Seek their advice about publicizing pictures of your child. Continue investigating the whereabouts of your child and abductor by contacting sources listed in this chapter and developing leads on your own.
3. Stay in communication and coordinate with law enforcement and missing-children organizations investigating your case.
4. Try to remain calm. This will help you think more clearly as you organize and conduct your search.
5. Be persistent but polite. Be prepared to explain your right to the information you are seeking.
6. Because the abductor may not be using his or her real name, search for information under different names such as the abductor's maiden name, variations of the name like first and middle names only, and a former or new married name or aliases.
7. If you do not already have a fax machine, consider obtaining one to facilitate quick, inexpensive communication with law enforcement, missing-children organizations, missing-child clearinghouses, the media, and others.
8. Consider carrying a cellular telephone or pager with caller ID so law enforcement, missing-children organizations, and even the abductor can contact you wherever you are.

9. Consider installing an answering machine with caller ID on your regular telephone line(s) if you don't already have this service. This will give you a record of callers and their telephone numbers. Some local telephone companies offer this service for a monthly fee.
10. Start a notebook. Keep a record of every person and agency you contact including addresses and telephone numbers. Follow-up periodically with each contact. Keep a copy of all your correspondence concerning the abduction and search, and make notes of all actions taken on your behalf.
11. Use the chart beginning on page 89, and the worksheet titled "Key Contacts in Parental-Kidnapping Cases" on page 259 to help organize your search.
12. It may help to keep a file of articles about other parental-kidnapping cases as a source of ideas to aid in your search.
13. If the search continues beyond six months, repeat your efforts because the abductor may have moved.
14. When your child is located, notify and thank every person, agency, organization, and media outlet that helped you. This will allow them to focus their energies on other cases.

## Missing-Children Organizations

### National Center for Missing & Exploited Children®

The National Center for Missing & Exploited Children (NCMEC) is a national clearinghouse and resource center providing technical assistance in cases of child abduction, missing children, and child sexual exploitation. It is a private, nonprofit organization funded under a cooperative agreement with the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. Contact NCMEC at

National Center for Missing & Exploited Children  
Charles B. Wang International Children's Building  
699 Prince Street  
Alexandria, Virginia 22314-3175  
U.S.A.  
1-800-THE-LOST®  
(1-800-843-5678)  
[www.missingkids.com](http://www.missingkids.com)

NCMEC offers a variety of services to aid in the search for a missing child including a toll-free Hotline, technical case assistance and public relations, photograph and poster distribution, photographic age enhancement, international case assistance, and recovery and reunification assistance.

NCMEC's Hotline, a 24-hour, toll-free telephone line at **1-800-THE-LOST (1-800-843-5678)** is available in Canada and the United States for those who have information regarding missing and sexually exploited children. The "phone-free" number is 001-800-843-5678 when dialing from Mexico and 00-800-0843-5678 when dialing from Europe. For a list of all other toll-free numbers available when dialing from specific countries visit [www.missingkids.com](http://www.missingkids.com). Under the "Featured Services" heading on the home page click on the "More Services" link, and then click on the "24-Hour Hotline" link. The Hotline is used by individuals to report the location of a missing child or of other children whose whereabouts are unknown to the child's legal custodian and learn about the procedures necessary to reunite a child with the child's legal custodian.

NCMEC provides services free-of-charge to parents and families of missing and sexually exploited children; state/territorial and federal law-enforcement investigators and agencies handling cases of missing and sexually exploited children; criminal-justice professionals and legal practitioners who work with missing and sexually exploited children and their families; and nonprofit organizations seeking access to a national network of resources and information.

NCMEC has certain intake criteria for domestic and international, family-abduction cases. NCMEC takes cases of abducted children through the Hotline upon determining the child was younger than 18 at the time of the disappearance; the parent or other person reporting the case has temporary or permanent custody of the child or visitation rights; and a missing-child report has been filed with law enforcement. NCMEC also intakes cases from law enforcement.

If a caller is not sure about the custody status of a minor child, has no custody or visitation rights, or custody or visitation rights have not been determined, NCMEC does not intake the case, but offers technical assistance to help the per-

son get temporary or full custody, visitation rights, or whatever else is needed to meet intake criteria.

NCMEC intakes **incoming** international-abduction cases upon receipt of a written application for return or access pursuant to the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention). The child must be younger than 16 for a Hague Convention application to be filed. The applicant need not have a custody order because the Hague Convention does not require one. NCMEC intakes **outgoing** international-abduction cases if the parent or guardian has made a report to law enforcement and has full or temporary custody **or** filed a Hague Convention application with the U.S. Department of State **or** there is a federal warrant for the abductor under the International Parental Kidnapping Crime Act.

In all cases, whether or not they meet intake criteria, NCMEC Call Center Specialists determine if the caller has contacted law enforcement to file a missing-person report. If not the caller is advised to contact law enforcement to make a report. Trained Case Managers assist individuals and law-enforcement officials in filing missing-person reports and can verify NCIC entries for children reported missing.

NCMEC maintains an up-to-date database of missing-children posters on its website at [www.missingkids.com](http://www.missingkids.com). NCMEC can target poster dissemination to thousands of law-enforcement agencies, millions of commercial entities, and thousands of media contacts throughout the country through a broadcast fax service. NCMEC coordinates national media exposure of missing-children cases and distributes millions of photographs of missing children through a network of private-sector partners. Using electronic tools to age-enhance photographs of long-term missing children, NCMEC creates an image of what the child may look like today. If a case is registered with NCMEC, parents can use NCMEC's toll-free Hotline number on posters displaying the photograph of and information about their missing child.

NCMEC can arrange transportation for custodial parents in the United States who must travel to recover their abducted child if they meet certain eligibility requirements. Parents requiring assistance can contact NCMEC's toll-free Hotline at 1-800-THE-LOST (1-800-843-5678) to determine if they meet needs-based eligibility guidelines. In federal, criminal, international-parental-kidnapping cases, NCMEC is able to provide financial assistance to parents who meet needs-based criteria so they can attend court hearings in foreign countries and pay for a child's transportation back to the United States. The Victim Reunification Travel Program is funded through a grant from the U.S. Department of Justice's Office for Victims of Crime.

NCMEC's Missing Children Division provides assistance to parents of children abducted to and from the United States. In addition to the services described above this Division also provides technical assistance to parents and lawyers; liaises with law enforcement; connects parents whose children are in another country with other parents in the same situation; and, as described above, provides financial assistance to eligible parents to help fund the return of an abducted child to the United States.

Team HOPE, part of NCMEC's Family Advocacy Division, matches searching families with experienced and trained volunteers who have experienced a missing or abducted child. These volunteers offer emotional support, compassion,

guidance, empowerment, and assistance. To be matched with a volunteer, or for more information, contact Team HOPE toll-free at 1-866-305-HOPE (1-866-305-4673) or by visiting [www.teamhope.org](http://www.teamhope.org).

## **Missing-Child Clearinghouses**

Every state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Canada have established a missing-child clearinghouse to assist parents in locating and recovering their missing children. The scope of services provided by these clearinghouses varies, but may include photo dissemination, assistance in obtaining information from local agency records, assistance in having information about a missing child entered into NCIC, law-enforcement training programs, referral to nonprofit organizations assisting with cases of missing children, and technical assistance in case investigations. Contact your missing-child clearinghouse, listed in the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199, to find out what services are available to you.

## **Nonprofit, Missing-Children Organizations**

Missing-children organizations tend to have been established by victim parents and other concerned individuals dedicated to the issues of missing and sexually exploited children. Most missing-children organizations are nonprofit organizations (NPOs) offering services free-of-charge.

Services vary but may include helping a parent organize the search and recovery process, helping to secure media coverage, acting as a liaison to law enforcement, providing lawyer referrals, and networking with other missing-children organizations. These organizations become familiar with local law and procedures and typically have contact with local law enforcement, lawyers, and social-service agencies.

Check the section titled “Nationwide Directory of Family-Abduction Laws and Resources,” beginning on page 199, for information about missing-children organizations in your area. Or contact the Association of Missing and Exploited Childrens Organizations (AMECO) toll-free at 1-877-263-2620, by dialing directly at 703-838-8379, or by visiting [www.amecoinc.org](http://www.amecoinc.org) for a referral to a missing-children organization. AMECO is a national association of missing- and sexually exploited-children organizations working together to serve and protect missing children and their families. Under a cooperative agreement with OJJDP, AMECO is authorized to develop national standards for NPOs serving missing and sexually exploited children and their families and certify organizations meeting those standards.

If you are interested in starting a nonprofit, missing-children organization, obtain a copy of the *Nonprofit Service Provider's Handbook* at [www.missingkids.com](http://www.missingkids.com). From the home page click on the “More Publications” link. Then respectively click on the “General Information” link and link with this title. A copy may also be obtained by calling NCMEC toll-free at 1-888-24-NCMEC (1-888-246-2632).

## **Other Sources of Help**

Contact crime-victim-assistance programs to inquire about your eligibility for help. These resources are described more fully in the chapter titled



“Criminal Remedies in Family-Abduction Cases” beginning on page 41. You may also receive help from other parents, concerned individuals, and religious and community organizations.

Some members of the U.S. Congress have formed the **Congressional Caucus on Missing and Exploited Children** and **Senate Caucus on Missing, Exploited and Runaway Children**, which have been instrumental in focusing attention on international parental-kidnapping cases and improving the federal government’s response in parental-kidnapping cases. You may contact your Congressional delegation for help with your case and referral to a caucus member. Telephone numbers for members of Congress may be obtained by calling 202-224-3121 or visiting [www.house.gov](http://www.house.gov), for information about members of the U.S. House of Representatives, and [www.senate.gov](http://www.senate.gov) for information about members of the U.S. Senate.

### Sources of Information

Many sources of information are available to help in the search for an abducted child and the abductor.

Use the checklist beginning on page 89 to record your efforts. Other helpful worksheets include “Key Contacts in Parental-Kidnapping Cases,” “Missing-Person Report for an Abducted Child,” “Missing-Child Poster,” “Sample Request to Use the Federal Parent Locator Service to Locate a Parent or Child,” and “Sample Request Regarding School Records” beginning on page 259.

**Caveat:** Privacy laws and policies may make it difficult or impossible for you to voluntarily obtain some information, in which case a subpoena or court order requiring disclosure may be necessary. You can conserve your financial resources and save time by identifying those sources that will not release information without a subpoena or court order and then choosing those most likely to have information about your case. Then work with your lawyer to obtain the necessary subpoenas and any other civil-court orders for this information. If criminal charges are being investigated, law enforcement or the prosecutor may be able to obtain issuance of criminal subpoenas or search warrants to obtain the desired information.

### Airlines, Buses, and Trains

Contact the airlines to find out if the abductor and child have reservations for a flight. If the abductor recently left the area, show pictures of the abductor and your child to employees at airline terminals they would have been likely to use. You may have even better success if you give copies of your child’s picture to airline employees to post in employee meeting places. Look for the abductor’s car in airport parking lots. This may help verify the abductor has left the area. A parking stub can help narrow the time and date of departure and let you focus on particular flights the abductor may have taken. Likewise check bus stations and train terminals to find out if the abductor and your child used either of these modes of transportation to leave the area. Remember abductors may use remote or distant transportation facilities instead of those closest to the abduction site.

## **Alcohol and Drug Rehabilitation Centers**

If the abductor has an alcohol or drug dependency problem, check with alcohol or drug rehabilitation programs and the Alcoholics Anonymous chapter in your community as well as in the area where you think the abductor may be.

## **Banks and Other Financial Institutions**

“Follow the money.” Check with the abductor’s bank, credit union, and other such financial institutions to find out if an account has been closed and, if so, whether funds have been transferred to another account or financial institution. Request records of transactions for several months prior to the abduction and ask for copies of cashed checks returned since the abduction. If the account was closed and funds were taken in the form of a cashier’s check, find out where it was cashed or deposited. Find out if direct deposits have been made to the abductor’s account, and, if so, determine the source of the funds. If a checking account remains open, find out whether any checks have been used since the abduction. If so track new transactions. Ask for address information pertaining to the abductor.

Banks will cooperate if the account in question is a joint account or if you are still legally married to the abductor. A few may be willing to help even if the account belonged only to the abductor, but most will require a court order for the release of these records.

If the abductor has investments with a brokerage firm/mutual fund company or owns stock directly with a company, check with these sources for address information.

## **Birth Records**

Parents are sometimes required to produce a child’s birth certificate, for instance, to get a passport for a child, enroll a child in school, and verify a child’s age for certain competitive sports teams. Left-behind parents should ask the agency that maintains birth records, such as the Bureau of Vital Statistics, to flag your child’s birth certificate. Depending on the flagging laws and policies in your state, the agency may notify law enforcement or a left-behind parent if it receives a request from the abductor for a copy of the birth certificate. Current address information for the abductor may be obtained this way. *See* the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199 for information about the missing-children laws in your state. School records may also be flagged in this manner. For additional information about this, *see* the section titled “Schools and School Records” beginning on page 83.

## **Child-Protection Agencies**

Check with child-protective-service agencies to find out if there have been any reports of child abuse, abandonment, or neglect concerning your child or if your child has been placed in foster care or protective custody.

## **Child-Snatching Lawsuits**

While not suited for all family-abduction cases, the discovery phase of these lawsuits may produce information useful in locating an abductor and child. These lawsuits are discussed more fully in the section titled “Child-Snatching Lawsuits” on page 38.

## **Clubs and Organizations**

Ask clubs and organizations frequented by the abductor for any information they may have about the abductor’s whereabouts. They may have been notified of a change in address. Think of hobbies and sports the abductor has pursued. Once you focus your search on a particular geographic location, check local team registrations and hobby material suppliers for information.

## **College and Trade-School Transcripts**

An abductor who attended college or trade school may request transcripts in order to apply for jobs or pursue higher education. Contact the school registrar to find out if the abductor has made such a request. If so find out where the transcripts were sent. Contact career offices to find out if the abductor has requested placement services or job references. Ask to be alerted if the abductor contacts these offices.

## **Compelling Abductor’s Lawyer to Disclose Address Information**

Ordinarily the attorney-client privilege requires an attorney to keep information about the client confidential; however, this rule is not absolute. A few courts have required an abductor’s lawyer to reveal the address of the abductor or abducted child on grounds the child’s best interests took precedence over the lawyer-client confidentiality rule. Check the section titled “Nationwide Directory of Family-Abduction Laws and Resources,” beginning on page 199, for information about attorney-disclosure cases.

## **Computerized Databases**

Publicly available records and publications such as real-property records and telephone directories may provide leads as to the abductor’s and abducted child’s whereabouts.

NCMEC has access to several commercial databases of public records, which may be used to locate missing children who are registered with NCMEC. These databases may provide more current information than is available in telephone books, cross-directories, and other printed sources. It is advantageous for left-behind parents to have NCMEC access these databases because searches of commercial databases can be expensive.

## **Court Records**

Once you focus your search on a particular geographic area, check records of all courts to determine if the abductor is a plaintiff or defendant in any civil or crimi-

nal case. Address information should be available from court records in most cases, although courts often protect address information from disclosure in domestic-violence cases. Also try to find out if the child is the subject of a child-protection proceeding.

### **Credit Bureaus**

Several commercial companies, such as Equifax, Experian<sup>SM</sup>, and TransUnion<sup>®</sup>, maintain national files about each individual's credit purchases. Contact these companies and ask for the abductor's current address information. Contact information for these companies can be found in most local telephone books or at their respective websites of [www.equifax.com](http://www.equifax.com), [www.experian.com](http://www.experian.com), and [www.transunion.com](http://www.transunion.com). If necessary ask a court to order the credit bureaus to flag the abductor's records and report relevant address information to you.

### **Credit Cards**

If the abductor has credit cards, contact the credit-card companies and ask for duplicate copies of all of the abductor's charges. Trace the locations where purchases were made to see if any patterns emerge. Many purchases made in the same place over a period of time may indicate the abductor has taken up residence. Pay special attention to gasoline credit-card records, which may provide a trail leading to the abductor. You should be able to obtain the credit information if you have a joint credit-card account with the abductor. If the line of credit extends only to the abductor, the company may choose not to release any information to you on privacy grounds, but it should comply with court-ordered disclosure.

### **Cross-Directories**

Several companies publish **directories** cross-referencing addresses with telephone numbers and providing additional information about the residents of an address. For example if you have a telephone number the cross-directory will provide the address for that number. If you have an address it will list the telephone number. Cross-directories have been compiled for most metropolitan areas. Law-enforcement agencies frequently have a copy of the local cross-directory and may allow you to use it. Also check public libraries, child-support-enforcement offices, local chambers of commerce, or missing-children organizations. Cross-directories are also available on the Internet. Go to an online search engine such as AltaVista<sup>TM</sup>, Google<sup>TM</sup>, or Yahoo!<sup>®</sup> and search "Cross Directory." Also *see* the section titled "Telephone Directories" on page 85.

### **Department of Homeland Security**

The Department of Homeland Security (DHS) was established in 2002. Border-protection functions once performed by the U.S. Customs Service and Immigration and Naturalization Service are now performed by two new agencies in DHS, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). Both CBP and ICE use the computerized Inter-agency Border Inspection System (IBIS) to check the status of people entering the

United States and sometimes the status of people who leave the United States. IBIS is linked to various federal databases. An IBIS query will reveal NCIC records and lookouts placed in IBIS by the FBI, INTERPOL, or other federal law-enforcement agencies, any of which may result in identifying an abductor and child as they attempt to leave or reenter the country. If there is a “hit,” Border Agents notify the law-enforcement agency that placed the record in NCIC. A parent cannot access IBIS; however, a parent can help ensure information about the abducted child is accessible to IBIS by asking law enforcement to enter information about the child in NCIC.

Abductors who are foreign nationals may at some point contact ICE regarding their visa status. Upon request of a left-behind parent, ICE may flag visa-related communications from the abductor. And law enforcement may be able to have this information flagged if the parent cannot. *See* the chapter titled “International Child Abduction” beginning on page 105.

### **Department of Motor Vehicles**

Ask the Department of Motor Vehicles (DMV) in your state to check about recent vehicle registrations, title transfers, new licenses, and license renewals in the abductor’s name. If there is a new-car registration, it may be possible to find out the name of the car dealership that sold the car. Contacting the dealer may produce the abductor’s contact information.

**Warning:** Some jurisdictions may notify individuals when inquiries are made about them. Ask the DMV’s public-information officer if a notification policy is in effect. If so do not use the DMV as a source of information if you believe the abductor will flee once he or she finds out a request has been made. Law enforcement may be able to get this information without alerting the abductor, or a court can order the DMV not to alert the abductor.

### **Employers**

Check with the abductor’s last-known employer to find out where paychecks and health-insurance paperwork are being mailed. The employer may also tell you if the abductor has requested a job reference and, if so, the origin of the request and where references were sent. Ask to be alerted if the abductor contacts the company. Find out whom the abductor listed as emergency contacts and beneficiary for insurance policies. Consider checking with those individuals. Talk to the abductor’s coworkers, but before you do *see* the section titled “Friends and Relatives of the Abductor” beginning on page 73.

### **Extracurricular Programs**

Send a poster or news release and photograph of your child with a letter to before- and after-school, childcare, park, recreation, and youth-activity programs; Campfire Girls; homeless shelters; public libraries; scouts; and YMCAs/YWCAs. Scouting organizations and regional parent-teacher associations can provide the address of local chapters. Contact individual cities and counties to learn about their park and recreation programs as well as other childcare, civic, and youth-activity programs.

## **Federal Buildings**

Federal agencies are required to post missing-children fliers in federal buildings pursuant to an Executive Order signed by President Clinton in 1996. NCMEC coordinates this program. For additional information contact NCMEC's Photo Distribution Program at 1-888-24-NCMEC (1-888-246-2632).

## **Federal Citizen Information Center, National Contact Center**

Information is available from this Center about all Military Locator Services and other federal programs that may be of assistance in helping to locate a missing child. Call toll-free at 1-800-FED-INFO (1-800-333-4636) or visit [www.usa.gov](http://www.usa.gov). From the home page, in the "Search" field, type "Military Locator Services" and "Missing Child."

## **Federal Letter-Forwarding Programs**

The Social Security Administration (SSA) and Internal Revenue Service (IRS) have letter-forwarding services that can be used to attempt to forward a letter to a missing person for humane reasons. An appeal to the abductor may result in a response.

If you would like the SSA to attempt to forward a letter to your child or the abductor, place a personal letter addressed to the abductor and/or child in a blank, unstamped, and unsealed envelope. Place that envelope in another envelope and address that second envelope to the Social Security Administration, Letter Forwarding, PO Box 33022, Baltimore, MD 21290-3022. In your request to forward the letter include information about your child and abductor such as their full names, Social Security Numbers, dates and places of birth, father's and mother's full birth names, last known addresses, date of abduction, date the missing-person report was filed, date of last contact, and information about other attempts you have made to contact them.

Requests to the IRS for letter forwarding should be sent in the same way to the Internal Revenue Service, Office of Disclosure Operations, 1111 Constitution Avenue, Northwest, Washington, DC 20224-0002. A Social Security Number is required for the IRS to consider a letter-forwarding request. More information about this program is available at [www.irs.gov](http://www.irs.gov). From the home page, in the "Search" field, type "P-1-187."

## **Firearm Registrations/Licenses**

If the abductor owns a firearm, contact local agencies to inquire if it is registered. Check under the child's name as well. Find out if the abductor or child has obtained a hunting license. Any paperwork required to be filed by the abductor and/or child would likely contain address information.

## **Friends and Relatives of the Abductor**

Relatives, friends, and coworkers of the abductor may have useful leads about the abductor's whereabouts, because abductors may talk about their plans and frequently receive assistance from others in taking or concealing a child. Give law

enforcement and your lawyer a list of individuals who may have relevant information. Include their full names, addresses, birth dates, and telephone numbers. Your lawyer may decide to subpoena individuals to testify under oath. If criminal proceedings are under way, the local prosecutor may also subpoena individuals to testify.

If you are on good terms with the abductor's parents or siblings, stay in touch with them. Ask them to tell you if they hear from the abductor. If they receive mail from the abductor, ask them to save the envelopes because the information contained in postmarks can provide good leads.

Be careful not to provoke the abductor by your overtures to relatives and friends. Your tone should be controlled and nonthreatening, as this approach can have a disarming effect on the abductor's family or friends. Convey your hurt, frustration, confusion, and/or sense of betrayal. Be careful not to create the impression you accept what the abductor has done. Do not reveal information about your search that could be used by the abductor to better conceal your child.

Focus your search on places where the abductor has previously lived or is likely to have gone. Interview old friends and neighbors since the abductor may have sought their help. Talk to the abductor's former coworkers and employers. If the abductor has a new spouse or partner, track down leads about that person as well. Find out where jobs in the abductor's line of work are readily available, and try to talk to people the abductor may have encountered through work.

## **Garbage**

Think of this as "trash talking." If you act quickly, you may be able to examine the abductor's trash for clues as to where he or she may have gone. Papers, such as old letters, old telephone bills, holiday and birthday cards, may contain information about the abductor's intentions. Also consider checking the garbage of anyone who may be helping the abductor conceal the child. You should determine the legality of this technique before you use it, however, because some courts have extended privacy rights to garbage. If your jurisdiction protects privacy rights to garbage, obtain a court order allowing you access to it. But be careful not to trespass on private property. Keep in mind law enforcement may have access to this evidence even if you do not.

## **"Hangouts"**

Check the kinds of places, such as bars, bowling alleys, cyber cafes, pool halls, and racetracks, the abductor would most likely frequent in the areas he or she may have gone. Show people pictures of the abductor and your child.

## **Hunting and Fishing Licenses**

If the abductor hunts or fishes, contact agencies issuing fish and game licenses to find out if a license has been issued in the abductor's or child's name. A teenage child may be required by law to obtain a license in his or her own name, or the abductor may be using the child's name. Campsite registrations may also provide leads. Contact agencies that administer campsites such as the National Park Service, U.S. Forest Service, and state and local Departments of Recreation or Natural Resources.

## **Insurance**

Contact insurance companies that have issued health, homeowner's, life, and vehicle policies to the abductor. Ask if the abductor has contacted the company, and if so request current contact information. If insurance coverage has been purchased for a new vehicle, find out where the vehicle was bought and is garaged. For life-insurance policies ask if there has been a recent change of beneficiary or the abductor has taken a loan out against the policy. In both cases the abductor may have supplied new address information. If the abductor has changed insurance companies, call other companies to find out if the abductor is a new policyholder. If so try to get current contact information. Ask to be notified if the abductor contacts the company.

## **Internet Sites**

NCMEC has access to a variety of online databases to locate missing children. *See* the section titled "Computerized Databases" on page 70. In addition the major browsers, such as AltaVista™, Excite®, Google™, Lycos®, and Yahoo!® have links to "people finders" and telephone directories. For instance in the "Search" line of the browser enter "People Finders" to bring up a list of potentially useful websites. Three such websites are [www.ussearch.com](http://www.ussearch.com), [www.whowhere.com](http://www.whowhere.com), and [www.zabasearch.com](http://www.zabasearch.com). There are many more. Some searches are free, but others require a fee. Also *see* the section titled "Telephone Directories" on page 85.

## **Libraries**

Ask local libraries if cards have been issued for the abductor and/or child. Try to get address information. Privacy policies may prevent libraries from voluntarily giving you this information.

## **Loans**

If the abductor has any outstanding loans, contact the lender, such as a bank, finance company, or vehicle dealership, to find out if payments are being made. Ask for the abductor's current address. If unknown ask the lender to give you the envelopes in which payments are mailed, because the information in the postmark may be helpful. If the abductor makes payments by check, contact the bank on which funds are drawn for address information. If the lender has title to the abductor's vehicle, find out where the title will be sent when the loan is paid off. If the abductor has defaulted on a loan, the lender may also be trying to locate the abductor. Find out what collection agency the lender is using and offer to exchange information. It is also worth contacting collection agencies for vehicle-leasing companies. Do not overlook student loans.

## **Magazine and Newspaper Subscriptions**

Contact local newspapers in the abductor's hometown to find out if the abductor has taken a subscription or placed an ad. In some cases abductors have placed messages in their hometown papers to communicate with friends and family



members left behind. Ask to be notified if the abductor contacts the paper. If the abductor has subscriptions to any other magazines or newspapers, contact the company business offices to find out where the publications are being sent.

Some of the numerous magazines and newspapers for service members are listed below. For instance the Army Times Publishing Company publishes four weekly newspapers for current and former U.S. military personnel. They are the *Air Force Times*, *Army Times*, *Marine Corps Times*, and *Navy Times*. Contact information is listed below and also available at [www.atpco.com](http://www.atpco.com). From the home page click on the "Contact" link.

*American Legion Magazine*  
Advertising Editorial Assistant  
PO Box 1954  
Indianapolis, Indiana 46206-1954

*Army Times Publishing Company*  
Gannett Publishing Company  
6883 Commercial Drive  
Springfield, Virginia 22159-0500  
1-800-368-5718/703-750-7400

*FRA Today*  
Editor  
Fleet Reserve Association  
125 North West Street  
Alexandria, Virginia 22314-2754  
1-800-FRA (372)-1924/703-683-1400

*Journal*  
Noncommissioned Officers Association  
International Headquarters  
10635 IH 35N  
San Antonio, Texas 78233-3610  
1-800-662-2620

*Leatherneck Magazine*  
Mail Call Editor  
PO Box 1775  
Quantico, Virginia 22134-0775  
1-800-336-0291

*The Mariner*  
Editor  
Naval Enlisted Reserve Association  
6703 Farragut Avenue  
Falls Church, Virginia 22042-2115  
703-534-1329

*Military Officer*  
Military Officers Association  
of America  
201 North Washington Street  
Alexandria, Virginia 22314-2537  
1-800-234-6622/703-549-2311

*The Officer*  
Editor  
Reserve Officers Association of the United States  
1 Constitution Avenue, Northeast  
Washington, DC 20002-5618  
1-800-809-9448/202-479-2200

*Sea Power*  
Assistant Editor  
Navy League of the United States  
2300 Wilson Boulevard, Suite 200  
Arlington, Virginia 22201-3308  
1-800-356-5760/703-528-1775

*Shipmate*  
Editor  
U.S. Naval Academy  
Alumni Association  
Alumni House  
25 Maryland Avenue  
Annapolis, Maryland 21401-1627  
1-800-468-7623/410-295-4095

*V.F.W. Magazine*  
Editor  
National Headquarters  
406 West 34th Street  
Kansas City, Missouri 64111-2700  
816-756-3390

## **Marriage-License Applications**

Marriage-license records may provide address information as well as information about a new married name. Check marriage-license records in your community and other places the abductor may have gone.

## **Media Coverage**

Publicity about your missing child, including magazine, newspaper, radio, and television coverage, may produce helpful leads. Immediate dissemination of your child's picture is recommended unless otherwise suggested by the law-enforcement agency investigating the case. *See* the section titled "Photograph Dissemination," beginning on page 81. Media will publicize the case if an AMBER Alert is issued and may do so even if the case does not meet AMBER Alert criteria.

If you have narrowed your search to a particular area, target media coverage to that area. National media coverage may be most helpful when your child's whereabouts are unknown, but may be difficult to obtain.

When you contact media be sure to have a recent photograph and complete description of your child and the abductor, the numbers of any criminal warrants for the abductor, and a contact number for local law enforcement. Provide telephone numbers where you can be reached at all times.

If you cannot obtain media attention, seek assistance from your missing-child clearinghouse or a missing-children organization. NCMEC can also help with media coverage. Call NCMEC at 1-800-THE-LOST (1-800-843-5678).

## **Medical and Dental Records**

Contact all of the abductor's and child's healthcare providers including dentists, doctors, hospitals, and pharmacies. Ask if they have received requests to send records to another provider or entity and, if so, where the records were sent. For instance pediatricians frequently receive requests for a child's immunization records, which many daycare programs, schools, and summer camps require when children enroll. Some national or regional chain pharmacies keep computerized records of customers' prescriptions, and you may be able to find out if the abductor has filled a prescription at a pharmacy within the chain. Ask healthcare providers to notify you or the investigating officer if the abductor contacts them. You should be able to get information about your child's records, but may not be able to get information about the abductor's records voluntarily because of privacy issues.

## **Military Worldwide Locator Services**

Each branch of the military has a worldwide locator service that can provide addresses of active-duty personnel, reservists, and retirees. The locator service may be free to immediate family members and government officials.

Send a letter requesting the most recent duty assignment and location of the abductor. Include a self-addressed, stamped envelope and as much identifying information as possible about the person you wish to locate including full name, SSN, date of birth, rank, last known assignment, and last known address.

Before you send the letter, call the locator service to find out if there are any other requirements.

General information and requirements for using this service are available at [www.defenselink.mil/faq/pis/PC04MLTR.html](http://www.defenselink.mil/faq/pis/PC04MLTR.html). You can also visit [www.usa.gov](http://www.usa.gov). From the home page, in the "Search" field, type "Personnel Locators." Then click on the "Personnel Locators on USA.gov" link. You may also call toll-free at 1-800-FED-INFO (1-800-333-4636) to request this information.

Below are the addresses and telephone numbers of the military locator services as reprinted from the two websites noted above. Also *see* the sections titled "Magazine and Newspaper Subscriptions," "Office of Personnel Management," and "Veterans" respectively beginning on pages 75, 79, and 88 for additional tips about locating military personnel. **Note:** For law-enforcement emergencies, federal operators at 1-800-FED-INFO (1-800-333-4636) or 1-800-688-9889 may be able to provide a contact telephone or after-hours number for these offices.

### **Air Force**

HQ AFPC/DPDXIDL  
550 C Street, West, Suite 50  
Randolph AFB, Texas 78150-4752  
210-565-2660

### **Army**

Commander  
U.S. Army Enlisted Records & Evaluation Center  
Attn: Locator  
8899 East 56th Street  
Fort Benjamin Harrison, Indiana 46249-5301  
1-866-771-6357

This military branch will only forward requested information regarding location. It might be beneficial for law enforcement to contact the branch instead of the left-behind parent.

### **Coast Guard**

Coast Guard World Wide Locator  
202-493-1713  
CGlocator@Ballston.uscg.mil

### **Marine Corps**

Headquarters, U.S. Marine Corps  
Personnel Management Support Branch (MMSB-17)  
2008 Elliot Road  
Quantico, Virginia 22134-5030  
703-784-3941/3942/3943

### **Navy**

World Wide Locator  
Naval Personnel Command  
PERS 312  
5720 Integrity Drive

Millington, Tennessee 38055-3120  
901-874-3388

## Office of Personnel Management

If the abductor is retired military personnel, a civil servant receiving a retirement check, or currently employed in the federal civil service, contact the U.S. Office of Personnel Management (OPM) for current contact information about the abductor. This information may be available only by subpoena. You can reach OPM at 1900 E Street, Northwest, Washington, DC 20415-0001, 202-606-1800, General@opm.gov, or www.opm.gov.

## Parent Locator Services

The Federal Parent Locator Service (FPLS) is a computerized national locator network operated by the Office of Child Support Enforcement in the U.S. Department of Health and Human Services. Using the abductor's name, date of birth, and SSN, the FPLS searches numerous government databases to gather the most recent address and employment information about the abductor and child. Participating agencies include the Social Security Administration, Internal Revenue Service, U.S. Department of Defense/Office of Personnel Management, U.S. Department of Treasury, U.S. Postal Service, U.S. Department of Veterans Affairs, State Employment Security Agencies, and National Directory of New Hires.

The FPLS was originally established to provide address and SSN information to child-support agencies to locate absent parents for child-support-enforcement purposes. The Parental Kidnapping Prevention Act of 1980, 42 U.S.C. § 663, broadened access to FPLS to **authorized persons**, who may request address information for purposes of making or enforcing a child-custody order or investigating or prosecuting a criminal parental-kidnapping case. **Authorized persons** are any

- Agent or attorney of any state who has the duty or authority under state law to enforce child-custody or visitation determinations
- Courts, or agents thereof, with jurisdiction to make or enforce a child-custody or visitation determination
- Agent or attorney of the United States or state with the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child

Parents are **not** "authorized persons" and therefore do not have direct access to address information from the FPLS. Parents can ask **authorized persons** to make FPLS requests. For example left-behind parents or their lawyers may ask the court to request an FPLS search to locate an abductor and child. There is no set procedure for making a request. It may be informal, particularly if the parent is proceeding *pro se* or without an attorney. Or it may be a formal request made in conjunction with a petition to make, modify, or enforce custody or visitation. Similarly a parent can request the appropriate government officials who are authorized persons to make a location request, provided state law covers the wrongful taking or restraint of a child.

Parents can use the form titled “Sample Request to Use the Federal Parent Locator Service to Locate a Parent or Child” on page 265 to request an FPLS search. Requests are submitted to a state Parent Locator Service, which sends them to the FPLS. Federal Agents and Attorneys have direct access to the FPLS and do not need to go through a local office. Requests must include the abductor’s name, date of birth, and SSN. If the SSN is not known, the FPLS will attempt to ascertain it.

The FPLS sends address information it discovers to the requesting State Parent Locator Service, which then communicates the information to the authorized person who made the request or directly to the requesting Federal Agent or Attorney. Federal privacy laws require the information obtained in the FPLS be used by the authorized person for official purposes and not be given to unauthorized individuals. In custody and visitation cases where there is evidence of domestic violence or child abuse, courts may obtain address information but further disclosure is restricted if it would endanger the parent or child.

The FPLS is authorized to charge the State Parent Locator Service a nominal fee to process a parental-kidnapping search. The state may pass along this processing fee to parents. Fees are not assessed against federal “authorized persons.”

Each state maintains a Parent Locator Service that searches for information about absent parents in state government records. Check with your State Parent Locator Service to find out if it can be used to search for an abductor and abducted child. The section titled “Nationwide Directory of Family-Abduction Laws and Resources,” beginning on page 199, lists the locator service in each jurisdiction. The FPLS can be contacted at 202-401-9267 or visited at [www.acf.hhs.gov](http://www.acf.hhs.gov). Under the “Working with ACF” heading click on the “ACF Programs” link. Then respectively click on the “Child Support Enforcement” and “Federal Parent Locator Service (FPLS)” links.

For more information about the use of the Federal Parent Locator Service, see the brochure titled *Just in case...Guidelines on using the Federal Parent Locator Service in cases of parental kidnapping and child custody*, available from NCMEC at [www.missingkids.com](http://www.missingkids.com). From the home page click on the “More Publications” link. Then respectively click on the “Just in Case...Series” and “Just in case...Federal Parent Locator Service” links. A copy may also be obtained by calling NCMEC toll-free at 1-888-24-NCMEC (1-888-246-2632).

## **Passports and Visas**

Contact the U.S. Department of State’s Passport Lookout Program to find out if your child has been issued a U.S. passport and, if so, the address listed on the passport application. You may also have your child’s name entered in the Children’s Passport Issuance Alert Program, which enables the Department to notify you if a passport application for your child is received anywhere in the United States or at any U.S. embassy or consulate in another country.

To place your child’s name in this lookout system contact the U.S. Department of State, Office of Children’s Issues, SA-29, 2201 C Street, Northwest, Washington, DC 20520-2818 or fax your letter to 202-736-9132. You may also call toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090. You should be notified if a passport application is filed for your child. If you have provided a

copy of a court order specifying sole custody to one parent, or restricting the child's travel, the passport request by the other parent should be denied. For more information *see* the section titled "Prevention Provisions in the Custody Order" beginning on page 11.

Unless parental rights have been removed, either parent, with or without custody, can obtain information about his or her minor child's passport status as part of a passport-restriction request. Certified copies of a child's passport application, which may contain useful address information, can be obtained from the U.S. Department of State, Passport Services, Research and Liaison Section, 1111 - 19th Street, Northwest, Suite 500, Washington, DC 20036-3617, 202-955-0447.

For more information about children's passport services visit [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Prevention" and "Children's Passport Issuance Alert Program" links.

Also contact the embassies and consulates of any foreign countries the abductor would be likely to visit. Inquire if any applications have been received from the abductor for passports, visas, or work permits. If so request the abductor's address. Contact information for foreign embassies is available online at [www.embassy.org](http://www.embassy.org). From the home page click on the "Embassies" link.

## **Pet Licenses and Veterinarians**

If the abductor took the family pet or is likely to have acquired a pet, check with local government agencies that issue licenses for domestic animals to see if the abductor has obtained required licenses. Contact your veterinarian and ask to be alerted if the abductor requests your family pet's inoculation records. If you can't get this information, law enforcement may be able to get it. Also check with veterinarians in areas where the abductor may have gone. Show pictures of the abductor, your child, and pet, if possible, and give copies to those who may be willing to help.

## **Photograph Dissemination**

It is important for parents to have at least one clear recent photograph of their child, preferably in color. It should be a close-up of the face with a background that does not distract from the appearance of the child. A videotape of the child with a clear, nondistracting background is also helpful.

When a child has been missing a long time, you may want to explore the possibility of having your child's photograph "age-enhanced." Using computer technology, medical knowledge, and photographs of biological parents or older siblings, it is possible to estimate how a child's features will change with age and produce an "age-progressed" photograph or illustration. Further information about this technique and its availability can be obtained from NCMEC's Missing Children Division at 1-888-24-NCMEC (1-888-246-2632).

Create a **flier** or **poster** of your missing child with a recent photograph and complete description including age, hair and eye color, height, weight, birthmarks, grade in school, hobbies, sports, and other key information. Include the tele-

phone number of the law-enforcement agency investigating the case, but obtain the department's permission first. If a warrant has been issued for the abductor's arrest, include the warrant number on the flier. You may also want to include the abductor's picture on the poster if there is a criminal warrant. Consider offering a reward for information resulting in the child's safe return. A sample poster is on page 263.

**Check with law enforcement investigating the case before you disseminate the flier to be sure it will not jeopardize the investigation.** Then send the flier or poster to the media, schools, and nonprofit organizations located in the areas you believe your child may be. Check with NCMEC about national dissemination of your child's picture. Some nonprofit organizations serving missing and exploited children and their families may be able to help circulate your child's picture to school systems around the country.

### **Places of Worship**

Check with the abductor's church, mosque, synagogue, or other place of worship to find out if the abductor has been in contact for any reason. Ask for the abductor's current address. Also check with places of worship in the area where you think the abductor may be. Find out if the child has been enrolled in religious, school, or youth programs.

### **Postal Service**

Follow your local post office's procedures to discover the abductor's forwarding address. If the post office has not been notified of an address change, ask if a hold has been placed on the mail. If so try to find out who is authorized to receive the mail. This information may be available to law enforcement only.

### **Preschools and Daycare**

If searching for young children obtain a list of all preschools, licensed daycare centers, and babysitters and write to them. You may be able to obtain a list of licensed daycare providers from the jurisdiction's childcare licensing agency.

### **Private Investigators**

Because most missing children are successfully located through the efforts of professional law enforcement, NCMEC advises all parents in missing-children cases to work with law enforcement. If, however, you also are considering hiring a private investigator to help find your missing child, try to get recommendations from your attorney, missing-children organizations employing private investigators as consultants, other searching parents, and other trusted sources.

Make sure the private investigator has a business license if required by law. Check with the local office of the attorney general/licensing agency, the better business bureau, and/or consumer-protection office to help ensure the investigator is reputable. Find out if any complaints have been filed against the investigator. Ask the investigator for references, and check them. Avoid any investigator who promises to perform a "snatch-back," as this is disruptive and harmful to the

child and may prejudice your legal case. In some places a “snatch-back” may be a crime.

It is a good idea to have your lawyer review an investigator’s contract before you sign it or pay a fee. The contract should set limits for travel, lodging, and per-diem expenses and include protections against unauthorized add-on fees. While you bear the expense of hiring a private investigator, the court may order the abductor to repay you reasonable investigative fees and expenses.

Notify all those working on the case, including law enforcement and the prosecutor, if you hire a private investigator. Your private investigator should try not to duplicate law enforcement’s efforts or interfere with the official investigation.

### **Probation and Parole Officers**

If the abductor had been on probation or parole for a prior offense, check with the local probation and/or parole office to see if the abductor has reported a new address. Officers may be willing to provide assistance in locating the abductor especially if the abductor is in violation of the terms of his or her probation or parole. Addresses of abductors who are convicted sex offenders should be accessible on the Dru Sjodin National Sex Offender Public Website available at [www.nsopw.gov](http://www.nsopw.gov).

### **Professional Licenses**

If the abductor is in a profession or trade requiring a license, contact licensing boards in places the abductor may be to find out if the abductor has obtained a license. If so ask for the abductor’s address. If not ask to be alerted in case the abductor applies for a license. Contact professional associations, such as bar and medical associations, if membership is a prerequisite to practicing in that jurisdiction.

### **School Reunions**

Contact the abductor’s high school and college for referrals to people in charge of alumni affairs and class reunions. Contact these people and ask them for any information they have or receive that could help you locate the abductor. Websites may be helpful along these lines such as [www.alumni.net](http://www.alumni.net)<sup>TM</sup>, [www.classmates.com](http://www.classmates.com)<sup>®</sup>, and [www.reunion.com](http://www.reunion.com).

### **Schools and School Records**

Searching parents can write to the state superintendent of schools or secretary of education to request help in locating their children. Send a photograph or poster of your child with a complete description including age, date of birth, and last grade and school attended. Also send a copy of your custody order, and indicate in your cover letter the number of any criminal warrants issued for the abductor. Provide your name and telephone number at home and work. Ask that the child’s photograph and description be circulated throughout the school system.

If the superintendent is unwilling to circulate your child’s picture, ask for a list of all the public schools in the state and write to them yourself. Also find out if the superintendent maintains information about home-schooled children and, if not,



where to obtain that information. Consider using a fax machine or e-mail to get your letter and information out quickly.

Send your child's photograph to private schools as well. The state may maintain enrollment records for private schools. If not the education commissioner may have a list of private schools. Obtain this list and send your child's photograph to the head of each private school. If your search is focused on a particular location, or if there is no listing of private schools, contact the superintendent of each public school district for information about private schools operating in that district. Missing-children organizations and telephone directories may also have this information.

The federal Family Educational Rights and Privacy Act (FERPA) enables a parent to find out from school officials whether his or her child's school records have been transferred to another school, and, if so, the school to which they have been sent. You can also find out if copies have been sent to the other parent. A parent can contact the school to which school records were sent and request the child's current address and telephone number. If a school is reluctant to disclose this information, explain you are entitled to it under FERPA, 20 U.S.C. § 1232g. Relevant parts of the law are reprinted on page 191. Ask school officials **not** to notify the other parent of your inquiry. You may use the sample letter on page 267 to request information regarding your child's school records.

For more information about FERPA contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Southwest, Washington, DC 20202-5920, 1-800-USA-LEARN (1-800-872-5327), [www.ed.gov](http://www.ed.gov). From the home page, in the "Search ED.gov" field, type "FERPA."

**Caveat:** Although a parent can prevent the transfer of school records by giving the school a copy of a court order specifically prohibiting the other parent's access to them, this could be counterproductive. If a school refuses to transfer records, an abductor may realize his or her location has been discovered. This may prompt the abductor to move the child again to a better hiding place. Instead you can ask the school to notify you if it receives a request for records, and then follow the paper trail to find your child.

Some jurisdictions have enacted laws requiring certain government entities, such as school districts, to "flag" the records of missing children. If the agency receives a request for the school transcript of a missing child, the school holding the record is to give the name and address of the person requesting the records to the investigating law-enforcement officer. A missing-child clearinghouse or missing-children organization should be able to provide information about how any such law that exists in your jurisdiction works and which agencies are required to participate. These laws usually require government agencies to flag records only if they are requested to do so by a law-enforcement agency, which may include your missing-child clearinghouse. Many agencies and organizations not compelled to do so by law will voluntarily do so if requested by a parent. If necessary you may consider seeking a court order directing agencies and other entities to flag records regarding your child. Information about your jurisdiction's flagging or other such laws can be found in the section titled "Nationwide Directory of Family-Abduction Laws and Resources" beginning on page 199.

## **Secretary of State**

Contact the appropriate agency in the jurisdictions where the abductor may be doing business to find out if the abductor has filed any business-related paperwork such as fictitious-name statements or articles of incorporation. If so ask for the abductor's contact information.

## **Skip Traces**

Several companies in the United States perform skip traces to locate individuals. These companies usually check many of the resources listed in this chapter, but they may have access to others not listed or be able to obtain access to records inaccessible to you. These companies commonly advertise their services in publications directed to lawyers. Your lawyer may be able to help you contract with a company for a "skip trace," or you may check for information in legal publications that are generally available in law libraries.

## **Social Security Number**

Contact the Social Security Administration (SSA) office in your area to determine if your child has been issued a Social Security card and, if so, where and to whom it was sent. An abductor would need your child's SSN in order to claim the child as a dependent on tax returns. Also inquire if the child is receiving any Social Security benefits, and, if so, the address to which they are being sent. Contact information for Social Security offices is available at [www.ssa.gov](http://www.ssa.gov). From the home page click on the "Contact Us" link, and then use the links under the "In Person" link.

## **Team HOPE**

This national support network matches trained volunteers who have experienced an abduction in their family with victim families in order to provide support and assistance. For more information *see* the description on page 27.

## **Telephone Directories**

Current telephone numbers for the abductor may be found in a variety of ways. Call nationwide information using either 411 or 00 for listings throughout the nation. Look in telephone books, available in most public libraries, or use the numerous databases available on the Internet, including [www.anywho.com](http://www.anywho.com), [www.555-1212.com](http://www.555-1212.com)<sup>®</sup>, [www.infobel.com](http://www.infobel.com), [www.numberway.com](http://www.numberway.com) (international telephone directories), [www.reversephonedirectory.com](http://www.reversephonedirectory.com), [www.superpages.com](http://www.superpages.com)<sup>®</sup>, [www.switchboard.com](http://www.switchboard.com), and [www.whitepages.com](http://www.whitepages.com)<sup>™</sup>. Also search for the abductor's name by visiting [www.google.com](http://www.google.com), [www.lycos.com](http://www.lycos.com), and [www.yahoo.com](http://www.yahoo.com)<sup>®</sup> and entering the abductor's name in the "Search" field.

## Telephone Records

By using a subpoena or search warrant, the prosecutor or your attorney may be able to obtain copies of the abductor's telephone records and possibly the telephone records of the abductor's relatives and friends who may have information about the abductor's whereabouts. Do some research before you seek these records. Try to identify events that would most likely trigger a call from or to the abductor such as anniversaries, birthdays, births, and deaths. Request the telephone records for those months. Remember to seek records from all long-distance and cellular-telephone companies.

## Title Searches

Do a title search of the abductor's real property to find out whether the property has been sold or used as collateral for a loan. The abductor's current address may be on file in documents such as the escrow instructions pertaining to the transaction. Alternatively it may be available from the escrow company, title company, or settlement attorney. A title search can be done in a local government office and also often online. Find the website for the local government where the property is located, and then search the site index for property records. Property tax bills, available from local taxing authorities and often online, may also have address information about the abductor.

Try to find out where the proceeds of a sale or mortgage have been sent. If the proceeds have been sent to a third party, pursue the funds through the third party's financial records to learn where they were transferred. If you believe the abductor is living in a particular area, conduct a title search of nearby counties to find out if the abductor has purchased property.

Also check with real-estate agents or apartment leasing companies in places you think the abductor may be living.

## Tracing Calls

Telephone calls can be traced to the telephone from which they were made in several ways. You can ask the local telephone company security office to place a "trap" on your telephone or the telephone of the consenting friends or relatives of the abductor. A trap is a mechanical device allowing the telephone company to trace calls. It is not an illegal tap or bug of the telephone. The person whose telephone line is trapped should keep a notepad next to the telephone and record the date and time any telephone calls are received from the abductor. The telephone company gives trace information to law enforcement.

Another way to activate a trace is by pressing \*57 immediately after hanging up from a call if this service is available in your area. A small fee is charged each time the service is activated. Trace information obtained this way is available to law enforcement.

In many areas "Caller ID" is available through the telephone company. Telephone numbers of incoming calls are displayed on a device attached to your telephone.

## Traveler's Checks

Contact companies selling traveler's checks such as American Express® and banks to determine if and where the abductor bought them. Ask to be kept informed of the dates and places traveler's checks are cashed.

## Underground Organizations

Some parents who flee from perceived abusive family situations with their children seek protection and assistance from "underground" networks. Some groups are well organized and can provide airfare, false identities, safe houses, and other forms of support. Although it may be difficult to penetrate this network, be alert to any signs such groups may be involved. Share this information with the investigating law-enforcement agency.

## Unemployment Compensation and Other Income-Security Programs

Ask state/territorial benefit programs, such as State Unemployment Compensation, Worker's Compensation, Wage-Credit, Aid to Families with Dependent Children (AFDC or ADC), food stamps, and other welfare programs, to check the abductor's name and SSN against their records. Also check the abductor's name with your child's SSN. These may be accessible via government websites, but confidentiality provisions may hinder access to this information. You may, however, be able to access this information by contacting the security or fraud sections of these agencies. If you still cannot obtain this information directly from the program, consider seeking a court order. Alternatively a law-enforcement officer investigating the case may be able to obtain it, or an "authorized person" may be able to obtain this information by requesting an FPLS search.

**Note:** If the abductor has lodged a report of domestic violence or child abuse against you with these agencies, laws may prohibit release of address information to you.

## Union Records

Check with the abductor's union for current address information, and ask to be notified if the abductor contacts the union to pay dues, request job-related assistance, or for other services. Check back periodically especially around the time dues would normally be paid. Contact union locals in places the abductor may be. You can find information about national union offices in the *Encyclopedia of Associations*, which is available at most libraries.

## Utility Companies

Once you have narrowed your search to a particular area, cable, electric, gas, satellite dish, and telephone companies may be willing to tell you if a new account has been opened in the abductor's name. Law-enforcement investigators may be able to obtain this information if you cannot. Also check with the utility company serving the abductor's former residence to find out what arrangements have been made to return the abductor's deposit or forward bills.

## **Vehicle Rentals**

Check with area vehicle rental agencies to determine if the abductor has rented a vehicle and, if so, when and where it was returned.

## **Veterans**

If there is a possibility the abductor may be receiving benefits or medical treatment through the U.S. Department of Veterans Affairs (VA), check with the VA for the abductor's current address. Also try to get information about VA facilities the abductor has recently visited, and check with them for address information. The VA Web address is [www.va.gov](http://www.va.gov).

If the abductor is a veteran but cannot be located through the military locator services listed beginning on page 77 try contacting military organizations such as the American Legion at [www.legion.org](http://www.legion.org) or Veterans of Foreign Wars at [www.vfw.org](http://www.vfw.org).

## **Voter Registration**

Check voter registration records in jurisdictions where the abductor is likely to have established residences. These records may be kept by local agencies.

## **Website**

Create a website for your child. Use your child's name in the Web address, and include an e-mail address, for example, [www.johndoe.com](http://www.johndoe.com) or [janedoe@aol.com](mailto:janedoe@aol.com). A computer-savvy child may do an Internet search for his or her own name, find the site, and make contact with you via the Internet. Remove all of these websites and e-mail addresses when your child is located.

Your child may frequent social networking websites on the Internet such as MySpace at [www.myspace.com](http://www.myspace.com) and Facebook at [www.facebook.com](http://www.facebook.com). Ask your child's friends to alert you if they communicate with your child online.

## **Western Union®**

Check with Western Union to see if money has been wired to the abductor. If so ask who sent it and where it was sent. Their website address is [www.westernunion.com](http://www.westernunion.com).

## **Women's Shelters**

A parent who flees from a perceived abusive family situation may go to a shelter for protection. Women's shelters keep information about their residents strictly confidential. It will be difficult, perhaps impossible, to get information from the shelter.

## **Pursue All Legal Means Available**

This chapter has described many sources of information that may prove to be helpful in finding an abducted child. The searching parent should work with his or her attorney, the prosecutor, and the investigating officer as information and leads are developed. If ever in doubt about the legality of a particular method, check with these professionals first.

## Checklist of Information Sources

Use this checklist to organize your search, along with the “Key Contacts in Parental-Kidnaping Cases,” “Missing-Person Report for an Abducted Child,” “Missing-Child Poster,” “Sample Request to Use the Federal Parent Locator Service to Locate a Parent or Child,” and “Sample Request Regarding School Records” worksheets beginning on page 259.

Information Source	Telephone or Address	Name of Contact Person	Date Contacted	Date Information Received	Court Order Required
Airlines, Buses, Trains					
Alcohol and Drug Rehabilitation Centers					
Association of Missing and Exploited Childrens Organizations					
Babysitters					
Banks and Other Financial Institutions					
Birth Records					
Child-Protection Agencies					
Child-Snatching Lawsuits					
Clubs and Organizations					
College and Trade-School Transcripts					
Compelling Abductor's Lawyer to Disclose Address Information					
Computerized Databases					
Congress (Congressional and Senate Caucuses)					
Court Records					
Credit Bureaus					
Credit Cards					
Cross-Directories					
Daycare Centers					
Department of Homeland Security					
Department of Motor Vehicles					
Employers					
Extracurricular Programs					
Federal Buildings					
Federal Citizen Information Center					
Federal Letter-Forwarding Programs					
Firearm Registrations/Licenses					
Friends and Relatives of the Abductor					

Information Source	Telephone or Address	Name of Contact Person	Date Contacted	Date Information Received	Court Order Required
Garbage					
Hangouts					
Hunting and Fishing Licenses					
Insurance					
Internet Sites					
Libraries					
Loans					
Magazine and Newspaper Subscriptions					
Marriage-License Application					
Media Coverage					
Medical and Dental Records					
Military Worldwide Locator Services					
National Center for Missing & Exploited Children					
Office of Personnel Management					
Parent Locator Services					
Passports and Visas					
Pet Licenses and Veterinarians					
Photograph Dissemination					
Places of Worship					
Postal Service					
Preschools					
Private Investigators					
Probation and Parole Officers					
Professional Licenses					
School Reunions					
Schools and School Records					
Secretary of State					
Skip Traces					
Social Security Number					
Team HOPE					
Telephone Directories					
Telephone Records					
Title Searches					

<b>Information Source</b>	<b>Telephone or Address</b>	<b>Name of Contact Person</b>	<b>Date Contacted</b>	<b>Date Information Received</b>	<b>Court Order Required</b>
Tracing Calls					
Traveler's Checks					
Underground Organizations					
Unemployment Compensation and Other Income-Security Programs					
Union Records					
Utility Companies					
Vehicle Rentals					
Veterans					
Voter Registration					
Websites					
Western Union					
Women's Shelters					
Other					





# Recovering Your Child

by Patricia M. Hoff

## Chapter Overview

This chapter covers legal methods of child recovery in the United States after an abduction. The applicable laws and procedures are discussed including the Parental Kidnapping Prevention Act (PKPA), Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), Uniform Child Custody Jurisdiction Act (UCCJA), Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention), and International Child Abduction Remedies Act (ICARA). The role of prosecutors and law enforcement in civil-custody enforcement cases is also described. Methods for recovering children abducted to or kept in other countries is covered in the chapter titled “International Child Abduction” beginning on page 105. Psychological issues in recovery and family reunification are discussed in the chapter beginning on page 127. Below is a **summary of the key points** more fully discussed in this chapter.

1. Abductors looking for a way out of an abduction can contact Child Find® of America, at 1-800-A-WAY-OUT (1-800-292-9688). Mediation services are provided to help resolve family-abduction cases.
2. Left-behind parents can contact law enforcement to see if they can help with a recovery. Also check with prosecutors if you, or your child, is in a state that has adopted the UCCJEA. Depending on the version of the law in effect, prosecutors and law enforcement acting at their request may have civil statutory authority to assist in locating and recovering children.
3. Make sure you have at least one, and preferably three, certified copies of your custody order to give to authorities.
4. Consider registering or filing your custody order in the jurisdiction where your child is located. Law enforcement may require you to do this before they will help.
5. You may have to bring a civil-enforcement action in a court in the jurisdiction where your child is located. The PKPA requires state courts to enforce and not modify custody decrees made consistently with its terms. The UCCJEA and UCCJA also require interstate enforcement. Ask the court to order your child’s return, direct law enforcement to accompany and assist you in enforcing the order, and order the abductor to pay your attorney’s fees and other expenses.
6. In international wrongful removal and retention cases, the Hague Convention may be available to secure a child’s prompt return. A federal statute, ICARA, provides the procedures for using the Hague Convention in this country.

7. If there is a risk the abductor will flee with the child upon receipt of notice of an enforcement action, you and, in some states, prosecutors or law enforcement can ask the court to issue a pick-up order for your child. Then law enforcement picks up the child and serves the abductor with notice of the enforcement hearing, which occurs soon thereafter.
8. If you need help with transportation, contact the National Center for Missing & Exploited Children® (NCMEC) at 1-800-THE-LOST® (1-800-843-5678) to see if you are eligible for travel assistance.
9. If you cannot be present to pick-up your child, make alternate arrangements in advance.
10. Self-help recovery may be allowed in a particular place, but **if there is any doubt, do not risk it**. You may be criminally charged and subject to extradition even if you have a custody order entitled under the PKPA to enforcement.
11. Seek appropriate prevention measures to avoid a reabduction.
12. Familiarize yourself with the psychological issues involved in child recovery and family reunification.

Do you have a child-custody determination? In almost every case you will need one to recover your child. If you do not have a child-custody determination, you should promptly obtain one. *See* the chapter titled “Civil-Court Remedies If Your Child Is Abducted” beginning on page 23. A decree awarding you temporary custody can be enforced in the same way as a decree awarding you permanent custody. Provisions in the order, stating the basis of jurisdiction and how notice and opportunity to be heard were given to the abductor, can simplify enforcement by putting the enforcing court on notice that the order is valid and enforceable unless proved otherwise.

**Don’t do anything illegal!** This could hurt your chances of recovering your child. For instance do not break into the noncustodial parent’s home and snatch your child back. Instead of going safely home with your child, you could find yourself facing a number of criminal charges including disturbing the peace, burglary, assault and battery.

## Voluntary Return

Child Find® of America, a national, nonprofit organization, offers professional mediation services, via telephone, to parents who have abducted their own children and are seeking “a way out.” Services are free and confidential. *Pro bono* mediators offer a parent the opportunity to work out differences with the other parent. They also act as a go-between for the abductor and left-behind parent in an effort to return the child. Once both parents agree to mediate and sign a commitment to do so, a professional mediator is assigned and the process begins using the toll-free telephone number 1-800-A-WAY-OUT (1-800-292-9688). Child Find has found telephone mediation may be effective when face-to-face mediation is impractical. For more information visit [www.childfind®ofamerica.org](http://www.childfind®ofamerica.org). From the home page click on the “Programs” link, and read the “CAPSS” section. This acronym stands for Child Find’s Child Abduction Prevention and Support Services.

If warrants are outstanding, court and law-enforcement officials are informed of the mediation, goals of the program, and name and address of the mediator. Child Find has found courts and law-enforcement agencies generally let parents work things out themselves through the mediation process.

You do not need a custody decree to negotiate with the child’s abductor, but it will improve your bargaining position. In addition the order will provide the framework for custody and visitation rights once your child is back with you. If you do not have a custody order going into mediation, you will need one afterwards setting forth the agreement you reach. You should not rely on an oral or written agreement with the abductor.

## Public Enforcement: Help from Law Enforcement and Prosecutors

In states that have enacted sections 315-317 of the UCCJEA, prosecutors, or other designated public officials, and law enforcement acting at their request can play an important part in the civil-recovery process. The law gives them civil statutory authority to take any lawful action to locate a child, obtain the child’s return, and

enforce a child-custody determination when there is an existing custody determination, a request from a court in a pending child-custody proceeding, or a reasonable belief a crime has been committed or violation of the Hague Convention has occurred.

Check the section titled “Nationwide Directory of Family-Abduction Laws and Resources,” beginning on page 199, to see if these UCCJEA public-enforcement provisions are in effect in the state where your child is located and recovery will occur. **Note:** The section numbers may differ among states and territories. If “UCCJA” is listed as the law in your jurisdiction, check the code in that jurisdiction because the UCCJEA may have been passed after this guide was published. If the public-enforcement provisions are in effect, contact the prosecutor where your child is located and ask for recovery help. Go through the same steps to find out if prosecutors or other designated officials in your jurisdiction can help recover your child from another jurisdiction.

Don’t be surprised if the prosecutor is unfamiliar with this relatively new law. Bring this guide with you and show the prosecutor the key points of the UCCJEA as reprinted on page 159. Be prepared to make a strong case for their intervention. You also need to know prosecutors are not required to act. As in criminal matters prosecutors have discretion to decide whether or not to take action. If the prosecutor acts pursuant to the UCCJEA, the actions are taken on behalf of the court. Although you may be the beneficiary, the prosecutor is not acting as your private lawyer.

Check with local law enforcement to see if they can help recover your child. Missing-children and child-custody statutes may direct law enforcement to take abducted or missing children into protective custody in certain circumstances. The law in some jurisdictions directs law enforcement to return a child to the lawful custodian when the abductor is arrested. While the laws in most jurisdictions do not require this, in some places law-enforcement officers may return an abducted child to the lawful custodian upon proof of custody as long as the law does not prohibit it. Generally speaking law enforcement will require a custodial parent to furnish at least one certified copy of the custody decree and proper identification. Check with law enforcement in the enforcing jurisdiction for local requirements. Law enforcement may also have you register or file your custody order with the local court in that jurisdiction before they act. These procedures are described below. It is also a good idea to have a copy of your child’s birth certificate and photograph of you with the child. Normally the custodial parent must actually be present in the jurisdiction when law enforcement picks up a child, although it may be possible to make alternate arrangements as discussed below.

Many law-enforcement officers are hesitant to pick-up a child or accompany a parent to recover a child without an order from a court of their jurisdiction or specific statutory authority. Determining the validity of the custody order can be difficult, and the potential for civil liability exists if the order is later determined to be invalid.

## Filing and Registering Custody Orders From Other States

### UCCJA Filing

If the enforcement of a child-custody determination is sought in one of the few states still having the Uniform Child Custody Jurisdiction Act, Section 15 of that

Act allows you to file a certified copy of a custody determination in the office of the clerk of the designated court. This procedure is commonly called “filing.” Filing is not mandatory, but there are good reasons for doing so. Once filed the custody determination is treated as if it were an order made by the courts in the state in which it was filed and can be enforced by whatever methods a local order can be enforced. As discussed above some law-enforcement agencies will recover a child once another jurisdiction’s order is filed with the local court; however, others require a local court order. Filing also puts courts on notice of the sister state custody order, which alerts the court to the possibility of continuing jurisdiction in the issuing court. In theory this should prevent a court from exercising jurisdiction in a custody action brought by the abductor.

A lawyer can file your custody order for you, or you can do it yourself. Send a certified or properly authenticated copy of your custody order, and applicable filing fees, to the clerk of the court in the jurisdiction where your child is located. Call the clerk of the court first to find out what documents and fees to send. In your cover letter indicate you are filing the custody order pursuant to the UCCJA.

## **UCCJEA Registration**

The Uniform Child Custody Jurisdiction and Enforcement Act creates a process allowing, but not requiring, parents and other parties to register their child-custody and visitation determinations with courts in other states. Once an order is registered, it is enforceable as of the date of registration in the same manner as a local custody determination. Subsequently filed enforcement proceedings should be fast and predictable because only limited defenses are available.

How do you register an order? The registration process is designed so a parent can at least start without an attorney; however, a parent may need to involve a lawyer if the abductor challenges registration. A request for registration is sent to the court along with copies of the custody order and other information required in the law. The court then files the order as a foreign judgment and serves notice on any parent or person acting as a parent who has been awarded custody or visitation. Those served notice have 20 days from when they were served to request a hearing to contest registration. If no such request is made, the order is confirmed as a matter of law.

Only three defenses are available to a person who requests a hearing to challenge registration. They are lack of jurisdiction in the decree court; lack of notice and opportunity to be heard in the custody proceedings resulting in the order; and the child-custody determination has been vacated, stayed, or modified. Once a registered order is confirmed, whether by operation of law or after a hearing, the only defense allowed in a later enforcement action is that the custody determination has been vacated, stayed, or modified.

## **Going to Court to Enforce Your Custody Order**

### **Duty to Enforce**

If law enforcement and the prosecutor cannot or will not help you recover your child and voluntary return is out of the question, you will have to bring a civil action to enforce the custody determination in a court in the jurisdiction where

your child is located. The UCCJA or UCCJEA, whichever is in effect in the enforcement state, and the federal PKPA require state courts to enforce and not modify sister state custody determinations made consistently with their provisions. Custodial and noncustodial parents can use these statutes to enforce their respective custody and visitation rights. If a custodial parent interferes with a noncustodial parent's visitation rights, a noncustodial parent has recourse to the courts to enforce visitation rights under the same laws governing custody enforcement.

Generally speaking the PKPA will be cited in the enforcement petition as the legal grounds for enforcement. This is because the PKPA requires jurisdictions to give "full faith and credit" to custody determinations made in compliance with its terms. The relevant state law grounds will also be cited.

If there is a conflict between the provisions of the PKPA and applicable state law such as the UCCJA or UCCJEA, the PKPA, as a federal law, takes precedence. This is called "federal preemption." This is an important principle, particularly in states continuing to follow the UCCJA because there are a few important differences between the UCCJA and PKPA that may affect the enforceability of certain UCCJA custody orders. It is possible an order made under the UCCJA may not be entitled to "full faith and credit" under the PKPA, and a court exercising jurisdiction under the UCCJA may be required by the PKPA to enforce another court's order even if it has already issued its own. The UCCJEA, on the other hand, was written to be consistent with the PKPA, and conflicts between the two laws are much less likely to occur. As a general rule custody determinations made by courts applying the UCCJEA will be entitled to "full faith and credit" under the PKPA as well as enforceable under the state law.

In addition to asking the court to enforce your order and return your child to you, you may ask the judge to include an instruction in the order directing law enforcement to "accompany and assist" you in recovering your child. You may also ask for attorney's fees and other expenses as discussed on page 101.

It is important to understand enforcement hearings under all three statutes – the UCCJA, UCCJEA, and PKPA – are narrow in scope and should not reopen the underlying custody case.

## **Enforcing Foreign Custody Determinations in the United States**

Custody decrees made by courts in other countries may be enforced in this country under the UCCJA or UCCJEA. Section 23 of the UCCJA requires state courts to enforce foreign custody decrees if notice and opportunity to be heard were given to all affected persons. The UCCJA also extends its general policies to the international area.

Section 105 of the UCCJEA requires state courts to recognize and enforce custody determinations made by foreign courts under factual circumstances in substantial conformity with the standards of the UCCJEA. The UCCJEA also requires courts to treat foreign courts as if they were domestic courts for purposes of determining jurisdiction to make or modify a custody determination. Courts are not required to apply the UCCJEA if the child-custody laws of the foreign country violate fundamental principles of human rights. A parent opposing enforcement could raise this as a defense.

The PKPA's duty to enforce sister state orders does not extend to custody determinations made by courts in other countries. Thus enforcement of foreign custody orders would be pursued under either the UCCJA or UCCJEA.

Parents in the United States seeking return of their children from other countries must rely on foreign law, which may include the Hague Convention discussed immediately below. The chapter titled "International Child Abduction," beginning on page 105, explains remedies available when children are wrongfully removed from the United States or kept in other countries.

## **Recovery Under the Hague Convention**

### **When There Is No Custody Determination to Enforce**

The UCCJA and UCCJEA provide for recognition and enforcement of foreign custody determinations in the United States. Parents of children abducted to this country may use the UCCJA or UCCJEA to enforce foreign, child-custody orders and secure return of their children. They may also have the option of using the Hague Convention if it is in effect between the United States and the other country. A lawyer's advice can be helpful in deciding the best way to proceed.

Quite often children are abducted before custody has been determined or "pre-decree." If there is no custody determination to enforce, the UCCJA and UCCJEA enforcement remedies are not available. The Hague Convention remedy fills the gap because it applies to pre-decree, international wrongful removal and retention cases. This is consistent with the Hague Convention goal of promptly restoring abducted children to their pre-abduction circumstances so courts in their home countries can decide custody.

A Hague Convention proceeding is not a traditional enforcement action where a court is asked to enforce a custody determination. Rather a court must decide if a child's removal or retention is wrongful within the meaning of the Hague Convention. If it is, the child's prompt return must be ordered. Only a few exceptions to the return obligation are available. Procedures for invoking the Hague Convention remedy in the United States are found in the International Child Abduction Remedies Act, 42 U.S.C. § 11601, *et seq.* ICARA is reprinted beginning on page 173. The chapter titled "International Child Abduction," beginning on page 105, has a more thorough description of this Hague Convention remedy.

### **Enforcement Procedures**

The PKPA mandates enforcement of custody orders but leaves enforcement procedures up to state laws. Follow the procedures in the jurisdiction in which you seek enforcement.

Enforcement procedures vary in UCCJA states, and include writs of habeas corpus, contempt proceedings, and petitions for enforcement. Check with the clerk of the court in the enforcement state, or consult your lawyer, for information about appropriate enforcement procedures.

In UCCJEA states, streamlined procedures are available for prompt enforcement of custody and visitation. In addition to the public-enforcement provisions described above, and the "warrant to take physical custody of child" provision discussed under "Pick-Up Orders" on page 102, the UCCJEA provides for temporary visitation and expedited "next day" enforcement.



**Temporary Visitation** The UCCJEA allows a court to issue a temporary order to enforce visitation rights. Depending on the case, the court may order a specific visitation schedule for instance to clarify the terms “reasonable visitation” or “make-up visitation.” Permanent changes in the order must be made by the court with exclusive continuing modification jurisdiction.

**Expedited Enforcement** The UCCJEA provides for an enforcement hearing, normally on the next court day after service, or the first judicial day possible, which will result in an order allowing the petitioner to take immediate physical custody of a child unless the respondent establishes a defense. If the order has previously been registered, then only one defense is available – that the order has been vacated, stayed, or modified since being registered. If the order has not been registered, two other defenses are also available. They are the issuing court lacked jurisdiction and lack of notice and opportunity to be heard in the underlying custody proceeding.

When you must pursue enforcement in a distant location, be prepared to attend the hearing so you are present to recover your child. Your lawyer can advise you when your presence is needed. This is not always possible, and alternate arrangements may be needed. These are discussed in the section titled “Temporary Care for a Child” on page 103.

### **Hiring a Lawyer in the Enforcement State**

You should seriously consider hiring a lawyer in the jurisdiction where your child is located to help enforce your custody decree. Experienced counsel may be crucial in getting your child back. Your original lawyer may be able to represent you if he or she has a law license in the second state or obtains permission to appear on your behalf from a court in that jurisdiction. The advantage to using your original lawyer in the enforcement action is his or her familiarity with the case. The drawback is your lawyer may be unfamiliar with practices and procedures in the second state, and an error or oversight on your lawyer’s part could lead the judge to rule against your enforcement request. Therefore you should consider hiring a lawyer in the state in which your child is located – either to handle the case or assist your original lawyer as co-counsel. Your original lawyer may be able to recommend a lawyer in the second state. Other sources of lawyer referrals can be found in the section titled “Finding a Knowledgeable Lawyer” beginning on page 27.

### **Can You Go to Federal Court to Resolve**

#### **Interstate Child-Custody-Jurisdiction Disputes?**

No. Under existing law federal courts cannot act as “tie breakers” when courts in different states have issued conflicting custody determinations. This is the holding of a 1988 U.S. Supreme Court case, *Thompson v. Thompson*, 484 U.S. 174 (1988). Unless the U.S. Congress enacts a law giving a custody contestant the right to go to federal court for a determination of which state court has jurisdiction consistent with the PKPA to make custody and visitation orders, the federal courts will not intervene. In the meantime conflicting custody decisions can be

appealed through the court systems of the states that made them with hopes of eventually resolving the conflict. This, of course, is not always possible.

In response to the *Thompson* decision the American Bar Association adopted a resolution supporting federal legislation to allow custody litigants to go to federal court to resolve jurisdictional disputes between state courts in child-custody and visitation cases. Basically this would allow federal courts to act as tiebreakers when state courts in different states issue conflicting custody orders about the same child. Because it would change the effect of the *Thompson* case, the proposal is called “*Thompson* legislation.” To date *Thompson* legislation has not been enacted. Interested individuals can contact their Congressional delegations.

### Attorney’s Fees and Other Expenses

In your enforcement pleadings you can ask the court to award you attorney’s fees and other expenses you incurred trying to locate and recover your child. Cite the applicable statutory section. Uniform Act citations are provided below. Consult your state law for the corresponding citation.

Under **UCCJA** § 15(b) courts may order the party who violated a custody decree to pay the necessary travel; witness; and other expenses, including attorney’s fees, incurred by the party who brought the enforcement action and is entitled to custody.

Under **UCCJEA** § 312 courts must award necessary and reasonable expenses to parties who prevail in enforcement actions unless the party who would be required to pay establishes such an award would be clearly inappropriate. Necessary and reasonable expenses include costs, communication expenses, attorney’s fees, investigative fees, witness expenses, travel expenses, and childcare during the course of the proceeding.

Section 8(c) of Pub. L. No. 96-611, part of the **PKPA**, encourages, but does not require, courts to award necessary travel expenses, attorneys’ fees, costs of private investigations, witness fees or expenses, and other expenses incurred in connection with an enforcement action, to the person entitled to custody or visitation pursuant to the order.

The **International Child Abduction Remedies Act** is the federal statute implementing the Hague Convention on the Civil Aspects of International Child Abduction in the United States. Under ICARA, 42 U.S.C. § 11607, upon ordering return of a child under this Hague Convention, courts are required to order the wrongdoer to pay the left-behind parent’s necessary expenses unless the wrongdoer can show such an order is clearly inappropriate. Expenses include court costs, legal fees, foster home or other care during the proceeding, and transportation costs related to the child’s return.

**Note:** The UCCJEA also provides for an award of fees and expenses when a court declines to exercise jurisdiction because the petitioner has engaged in unjustifiable conduct. Under UCCJEA § 208(c) when a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection 208(a), it shall assess against the party seeking to invoke jurisdiction necessary and reasonable expenses including costs, communication expenses, attorney’s fees, investigative fees, expenses for witnesses, travel expenses, and childcare during the course of the proceedings, unless the party from whom fees are sought establishes that assessment would be clearly inappropriate.

## Anticipating Risks Associated With Enforcement Actions

Parents seeking enforcement of custody orders can take steps to minimize the risk of flight by the abductor and prevent modification by the enforcement court.

**Pick-Up Orders** There may be a risk to using the legal system to enforce a custody order if an abductor is likely to flee with or endanger the child upon receiving notice of the enforcement proceeding. As a precaution you can petition a judge, usually in the jurisdiction in which your child is located, for a pick-up order directing law-enforcement officers to pick-up the abducted child for temporary placement, often with the left-behind parent, until the enforcement hearing. A pick-up order may be called a *warrant to take physical custody of child, writ of habeas corpus, writ of enforcement, writ of attachment, or warrant in lieu of a writ of habeas corpus*, among other terms.

Section 311 of the UCCJEA authorizes a court to issue a **warrant to take physical custody of child** upon a finding “the child is imminently likely to suffer serious physical harm or be removed from the State.” The UCCJA has no explicit provision for pick-up orders; however, most jurisdictions will allow you to obtain an *ex parte*, pick-up order for law enforcement to pick-up your child if you can show convincing evidence the abductor is likely to flee with your child prior to trial. Examples include prior abductions; threats of abduction; and evidence the abductor has quit a job, sold a home, terminated a lease, or closed a bank account. Other abduction risk factors are listed in the chapter titled “Preventing Abductions” beginning on page 9.

*Ex parte* orders are orders obtained without notice to the other parent. They are always of short duration and followed by a hearing in the issuing court. Law enforcement usually serves the abductor with notice of the enforcement hearing when the child is picked up.

**Warrants** To get a “warrant to take physical custody of a child” in a UCCJEA state the person seeking the warrant files a verified application for the warrant along with a petition seeking enforcement of a child-custody determination. The court must take testimony from the petitioner or other witness. This can be in person, via telephone, or by any means allowed by local law. If the court finds the child is imminently likely to suffer serious physical harm or be removed from the state, the court may issue a warrant directing law-enforcement officers to pick-up the child and providing for the child’s placement pending the enforcement hearing. The respondent must be immediately served with the enforcement petition after the child is taken into physical custody. The hearing on the enforcement petition must be on the next judicial day after the warrant is executed unless such timing is impossible.

**Restrictions on Modifying the Custody Order** Another risk associated with enforcement actions is the possibility the abductor will ask a judge to modify or change the custody order; however, an enforcing court does not automatically have jurisdiction to modify. The PKPA gives the decree court exclusive continuing jurisdiction if the original exercise of jurisdiction complied with the PKPA, at least one contestant remains in the state, and there is any basis under state law for custody jurisdiction. If the decree court has exclusive continuing jurisdiction that it has not declined, then the enforcing court is prohibited from modifying the

order. This is true even if the enforcement state has become the child's new home state, which is frequently the case. The UCCJEA has a similar provision.

If the decree state has exclusive continuing jurisdiction, the left-behind parent's remedy is to file a motion to dismiss the abductor's modification petition or local equivalent of that procedure. This may slow things down, but it should not affect the outcome of the enforcement action.

## **Temporary Care for a Child**

The recovering parent should try to be present to pick-up his or her child. If this is not possible, you may be able to designate a relative or other adult to take temporary care of your child. Consult in advance with law enforcement, the prosecutor, your lawyer, or the judge issuing the pick-up or enforcement order. A missing-child clearinghouse or missing-children organization in that area may be familiar with local practice.

You may be able to have the local child-protective-services agency take temporary custody of your child, if the law in that jurisdiction permits. The role you are asking the child-protective-services agency to play is to transport and temporarily house your child after he or she is recovered. If you must seek the assistance of the child-protective-services agency, thoroughly discuss your situation in advance, as local social workers may be unfamiliar with parental kidnapping. More typically they arrange care and protection for abandoned, abused, or neglected children. Be sure you will be allowed to regain custody of your child without legal complications.

Check the telephone directory under "County Government" for the local child-protective-services agency. You can also call the family court for a referral to this agency.

A missing-child clearinghouse or missing-children organization in the area in which your child is located may be able to help with suggestions for other placement alternatives. Some parents have obtained assistance through religious institutions in their area or the community in which their children are located.

## **Transporting Your Child Home**

Some companies, such as American Airlines<sup>®</sup>; Amtrak<sup>®</sup>; Continental Airlines, Inc.<sup>®</sup>, and the Greyhound<sup>®</sup> Bus Lines, have programs providing assistance to parents who must travel to recover their missing children. Contact NCMC at 1-800-THE-LOST<sup>®</sup> (1-800-843-5678) to determine if you are eligible for assistance from one of these programs.

## **Special Enforcement Problems If the Abductor Is In the Military and Stationed in Another Country**

When a member of the military on active duty takes a child to a duty station in another country, special enforcement problems can arise. These are discussed in the chapter titled "International Child Abduction" beginning on page 105 particularly in the section titled "Recovering Children Who Are Victims of International Abduction" beginning on page 121.

## Self-Help Recovery: Is It Advisable?

In some places once you have filed or registered your custody decree, you may be allowed to go and get your child as long as you do not commit any criminal acts, such as disturbing the peace or breaking and entering, in the process. Check with a lawyer, law enforcement, or a local prosecutor to see if self-help recovery is legal where you intend to do it. Even if the answer is yes it is still a good idea to ask law enforcement to accompany you when you pick-up your child.

If there is any doubt about the legality of self-help recovery and if the prosecutor or other public official designated by the UCCJEA or law enforcement does not provide assistance with child recovery, you should file a petition with the local court to enforce your custody decree. When the judge rules in your favor, he or she can issue an order directing the abductor to return your child to you. The order can also direct law enforcement to accompany and assist you in the recovery.

Apart from public authorities playing a role in child recovery pursuant to the UCCJEA, bringing an action to enforce a custody determination is clearly the safest means of child recovery in light of the U.S. Supreme Court's decision in *California v. Superior Court of California, San Bernardino County (Smolin, et al.)*, 484 U.S. 400, 107 S. Ct. 2433 (1987). In the *Smolin* case a California father went to Louisiana where, acting pursuant to a California custody determination, he recovered his children and returned with them to California. Notwithstanding the California custody determination, Louisiana charged him with simple kidnapping and sought his extradition from California. He challenged extradition. The case went all the way up to the U.S. Supreme Court, which held the father was subject to extradition to stand trial in Louisiana on the criminal charges even though the California custody order appeared to be consistent with the PKPA and thus entitled to "full faith and credit" in Louisiana. The place where the father needed to prove his defenses to the criminal charge was Louisiana, not California. The *Smolin* case underscores the potential pitfalls of self-help, child recovery even when you have a valid custody order.

## Post-Recovery Prevention Measures

Talk to your lawyer about going back to court to ask a judge to incorporate prevention provisions into the custody order. You may be able to do this before your child is returned, but, more likely, you will do this after your child is home. Be prepared so that you can quickly act.

# International Child Abduction

by Patricia M. Hoff

## Chapter Overview

The information in this chapter is intended to help a parent in the United States organize a comprehensive response to an actual or threatened international abduction. The primary focus is on “outgoing cases,” those involving children who are wrongfully removed from the United States and taken to or wrongfully retained in a foreign country. “Incoming cases,” those involving children who are wrongfully removed from other countries and taken to or wrongfully retained in the United States, receive a more abbreviated treatment.

Much of the information a parent needs during an international-abduction case is discussed in the first six chapters of this guide. This chapter supplements those materials.

Assistance is available in international-abduction cases from various sources, which are summarized below and more fully discussed in this chapter. In some instances parents can request help directly. In other cases, as noted below, assistance is available only at the request of law enforcement or prosecutors. Parents may wish to share this list with local law enforcement and prosecutors working on their case.

1. **Local law enforcement and the prosecutor.** Parents report missing children to local law enforcement, who take missing-person reports and enter the child’s description in the Federal Bureau of Investigation’s (FBI) National Crime Information Center (NCIC) database. America’s Missing: Broadcast Emergency Response (AMBER) Alerts may be issued in urgent, high-risk cases. Local prosecutors may criminally charge the abductor under state laws and seek an Unlawful Flight to Avoid Prosecution (UFAP) warrant.
2. **National Center for Missing & Exploited Children® (NCMEC).** NCMEC’s Missing Children Division provides a range of services to parents; attorneys; law enforcement; nonprofit, missing-children organizations; and other concerned individuals in preventing and resolving international-abduction cases. NCMEC processes incoming requests for assistance from non-Hague Convention countries, assists parents in recovering their children in outgoing abduction cases to Hague- and non-Hague Convention countries, and provides assistance to parents and attorneys in preventing international abductions and abductions-in-progress. Contact NCMEC’s Missing Children Division at 1-888-24-NCMEC (1-888-246-2632) or visit [www.missingkids.com](http://www.missingkids.com) for more information about these services.
3. **U.S. Department of State, Office of Children’s Issues (OCI).** OCI serves as the U.S. Central Authority for the Hague Convention and also assists parents whose children have been taken to or kept in non-Hague Convention countries. Prevention and Abduction Officers provide information about preventing and resolving abductions to Hague and non-Hague Convention countries. OCI can work with law enforcement in the United States and other countries to try to stop abductions-in-progress. Additional information is available at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “International Parental Child Abduction” heading click on the “Guarding against & responding to parental child abduction” link. Then click on the “Prevention” link. OCI can be reached by calling toll-free at 1-888-407-4747, by dialing directly at 202-736-9090, and via fax at 202-736-9132.
4. **Local field offices of the Federal Bureau of Investigation (FBI).** Each FBI field office has a Special Agent designated as a Crimes Against Children Coordinator (CAC). Parents may contact the FBI’s local CAC to report an international abduction or abduction-in-progress and request an investigation in connection with a possible International Parental Kidnapping Crime Act (IPKCA) violation. Prosecutors and law enforcement can also contact the local FBI-CAC and/or the U.S. Attorney for help in securing a UFAP warrant, *see* item #1 above, and discuss a possible IPKCA violation. Contact information for the FBI can be found in the local telephone directory and at [www.fbi.gov](http://www.fbi.gov). From the home page click on the “Your Local FBI Office” link. When calling ask to speak to the CAC.

5. **U.S. Attorney's office.** Parents or prosecutors can contact the U.S. Attorney's Office to discuss the possibility of charging an abductor with a federal IPKCA violation. Contact information can be found in the local telephone directory under "Federal Prosecutor's Office," or by calling the Executive Office for U.S. Attorneys (EOUSA) at 202-514-2121. Information is also available at [www.usdoj.gov](http://www.usdoj.gov). From the home page click on the "DOJ Agencies" link. Then click on the "Executive Office for U.S. Attorneys" and "U.S. Attorneys" links.
6. **U.S. Department of Justice, Criminal Division, Child Exploitation and Obscenity Section (CEOS).** U.S. Attorneys may obtain advice about IPKCA prosecutions from this office at 202-514-5780 or [www.usdoj.gov](http://www.usdoj.gov). From the home page click on the "DOJ Agencies" link. Then click on the "Criminal Division" link. Also from the home page, in the "Search" field, type "Child Exploitation & Obscenity Section" and "International Parental Kidnapping."
7. **U.S. Department of Justice, Criminal Division, Office of International Affairs (OIA).** Prosecutors must contact this office to discuss international extradition. OIA can be reached at 202-514-2000 or [www.usdoj.gov](http://www.usdoj.gov). From the home page, in the "Search" field, type "Office of International Affairs."
8. **U.S. National Central Bureau (USNCB)-INTERPOL.** Law enforcement, but not parents, can request USNCB-INTERPOL assistance to stop an international, abduction-in-progress and communicate requests for foreign investigative assistance in abductions that have already occurred. USNCB-INTERPOL can be reached at 202-616-9000; via fax at 202-616-8400; via Nlets, The International Justice and Public Safety Network, at DCINTER00; and by visiting [www.usdoj.gov](http://www.usdoj.gov). From the home page click on the "DOJ Agencies" link, and then click on the "INTERPOL-U.S. National Central Bureau" link.
9. **U.S. Department of Justice, Office for Victims of Crime (OVC).** Parents can contact this office to learn about available compensation and assistance if a crime is charged in connection with the abduction. Call toll-free at 1-800-851-3420, dial directly at 202-307-5983, or visit [www.ovc.gov](http://www.ovc.gov). From the home page click on the "OVC Resource Center" link.
10. **U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), Child Protection Division (CPD).** CPD conducts research, demonstration, and service programs pertaining to missing and exploited children; provides training and technical assistance; coordinates various activities; and supports NCMEC. OJJDP may be reached at 202-307-5911 or [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org). From the home page click on the "About OJJDP" link.
11. **Public officials.** Your congressional delegation and/or members of the Senate Caucus on Missing, Exploited and Runaway Children and Congressional Caucus on Missing and Exploited Children may be able to raise the profile of your case internationally. For information about members of the House and Senate and these caucuses contact 202-224-3121 or visit [www.house.gov](http://www.house.gov) and [www.senate.gov](http://www.senate.gov). You may also wish to contact the President of the United States, the Secretary of State, or the Attorney General. Contact information for all federal officials may be found at [www.usa.gov](http://www.usa.gov).
12. **American Prosecutors Research Institute (APRI).** Prosecutors and law enforcement may contact APRI for technical assistance about investigating and prosecuting parental kidnapping. Requests for technical assistance may be submitted at [www.ndaa.org](http://www.ndaa.org). From the home page click on the "American Prosecutors Research Institute" link. Then click on the "Technical Assistance" link. APRI may also be reached at 703-549-9222.
13. **Hague Conference on Private International Law.** Visit the Hague Conference website at [www.hcch.net](http://www.hcch.net) for extensive information about the Hague Convention on the Civil Aspects of International Child Abduction. From the home page click on the "Welcome" link, and then click on the "Child Abduction Section" link. Then for country-specific prevention information, under the "Guide to Good Practice" heading, click on the "Part III: Prevention Measures" link. Hague Convention case law is available at [www.incadat.com](http://www.incadat.com).
14. **Foreign embassies or consulates.** Parents may request assistance from a foreign embassy or consulate to prevent passport or visa issuance for their children. The foreign government is under no legal obligation to help but may be willing to cooperate. Contact information for foreign embassies is available at [www.embassy.org](http://www.embassy.org). From the home page click on the "Embassies" link. This information may also be obtained by checking your local telephone directory or calling operator assistance for information about the foreign embassy or consulate of a particular country.
15. **Missing-child clearinghouses and nonprofit, missing-children organizations.** These entities may be able to guide you through the search and recovery process. For contact information consult the section titled "Nationwide Directory of Family-Abduction Laws and Resources" beginning on page 199.
16. **Team HOPE.** Families can contact this organization toll-free at 1-866-305-HOPE (1-866-305-4673) to be matched with a similarly situated volunteer who can provide support and assistance. Information is also available at [www.teamhope.org](http://www.teamhope.org).

## The Problem

If you are a parent of a child abducted from the United States, regrettably you are not alone. Since the late 1970s the Office of Overseas Citizens Services in the U.S. Department of State has taken action in several thousand cases of international parental child abduction including wrongful removals of children and wrongful retentions after court-ordered visitation.<sup>14</sup>

While each family's experience is unique, a parent may be able to learn from another's experience, particularly when a child is abducted to the same country. OJJDP supported establishment of Team HOPE, a network matching trained volunteers who have experienced an abduction with other victim families in order to provide support and assistance. To be matched with a volunteer call toll-free at 1-866-305-HOPE (1-866-305-4673).

Many cases reported to the U.S. Department of State involve a parent who was born or raised in a foreign country or who has close family, business, or religious ties to a foreign country. Foreign parents who have assimilated into U.S. culture as adults may feel their children should be raised as they were. There may be sharp religious or cultural conflicts between the two parents.

Children born to a foreign parent may have dual citizenship. In addition to being a citizen of the United States they may also have the citizenship of the foreign parent. This may be true even if the foreign parent has become a naturalized citizen of the United States. As a result foreign governments may help foreign parents obtain passports and other visa and exit/entry permits for their children.

A significant minority of international child-abduction cases, however, involve a child born to two parents who are citizens of the United States. In those cases the abducting parent relies on the fact it will be more difficult for the searching parent to find the abductor and child once in another country and enforce a U.S. custody order in a foreign court.

## Overview of the Legal Response to International Child Abduction

As in domestic, family-abduction cases, the civil- and criminal-justice systems serve different purposes in international-abduction cases. The government uses criminal processes such as criminal charges, investigations, extradition, prosecution, and punishment to hold the abductor responsible for criminal parental kidnapping. A parent uses civil remedies to seek an abducted child's return.

Depending on the facts a parent may be criminally charged under state law or federal law such as the International Parental Kidnapping Crime Act. If charged under state law the prosecutor may apply for a federal UFAP warrant if the abductor has fled the country to avoid prosecution. Extradition may be sought for state and federal crimes.

Criminal charges are aimed at the wrongdoer and do not address child recovery. Although a child may be located in the course of a criminal investigation

<sup>14</sup>"Abduction Prevention." Washington, DC: U.S. Department of State. Accessed March 14, 2008, at [www.travel.state.gov/pdf/abduction\\_prevention\\_overview.pdf](http://www.travel.state.gov/pdf/abduction_prevention_overview.pdf).



directed at the abductor and recovered incidental to the criminal process, parents cannot rely on the criminal process for a child's return. Ordinarily a parent must simultaneously pursue civil means to locate and recover a child even if a prosecutor is pursuing the abductor's extradition and prosecution.

When children are wrongfully removed to or retained in countries that are U.S. Hague Convention treaty partners, a parent may use the Hague Convention's administrative and legal remedies to seek the child's return. The Hague Convention may also be used to promote enjoyment of access rights, although the remedy does not include return of the child. A detailed description of the Hague Convention appears beginning on page 113.

Abduction cases to non-Hague Convention countries remain the most difficult to resolve. Parents generally hire lawyers in the foreign country to bring legal proceedings in the foreign country under the law of that country, either to enforce a U.S. custody order or get a new order. Foreign courts do not automatically honor custody orders made by judges in the United States or other countries.

Parents whose children have been abducted to or wrongfully retained in the United States may use the Hague Convention and federal implementing statute, the International Child Abduction Remedies Act, to seek a child's return from this country or access to the child. This entails filing a lawsuit in a state or federal court. Alternatively parents can file civil lawsuits in state courts to enforce foreign custody and visitation determinations. The UCCJA and UCCJEA both provide for enforcement of foreign custody orders meeting specified standards.

A 1999 report to the Attorney General on the United States' response to international parental kidnapping is available at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page, in the "Site Search" field, enter "NCJ 189382."

## Preventing International Abductions

This section expands on the information contained in the chapter titled "Preventing Abductions" beginning on page 9.

NCMEC provides prevention services to parents and attorneys who are trying to prevent an abduction. NCMEC also provides help to parents and law enforcement trying to prevent an abduction and stop abductions-in-progress. For additional information contact NCMEC toll-free at 1-888-24-NCMEC (1-888-246-2632) or visit [www.missingkids.com](http://www.missingkids.com).

The U.S. Department of State's Office of Children's Issues also offers information to help prevent international abductions and can take steps to try to prevent an abduction-in-progress to or through another country. Visit their website at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then click on the "Emergencies" and "Prevention" links. Questions may be directed to Child Abduction and Prevention Officers in the Office of Children's Issues by calling toll-free at 1-888-407-4747 or dialing directly at 202-736-9090.

## Foreign Policies and Practices

If your ex-spouse or partner is a citizen of another country, you should try to find out about that country's laws and policies regarding parental kidnapping and child custody. Also do research about other countries to which your child may be taken. The information may be helpful to prevent an abduction, and, if necessary, to secure a return. Country-specific information should be particularly helpful to judges who are considering requests for prevention measures.

Information about foreign law is available online and may also be obtained from the country's embassy or consulate in the United States; the Central Authority in Hague Convention signatory countries; the U.S. Department of State's Office of Children's Issues for cases involving Hague and non-Hague Convention countries; the U.S. embassy in the foreign country, NCMEC's Missing Children Division; and private attorneys in the United States and foreign countries.

Some questions you may wish to research or ask are listed below along with addresses for websites where relevant information can be found.

■ **Is the country recognized by the U.S as a Hague Convention treaty partner?**

For a list of the U.S. treaty partners *see* page 114.

■ **If so is the country compliant with the Convention?**

To determine if the country is compliant with the Convention review the most recent compliance report available at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Resources" and most recently posted "Report on Compliance with the Hague Abduction Convention" links.

■ **Are Hague Convention return and access orders enforced, or are there problems with enforcement?**

To determine if orders are enforced or there are problems with enforcement visit [www.hcch.net](http://www.hcch.net). From the home page click on the "Welcome" link. Then respectively click on the "Child Abduction Section," "Questionnaires and Responses," and "2004 Questionnaire on the Enforcement of Return Orders under the Convention and of Access" links.

■ **What prevention measures are available in Hague Convention countries?**

Visit [www.hcch.net](http://www.hcch.net). From the home page click on the "Welcome" link. Then click on the "Child Abduction Section" link. Then under the "Guide to Good Practice" heading click on the "Part III: Prevention Measures" link. Also from the "Child Abduction Section" page click on the links related to prevention.

■ **Will the courts of the foreign country recognize and enforce custody and visitation orders issued in the United States? Do joint custody orders present a problem for foreign courts to enforce?**

- U.S. Department of State country fliers. To find out information regarding specific countries visit [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Then under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then click on the "Country Information" link.
- Library of Congress country reports. For information regarding the applicable law and institutional framework of more than 50 countries,

including those in the European Union visit [www.travel.state.gov](http://www.travel.state.gov), type “Library of Congress Country Reports” in the “Search” field, and then click on the “2004\_Hague\_Law\_Library.pdf” link.

- Islamic family law. For information about basic Islamic family law regarding marriage, mixed marriages, and children’s rights visit [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “International Parental Child Abduction” heading click on the “Guarding against & responding to parental child abduction” link. Then respectively click on the “Resources” and “Islamic Family Law” links.
- **What assistance is available to help parents recover their abducted children?**  
Assistance is available from the National Center for Missing & Exploited Children’s Missing Children Division and U.S. Central Authority and/or the Central Authority for the foreign country in cases involving Hague Convention countries. For information about NCMEC visit [www.missingkids.com](http://www.missingkids.com). From the home page under the “Resources for” heading click on the “Parents & Guardians” link. Then click on the “International Abduction” link. A list of contact information for Central Authorities is available at [www.hcch.net](http://www.hcch.net). From the home page click on the “Welcome” link. Then respectively click on the “Child Abduction Section” and “Central Authorities” links.
- **Is your child eligible to travel on a foreign passport?**  
If so will the foreign government comply with a U.S. court order not to issue passports or visas for a child when there is a threat of abduction?
- Will the foreign government notify a requesting parent if it receives an application for a passport or other travel documents for his or her child?
- Does the foreign parent retain citizenship in the foreign country even after becoming a citizen of the United States?
- What are the foreign country’s extradition policies? Does it extradite for parental kidnapping? Does it extradite its own nationals? If so are there any exceptions to extradition?
- Are there social, political, or religious policies, practices, or unrest that would hinder return efforts?

## **Judicial Safeguards and Practical Prevention Measures**

The chapter titled “Preventing Abductions,” beginning on page 9, covers prevention strategies in family-abduction cases and should be read by anyone concerned about a possible international abduction. The information about flagging and preventing issuance of passports previously discussed on page 18 is repeated below.

By way of summary a parent can ask the court to include a variety of provisions in the custody order, alone or in combination, to limit the risk of a child’s removal from the United States. Prevention provisions include, but are not limited to, prohibitions on visitation beyond a specified geographical area; restrictions on removing a child from the United States; restrictions on applying for a new or replacement passport for the child; temporary suspension of visitation or supervised visitation; surrender of passports and other travel documents prior to visits; substantial bonds; notification to the foreign embassy or consulate

of the situation and request not to issue travel documents for the child and to be informed if application is made; specific definition of terms in the custody order to facilitate use of the Hague Convention; and a clear statement of the child's residential arrangements.

If an order allows visitation in another country, visits may be conditioned on a substantial bond; purchase of roundtrip airline tickets for the child and custodial parent in case the child is not returned; entry of a foreign court order, sometimes referred to as a mirror-image order, confirming the provisions of the U.S. order and agreeing to return the child if the order is violated; and the provision to the custodial parent of the names, addresses, and telephone numbers of all relatives living in the country where visits are to occur.

In July 2006 the Uniform Child Abduction Prevention Act (UCAPA) was approved by the National Conference of Commissioners on Uniform State Laws and recommended for enactment in all states. UCAPA identifies risk factors for child abduction and prevention measures courts can include in custody and visitation orders to reduce the risk of abduction. Parents and lawyers interested in child-abduction prevention should read UCAPA even if it is not enacted in your state. It is a useful tool to educate courts about the problem and possible solutions. UCAPA can be found at [www.nccusl.org](http://www.nccusl.org). From the home page click on the "Final Acts & Legislation" link. Then from the "Select an Act Title" field select "Child Abduction Prevention" and click on the "Search" button. This Act is also reprinted beginning on page 191.

Practical things a parent can do to prevent an international abduction include working with international, missing-children organizations; keeping records of the other parent's passport numbers, immigration status, visa and work-permit numbers; avoiding joint-custody orders when family members are dual nationals; considering custody mediation or collaborative law negotiation as a way to refocus both parents' attention on what is **best for the child** in order to develop a workable cross-cultural, child-rearing plan; and flagging and preventing issuance of passports.

### **Flagging Child's U.S. Passport Application**

You can learn from the U.S. Department of State's Office of Children's Issues whether your child has been issued a passport. If you are concerned about an international abduction, you may also ask to have your child's name entered in the Children's Passport Issuance Alert Program. Once your child's name is entered your attorney or you should be notified if an application for a U.S. passport for your child is received anywhere in the United States or at any U.S. embassy or consulate. For more information about the Children's Passport Issuance Alert Program visit [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Prevention" and "Children's Passport Issuance Alert Program" links.

Other pertinent information can also be accessed from the U.S. Department of State's website at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduc-

tion” link. Then respectively click on the “Resources,” “For Attorneys and Judges,” and “Fact Sheet on Passports for Family Law Judges and Lawyers” links.

### **Prevent Issuance of Child’s U.S. Passport**

To reduce the possibility a U.S. passport might be obtained to facilitate an abduction, the law now requires any person applying for a U.S. passport for a child younger than 16 to demonstrate both parents’ consent to its issuance or the applicant parent has sole authority to obtain a passport for a child.

To prevent the other parent from obtaining a U.S. passport for the child, seek a court order or provision in a custody order granting you the right to obtain a passport without the consent of the other parent and prohibiting the other parent from applying for a passport on the child’s behalf. Send a copy of the order to the U.S. Department of State with a request to deny issuance of a passport for the child sought by the other parent. Also view additional information at the U.S. Department of State’s website at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “International Parental Child Abduction” heading click on the “Guarding against & responding to parental child abduction” link. Then respectively click on the “Prevention” and “Children’s Passport Issuance Alert Program” links. Also from the “Guarding against & responding to parental child abduction” link then respectively click on the “Resources,” “For Attorneys and Judges” and “Fact Sheet on Passports for Family Law Judges and Lawyers” links.

Inquiries concerning passports should be sent to the Office of Children’s Issues, U.S. Department of State, preferably via fax at 202-736-9132. Inquiries can also be mailed to 2201 C Street, Northwest, SA-29, Washington, DC 20520-2818. Include the child’s full name, date and place of birth, telephone number, and a copy of the relevant court orders. The Office of Children’s Issues may be reached toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090.

### **Child’s Passport Not Revoked**

Under current regulations the U.S. Department of State does not revoke a passport that has already been issued to a child. You can, however, ask the court to order the other parent to surrender your child’s passport(s). Then take the steps outlined above to block issuance of a replacement U.S. passport.

The abductor’s U.S. passport is subject to revocation by the U.S. Department of State, and issuance of a U.S. passport to the abductor may be denied, at the request of federal law-enforcement authorities such as the FBI, U.S. Attorney, or U.S. Department of Justice. The U.S. Department of State does not discuss such actions with left-behind parents. *See* the section titled “Criminal Remedies in International Abductions” beginning on page 117.

Passport information for law-enforcement officers investigating criminal cases is available at [www.travel.state.gov](http://www.travel.state.gov) by clicking on the “Apply for a Passport” link. Then in the left-hand column under the “Passport Policy Information” heading click on the “Information for Law Enforcement” link.

### **Dual National Children**

A child who has or may have citizenship in another country, usually because one parent is a foreign national, may not be protected by the safeguards discussed

above. Dual national children may be eligible to hold or be included in a foreign passport in addition to holding a U.S. passport. For more information visit the U.S. Department of State's website at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Resources" and "Dual Nationality" links.

If your child is a dual national you can request the foreign government's cooperation not to issue travel documents for your child. Although the foreign government is not legally required to help you, or even comply with court orders directing or requesting them not to issue passports for a child, it may do so voluntarily. You can write to the foreign embassy or consulate and ask that your child not be issued a passport or other travel documents. You can also ask to be notified if they receive an application for a passport or visa for your child. Send a certified copy of your custody decree with your letter. Tell them you are sending a copy of the request to the U.S. Department of State, and make sure you do so. If your child is a citizen of the United States and not a dual national, you can request the foreign embassy not to issue a visa or other travel documents for your child.

## **Civil Remedies in International Abductions**

This section expands on the information contained in the chapter titled "Civil-Court Remedies If Your Child Is Abducted" beginning on page 23.

### **The Hague Convention on the**

#### **Civil Aspects of International Child Abduction**

The Hague Convention provides a private right of action to seek the prompt return of a child who has been wrongfully removed or retained within the meaning of the Hague Convention when the child is younger than 16 and the countries involved are treaty partners. The Hague Convention is also intended to help parents secure the exercise of access or visitation rights across international borders.

For information about the Hague Convention visit [www.hcch.net](http://www.hcch.net). From the home page click on the "Welcome" link. Then click on the "Child Abduction Section" link. Also visit [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading then click on the "Guarding against & responding to parental child abduction" link.

The Hague Convention took effect in the United States in 1988 following its ratification and enactment of a federal implementing statute, the International Child Abduction Remedies Act (ICARA), 42 U.S.C. §§ 11601-11610. ICARA establishes procedures for bringing legal action for the return of children who have been wrongfully removed to or retained in the United States. If your child has been abducted to another country, you must follow procedures established by that country to invoke the Hague Convention.

### **Frequently Asked Questions**

This section includes questions frequently asked by parents and the answers to those questions.

### **What countries are treaty partners of the United States?**

As of November 2008 the Hague Convention is in force between the U.S. and the 68 countries of Argentina; Australia; Austria; the Bahamas; Belgium; Belize; Bosnia and Herzegovina; Brazil; Bulgaria; Burkina Faso; Canada; Chile; China (Hong Kong and Macau only); Colombia; Costa Rica; Croatia; Cyprus; Czech Republic; Denmark; Dominican Republic; Ecuador; El Salvador; Estonia; Finland; France; Germany; Greece; Guatemala; Honduras; Hungary; Iceland; Ireland; Israel; Italy; Latvia; Lithuania; Luxembourg; Malta; Mauritius; Mexico; Monaco; Montenegro; Netherlands; New Zealand; Norway; Panama; Paraguay; Peru; Poland; Portugal; Republic of Macedonia; Romania; Saint Kitts and Nevis; San Marino; Serbia; Slovakia; Slovenia; South Africa; Spain; Sri Lanka; Sweden; Switzerland; Turkey; Ukraine, the United Kingdom including Northern Ireland, Isle of Man, Cayman Islands, Falkland Islands, Montserrat, and Bermuda; Uruguay; Venezuela; and Zimbabwe.

For updates to this list of Hague Convention treaty partners with the United States visit [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Prevention," "Additional Prevention Tools," and "Hague Abduction Convention Country List" links. You may also call the U.S. Department of State's Office of Children's Issues for this information toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090. You may also call NCMEC's Missing Children Division at 1-888-24-NCMEC (1-888-246-2632) to request this information.

### **When is a removal or retention "wrongful" under the Hague Convention?**

A removal or retention is wrongful under the Hague Convention if it is in breach of custody rights that were actually exercised or would have been but for the removal or retention. Custody rights arise under the laws of the country in which the child was a habitual resident immediately before the removal or retention. They may arise by operation of law, court order, or agreement and may be exercised jointly or alone.

### **Do you need a custody order to seek return under the Hague Convention?**

No. A removal or retention may be wrongful even if there is no custody order in effect. This recognizes many abductions occur before there is a custody order. It also makes sense in light of the Hague Convention's goal of swiftly restoring a child to his or her pre-abduction/retention circumstances so courts in the child's country of habitual residence can make appropriate custody decisions. A decision to return is not on the merits of custody.

### **What is the return obligation, and are there any exceptions?**

Under Article 12 of the Hague Convention a court must order return if less than a year has elapsed between the time of the wrongful removal and retention and commencement of the return proceedings. Return is still required a year or more after the abduction unless the abductor demonstrates the child is now settled in his or her new environment.

Article 13 of the Hague Convention provides three exceptions to the return obligation. Article 13(a) allows a defense if the person claiming a breach of

custody rights was not actually exercising those rights or had consented to or subsequently acquiesced in the removal or retention. Under Article 13(b), a child need not be returned if there is a grave risk that return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. Article 13 also allows a judge to refuse return if a mature child objects. Article 20 provides the child's return may be refused if return would not be permitted by the fundamental principles of the requested country relating to the protection of human rights and fundamental freedoms. Courts may order a child returned even if a defense to return is proved.

### **Does the Hague Convention address visitation rights?**

The Hague Convention is also intended to help parents secure the exercise of access or visitation rights across international borders, although the Article 21 remedy has proven to be of limited effectiveness. The remedy for breach of access rights does not include the right of return.

### **What is a "Central Authority"?**

In addition to judicial remedies, the Hague Convention establishes administrative mechanisms to facilitate return of abducted children and the exercise of access/visitation rights. Each country is required to establish a "Central Authority" to carry out duties listed in the Hague Convention. These duties include locating children, processing requests for assistance in incoming and outgoing cases, and cooperating with other Central Authorities to secure the prompt return of the child and achieve the other objectives of the Hague Convention.

The Office of Children's Issues (OCI) in the U.S. Department of State is the U.S. Central Authority for the Hague Convention for both outgoing and incoming cases. Parents of children abducted **from** the United States **to** a Hague Convention country should contact OCI toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090. Parents may also contact NCMEC's Missing Children Division at 1-888-24-NCMEC (1-888-246-2632) for instructions about how to proceed under the Hague Convention. You can obtain a return application by calling the telephone numbers above. The application is also available online at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Resources" and "Hague Application" links. Also an application for return is reprinted beginning on page 271.

A parent may seek assistance from the Central Authority in the child's country of habitual residence, directly from the foreign Central Authority, or bypass both and instead commence return proceedings directly in the courts of the country where the child is located. The Central Authority in some countries may be able to arrange free or reduced-fee legal representation for the applicant-parent. The U.S. Central Authority can make an inquiry about this possibility on behalf of the U.S.-based parent. OCI can also provide a list of English-speaking lawyers in the country in question. The U.S. Central Authority also helps parents find attorneys in the United States in incoming cases.

### **Do you have to use the Hague Convention?**

No. The Hague Convention remedies are not exclusive. A parent can seek the child's return using any available remedy. In **outgoing cases** this generally means



hiring a foreign attorney in the country in which your child is located and seeking to enforce a U.S. custody order or get a custody order from the foreign court. In either case foreign law applies and governs the outcome.

If you seek to have your U.S. custody order recognized in a foreign court, your lawyer should be familiar with the principles of *comity*, in which courts of different nations recognize each other's orders. Comity is voluntary, not mandatory, and usually requires reciprocity.

In **incoming cases** parents may petition a court under state law, either the UCCJA or UCCJEA, to enforce a foreign custody determination. This remedy may be more meaningful than the Hague Convention in access cases, because state courts may order a child returned for visitation, whereas courts applying the Hague Convention do not have that option. The UCCJEA also offers the advantage of an expedited enforcement procedure, which may be considerably faster than a Hague proceeding. Another option is petitioning for a child-custody determination in a state court having jurisdiction.

### **Non-Hague Remedies**

Parents of children abducted to countries that are not U.S. treaty partners under the Hague Convention must pursue other avenues to secure the return of their child. One alternative avenue is to ask a foreign court to enforce your U.S. custody order. Another is to seek a custody order in the courts of the foreign country. Advice about how to proceed in the foreign court may be available from NCMEC's Missing Children Division at 1-888-24-NCMEC (1-888-246-2632); the U.S. Department of State's Office of Children's Issues toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090; and private attorneys in the United States and foreign countries.

NCMEC can help by explaining the legal civil and criminal remedies that may be available, providing legal technical assistance and guidance about attorney and mediation resources, and communicating with local and foreign law enforcement. OCI can help by attempting to locate, visit, and report on your child's general welfare; providing the left-behind parent with information about the country to which his or her child was abducted including its legal system, family laws, and a list of attorneys willing to accept clients from the United States; monitoring judicial or administrative proceedings in other countries; and providing a point of contact for the left-behind parent.

### **Child-Snatching Lawsuits**

Consider filing a child-snatching lawsuit against the abductor and accomplices. See the chapter titled "Civil-Court Remedies If Your Child Is Abducted" beginning on page 23. If the abductor has assets remaining in the United States, consider bringing a civil, child-snatching lawsuit against the abductor in U.S. courts and attaching his or her U.S. assets. If the abductor has received help from friends or relatives who remain in the United States or have assets in this country, consider suing them as well. The left-behind parent may be awarded money damages against the abductor and/or others who have assisted in the abduction. The discovery process in such a case may also produce information about a child's location.

## Criminal Remedies in International Abductions

This section expands on the information discussed in the chapter titled “Criminal Remedies in Family-Abduction Cases” beginning on page 41.

### NCIC Missing-Person Entry

If you do not know your child’s whereabouts, report your child missing to law enforcement and request entry of information about your child into the FBI’s National Crime Information Center-Missing Person File (NCIC-MPF). Federal law requires entry within two hours of receipt of a report of a missing child. If the abduction is in progress, such as the abductor is heading to the airport or border with the child, law enforcement may issue an AMBER Alert if applicable criteria are met.

Information in NCIC is accessible to federal border personnel via the Inter-agency Border Inspection System (IBIS), a computerized database. IBIS checks done at U.S. borders and international airports may result in intercepting abductors as they leave or reenter the country.

### INTERPOL

INTERPOL, the world’s largest international police organization with 186 member countries including the United States, may be of assistance in international, child-abduction cases. Urge law enforcement to contact the U.S. National Central Bureau (USNCB)-INTERPOL for assistance. USNCB-INTERPOL serves local, state, and federal law enforcement but **not parents**. If contacted by law enforcement on an urgent basis USNCB-INTERPOL may help stop an international abduction-in-progress. INTERPOL may also be of assistance in abductions that have already taken place.

Law enforcement can contact USNCB-INTERPOL at 202-616-9000 or via Nlets, The International Justice and Public Safety Network, at DCINTER00. Alternatively law enforcement can contact NCMEC via Nlets at VA007019W. NCMEC acts as a liaison with INTERPOL for cases involving missing children.

USNCB-INTERPOL can transmit messages, called “diffusions,” at any time and without delay to one or any number of other national central bureaus asking law-enforcement authorities in those countries to search for a fugitive charged with a crime; trace and locate an abductor, whether or not charged with a crime; and/or locate and determine the safety and welfare of a missing or abducted child.

USNCB-INTERPOL may also apply to INTERPOL headquarters in Lyon, France, for color-coded notices. The process takes at least several months. Red notices seek people wanted for extradition. Blue “trace and locate” notices seek people, including abductors, whether or not they have been charged with a crime. Yellow “missing person” notices seek people who are missing including abducted children. USNCB-INTERPOL has no control over how foreign law enforcement handles diffusions and color-coded notices. That depends on local law and practice.

### Prosecution

Weigh the pros and cons of criminal prosecution, which are discussed in the chapter titled “Criminal Remedies in Family-Abduction Cases” beginning on page 41.

**Caveat:** Criminal charges in the United States against the abductor may hinder return of the child from some Hague Convention countries.

If you choose to pursue criminal charges meet with the prosecutor or U.S. Attorney to discuss the possibility of charging the abductor with a felony crime.

If state felony charges are filed ask the prosecutor to apply for a federal UFAP warrant under the Fugitive Felon Act. Issuance of a UFAP warrant brings the FBI into the investigation. This may improve the chances of locating the abductor and incidentally recovering the child.

Alternatively check with the U.S. Attorney about charging the abductor with violating IPKCA. IPKCA makes international parental kidnapping and attempted international parental kidnapping federal felonies. If an abductor is criminally charged under state law, then federal charges are unlikely. If the crime has not been or cannot be charged under state laws, only federal charges may be available. Extradition is possible for both federal and state charges.

### **U.S. Passports**

Federal felony charges or a UFAP warrant provide grounds for revoking the abductor's U.S. passport or denying issuance of a U.S. passport to the abductor. In addition a passport may be revoked if the passport holder is subject to a criminal court order, condition of probation, or parole – any of which forbid departure from the United States, and the violation of which **could subject** the applicant to a provision of the Fugitive Felon Act.

Federal law enforcement may ask the Office of Passport Services of the U.S. Department of State to revoke the abductor's U.S. passport. Revocation of a U.S. passport may not burden a dual-national abductor who holds a passport from another country; however, a non-dual national citizen of the United States becomes an undocumented alien in a foreign country once his or her U.S. passport is revoked. Many countries will deport, or at least question, an undocumented alien.

Information is available from the Office of Passport Policy and Advisory Services at 202-663-2662 and [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Apply for a Passport" link. Then in the left-hand column under the "Passport Policy Information" heading click on the "Information for Law Enforcement" link.

### **FBI Investigation**

Contact the FBI to request an investigation. The FBI is the law-enforcement agency responsible for investigating international, parental-kidnapping cases under federal law. The FBI may find a child in the course of a UFAP or IPKCA investigation. If an abductor is in another country, the FBI Legal Attaché stationed at the U.S. embassy in that country may request assistance from local law enforcement in that country either to locate or confirm a location of the abductor and child. Although the FBI may not disclose sensitive investigative information to a parent, the Special Agent may notify the left-behind parent if the child is found so the parent can pursue civil remedies to secure the child's return.

### **Extradition**

A prosecutor or U.S. Attorney seeking to extradite the abductor must coordinate international extradition with the U.S. Department of Justice, Criminal Division,

Office of International Affairs at 202-514-0000, 950 Pennsylvania Avenue, Northwest, Washington, DC 20530-0001. As discussed in the section titled “Extradition” beginning on page 59 some countries will not extradite their own nationals. If the abductor can be arrested in a country from which extradition to the United States is possible, extradition of the abductor might be accomplished even though the abductor ordinarily resides in a country that will not extradite for this crime.

Although extradition applies only to the abductor, **not** a child, it is possible the abductor will return a child “voluntarily” or the foreign authorities may assist in returning a child coincident with the abductor’s arrest. But it is also possible for an abductor to return to the United States to stand trial while leaving the child behind with family or friends in a foreign country. It is important for the left-behind parent to make arrangements to secure his or her child’s return even as the government is pursuing the abductor’s extradition.

## Searching for Children Who Are Victims of International Abduction

This section expands on the information contained in the chapter titled “Searching for Your Child” beginning on page 63.

### National Center for Missing & Exploited Children

Contact the National Center for Missing & Exploited Children’s Missing Children Division (MCD) for help at 1-888-24-NCMEC (1-888-246-2632). MCD provides a range of services to parents; attorneys; law enforcement; nonprofit, missing-children organizations; and other concerned individuals in international-abduction cases. Those services include

- Outgoing international abduction cases. NCMEC assists parents in recovering children in outgoing Hague and non-Hague Convention cases.
- Incoming international abduction cases. NCMEC provides technical assistance in incoming cases from non-Hague Convention countries.
- Prevention. NCMEC assists parents, lawyers, and law enforcement in trying to prevent international abductions.
- ICAAN. NCMEC maintains the International Child Abduction Attorney Network to help parents find *pro bono* or reduced-fee legal representation in international abduction cases.
- NCIC entries. NCMEC can confirm, but cannot make, NCIC entries for abducted children.
- Victim Reunification Travel Program. In a cooperative project with the U.S. Department of Justice’s Office for Victims of Crime and OJJDP, NCMEC can help parents in financial need receive funding for international travel to recover their children.
- Law-enforcement network. NCMEC puts law-enforcement officers in touch with others who have cases involving the same country or region.
- Parent network. NCMEC’s Team HOPE, established in 1998, matches searching families with trained volunteers who have had or still have a missing child. Where possible the volunteer will have country-specific experience. Volunteers offer emotional support, compassion, guidance, empowerment, and

assistance. Team HOPE volunteers include parents, grandparents, and other family members, and are screened and trained before working with families. Call Team HOPE toll-free at 1-866-305-HOPE (1-866-305-4673).

- NCMEC's toll-free Hotline at 1-800-THE-LOST® (1-800-843-5678).
- International photo distribution. For more information about this service visit [www.missingkids.com](http://www.missingkids.com). From the home page, under the "Resources for" heading, click on the "Parents & Guardians" link. Then respectively click on the "International Abduction" and "International Photo Distribution" links.
- NCMEC's website at [www.missingkids.com](http://www.missingkids.com). Under the "Resources for" heading on the home page click on the "Parents & Guardians" link. Then click on the "International Abduction" link. Also from the home page, under the "Resources for" heading, click on the "Attorneys" link, and then click on the "International Abductions" link. In addition from the home page click on the "More Publications" link. Then respectively click on the "Abduction" and "A Family Resource Guide" links.

### **U.S. Department of State, Office of Children's Issues**

Contact the Office of Children's Issues, U.S. Department of State, for help if your child is abducted or in the process of being abducted to another country by calling toll-free at 1-888-407-4747 or dialing directly at 202-736-9090. Information is also available at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link.

If your child is in a Hague Convention country, OCI, acting as the U.S. Central Authority, or the left-behind parent, can ask the foreign Central Authority to locate the abducted child and report on the child's condition.

U.S. embassy or consular officials in the Hague or non-Hague Convention country can also be called upon by OCI or a left-behind parent to conduct a "welfare and whereabouts" check about a citizen of the United States, including a dual national, and report back to the left-behind parent. Embassy officials are not private investigators. Left-behind parents can help by being as specific as possible about the abductor's likely travel plans or location. U.S. embassy officials can seek information about your child's whereabouts from entry and residence records kept by local governments. In many instances, however, these records are not kept in an easily retrievable form by the abductor's country and, on occasion, the country will not release information from such records to officials of the United States. OCI may call upon the Diplomatic Security Service-Regional Security Officer (DSS-RSO) at the U.S. embassy for help. The DSS-RSO enlists the help of foreign law-enforcement contacts to determine the child's whereabouts even if there is no warrant for the abductor.

As part of the welfare and whereabouts check, the U.S. embassy will send a Consular Official to visit your child. If the abductor refuses to allow the U.S. Consular Official to see your child, the official will ask the local authorities for help. For instance local social workers may be asked to try to visit your child. If there is evidence of child abuse or neglect, the U.S. consular officials will try to have a child removed from the home and child-abuse or neglect proceedings initiated by the local government.

If you have serious concerns about your child's health or welfare, assistance may be available through the International Social Services, United States of America Branch, Inc. This organization can be reached at [iss-usa@iss-usa.org](mailto:iss-usa@iss-usa.org); 443-451-1200; or 200 East Lexington Street, Suite 1700, Baltimore, Maryland 21202-3533.

## **Your Search**

Try to locate your child on your own. Many search strategies described in the chapter titled "Searching for Your Child," beginning on page 63, can be adapted for use when your child is missing in another country.

Seek advice from other families victimized by international parental abduction. Call Team HOPE at 1-866-305-HOPE (1-866-305-4673) to be matched with someone who has experienced the family abduction of a child. Contact a missing-children organization specializing in international parental kidnapping. Discuss your case with your missing-child clearinghouse. Refer to the section titled "Nationwide Directory of Family-Abduction Laws and Resources" beginning on page 199 for contact information. Ask NCMEC for technical assistance.

If you believe the abductor's friends or relatives may be sympathetic to your cause, try to use their concern for your child's welfare to obtain their assistance. But beware of possible complications as described in the chapter titled "Criminal Remedies in Family-Abduction Cases" beginning on page 41.

Try to trace the abductor's sources of financial support such as bank accounts, credit cards, and loans. Contact financial institutions and credit-card companies and ask for the abductor's current address information, which may or may not be disclosed to you.

Find out how the abductor left the country. Contact airlines, rental-vehicle companies, and similar businesses. Show pictures of the abductor and your child. Talk to U.S. border personnel at international airports and borders near your home. They may recognize pictures of your child and the abductor. Consider the possibility the abductor did not take a direct route but may have traveled to Canada or Mexico before boarding an airplane, bus, or train.

Other useful leads may be generated from mail covers; telephone bills; flags on birth, medical, and school records; prosecution of accomplices; and the Federal Parent Locator Service. You will need law enforcement's help or subpoenas to get much of this information.

## **Recovering Children Who Are Victims of International Abduction**

This section focuses on recovering your child from another country. It adds the international dimension to the information contained in the chapter titled "Recovering Your Child" beginning on page 93.

### **Voluntary Return**

You may be able to negotiate the voluntary return of your child. The U.S. and foreign central authorities may be able to help in some Hague Convention cases. Child Find® of America's mediation program at 1-800-A-WAY-OUT (1-800-292-9688) or [www.childfind®ofamerica.org](http://www.childfind®ofamerica.org) may also be of assistance in facilitating a resolution. If a U.S. citizen-parent successfully negotiates the release of a child

who is a citizen of the United States and obtains physical possession of the child from the abductor, and there is no court order prohibiting the parent from removing the child from the foreign country, the U.S. embassy or consulate in that country can provide passports and assist such parents in obtaining exit permits. Under certain circumstances U.S. embassies and consulates can provide repatriation loans to fund the child's travel home. Financial assistance may also be available from NCMEC for searching parents to travel to other countries to attend hearings and recover a child. Contact NCMEC's Family Advocacy Division at 1-888-24-NCMEC (1-888-246-2632) for more information about the "Victim Travel Reunification Program."

### **When the Abductor Is Not a Citizen of the United States**

Contact the Department of Homeland Security's U.S. Citizenship and Immigration Services Bureau (USCIS) to discuss the abductor's immigration status. If an abductor is a foreigner who continues to hold a visa to enter the United States or has a U.S. work permit known as a "Green Card," it may be useful to explore with USCIS the circumstances under which these permits may be revoked or suspended. Such action could pressure the abductor to return the child. Upon request USCIS may be willing to flag communications from the abductor. Contact USCIS by calling the National Customer Service Center toll-free at 1-800-375-5283. You may also discuss immigration-related issues with an Abduction Officer in the Office of Children's Issues or a Case Manager at NCMEC's Missing Children Division.

Work with an OCI Abduction Officer to flag visa requests for people who may be ineligible for admission into the United States under the "Alien Exclusion Act," section 212(a)(10) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(10)(C). Under this law non-U.S. citizen parents who abduct U.S. citizen children to non-Hague Convention countries in violation of custody orders, and aliens who assist or provide material support to the abductor, may be denied admission to the United States until the child is surrendered to the lawful custodian in the United States. Because the child's return is a precondition to obtaining a visa to enter the United States, the law provides leverage to negotiate the child's return.

### **Alternatives When Voluntary Return Is Not Possible**

If voluntary return is not possible, other methods of recovery include

- Filing an action under the Hague Convention for the prompt return of your child
- Going to court in the foreign country and asking the court to honor your custody decree as issued in the United States
- Going to court in the foreign country and asking the court to award you custody in the best interests of the child as judged by their standards
- Accepting the situation and, perhaps, being allowed visitation

You should discuss legal recovery options with those most familiar with international kidnapping in the United States and the country in which the abductor is living. OCI may be a good source of information about the policies and customs of foreign countries. OCI and NCMEC may have advice about methods of recovery in the particular country.

Countries party to the Hague Convention have legal and administrative mechanisms for securing the prompt return of abducted children. In non-Hague Convention countries, options for return include bringing a lawsuit to enforce a U.S. custody order, which depends upon the foreign court voluntarily recognizing the U.S. order based on principles of *comity*, or petitioning for custody in the foreign court. Methods and results will vary from country-to-country. Sometimes cultural and religious differences between the United States and certain other countries may make recovery difficult or even impossible.

To obtain authoritative advice about the laws of a foreign country or take legal action in that country, you will need the help of an attorney there. In Hague Convention cases the foreign Central Authority may provide free or reduced-fee counsel. The U.S. Central Authority can inquire on your behalf about this possibility. Other sources of referrals to lawyers who can help litigate in a foreign court are found beginning on page 30. These sources include embassy and consulate website postings of attorney lists, [usembassy.state.gov](http://usembassy.state.gov), and the U.S. Department of State's Office of American Citizens Services and Crisis Management at 202-736-9090.

The Office of Citizens Consular Services and U.S. embassy can provide general information concerning how to serve process, obtain evidence, or have documents authenticated in another country. Diplomatic officers cannot represent you or give legal advice, but they can perform certain liaison services on your behalf. Helpful information is also available at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link.

### **Abductors Connected With the U.S. Military**

Enforcing a custody order against a person on active duty in the military who is stationed in another country can be problematic. Even assuming a left-behind parent could afford to litigate in another country, treaties called Status of Forces Agreements (SOFAs) generally protect members of the U.S. armed forces against lawsuits, including actions to enforce U.S. custody orders, brought in the civilian courts of the country in which they are stationed.

If the abductor is connected with the U.S. military and stationed in another country, instead of seeking relief in the foreign courts, consider contacting the commanding officer of the base where the person is stationed to request help. Defense Department Instruction 5525.09 (Instruction), titled "Compliance of DoD Members, Employees, and Family Members Outside the United States With Court Orders," requires base commanders at installations in other countries to cooperate with courts and officials who request assistance in enforcing court orders. The Instruction provides explicit guidance when a request pertains to a felony or contempt involving the unlawful or contemptuous removal of a child from the jurisdiction of a court or the custody of a parent or another person awarded custody by court order. The remedies vary depending on whether the request concerns an active-duty military member, a civilian employee, or an accompanying family member.

According to the Instruction, in cases involving active-duty military members, if the matter cannot be resolved with the court without the member returning to the United States, the member shall be ordered to return expeditiously to the



United States, unless an exception is granted. Civilian employees serving outside the United States and family members accompanying active military or civilian employees, though not subject to return to the United States, are strongly encouraged to comply with court orders, and may be sanctioned for noncompliance including withdrawal of command sponsorship. Although the child is not the subject of a return order or other sanctions, any formal punitive measure taken against a parent may have a coercive effect resulting in the child being returned to the United States. A copy of the Instruction is reprinted beginning on page 187.


Individual cases that cannot be resolved within the service member's chain of command may be brought to the attention of the Secretary of the Military Department concerned at

Secretary of the Air Force  
1670 Air Force Pentagon  
Washington, DC 20330-1670

Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Commandant of the Marine Corps  
Headquarters USMC  
2 Navy Annex (CMC)  
Washington, DC 20380-1775

Secretary of the Navy  
1000 Navy Pentagon  
Washington, DC 20350-1000



**TROUBLE  
SHOOTING**

### **How Public Officials May Help**

Consider seeking political support within the United States to give you leverage in the foreign country. Representatives and Senators in Congress; members of the Senate Caucus on Missing, Exploited and Runaway Children and Congressional Caucus on Missing and Exploited Children; the U.S. Secretary of State, the U.S. Attorney General, and the President of the United States cannot secure your child's return from another country directly. Also they cannot control how courts in this or other countries decide custody, visitation, or abduction cases. They can, however, have a powerful impact on the outcome of your case by raising its profile both in the United States and other countries.

The President, Secretary of State, and members of Congress can bring your case to the attention of foreign leaders and diplomats and facilitate meetings between embassy officials and you here and in other countries. Members of Congress can demand accountability from the U.S. Departments of State and Justice in the handling of your case. Through its oversight function Congress can also monitor how the federal government is enforcing existing parental-kidnapping laws as well as pursue better laws to improve the overall response to international parental kidnapping.

Contact elected officials and request their help. Directory information for public officials in the United States is available online at [www.usa.gov](http://www.usa.gov). Telephone numbers for members of Congress and members of these Senate and House Caucuses may be obtained by calling at 202-224-3121 or visiting [www.senate.gov](http://www.senate.gov) and [www.house.gov](http://www.house.gov).

### **Avoid Self-Help Recovery: Do Not Attempt a “Snatch-Back”**

Newspaper articles from time-to-time relate stories of parents resnatching their child from foreign countries. Such a course of action is strongly discouraged. It is dangerous both for a child involved and parent attempting it. As described in the chapter titled “Psychological Issues in Recovery and Family Reunification,” beginning on page 127, the psychological effects of the abduction can have a serious effect on the well-being of the child and left-behind family. Attempting a snatch-back can cause additional physical and emotional harm to the child and parent.

Many countries closely regulate their borders and may maintain special look-outs for children likely to be resnatched. Officials of the United States stationed in the foreign country will be unable to assist a U.S. citizen-parent who is attempting a snatch-back. If a parent is caught attempting a snatch-back, he or she could be arrested and imprisoned in foreign jails. If the parent is not imprisoned, he or she may be deported. Deportation, however, may preclude any future visitation with a child in that country or elsewhere.

Parents are advised to read the U.S. Department of State’s caution against self-help recovery found at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “International Parental Child Abduction” heading click on the “Guarding against & responding to parental child abduction” link. Then respectively click on the “A-Z Index of Topics” and “Desperate Measures (Re-Abduction)” links.

### **Incoming Cases**

If you are seeking to recover a child from the United States, you may use the Hague Convention and International Child Abduction Remedies Act as a remedy. Or you may seek enforcement of your custody/visitation determination pursuant to the Uniform Child Custody Jurisdiction Act or Uniform Child Custody Jurisdiction and Enforcement Act, whichever law is in effect in the jurisdiction where recovery is sought. Enforcement actions are described in the chapter titled “Recovering Your Child” beginning on page 93.

The U.S. Department of State is the U.S. Central Authority for the Hague Convention in both outgoing and incoming cases. Information about the services available in incoming abduction cases may be found at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the “Children & Family” link. Under the “International Parental Child Abduction” heading click on the “Guarding against & responding to parental child abduction” link. Then click on the “Incoming Cases” link.



# Psychological Issues in Recovery and Family Reunification

by JoAnn Behrman-Lippert and the late Chris Hatcher

## Chapter Overview

Over the course of a family abduction searching parents actively engage in the search process for their missing child and experience considerable distress and concern over their child's welfare. Fortunately many of these children are recovered and returned home. Each left-behind parent looks forward to the day of the child's recovery. To assist the left-behind parent and family in the reunification process this section describes the psychological issues involved in child recovery and family reunification, makes recommendations for arranging the initial reunification meeting, and describes psychological issues after reunification. Below is a **summary of the key points** more fully described in this chapter.

1. An abducted child's reunification with, and readjustment to, his or her family is determined by the three factors of the particular events that occurred during the abduction; internal way in which the child tried to understand and cope with the abduction; and expectations of the left-behind parent and abducted child about recovery.
2. The abductor's behavior before and during the abduction affect the child's views not only about the abductor and thus the situation, but also about the left-behind parent. Reunification with the left-behind parent is influenced by these perceptions.
3. Recovered children and the recovering family have different needs that should be addressed by establishing a reunification plan. The plan should address the role of law enforcement in the recovery process.
4. After recovery it is common for abducted children to fear reabduction, struggle with guilt and shame surrounding the abduction, and experience conflicting loyalty demands. At the same time families may face significant readjustment issues. Friends, family members, and professional counselors may play an important role in post-recovery adjustment issues and planning for the future.

**Editor's Note:** Other recovery resources are listed at the end of this chapter including information about Take Root, a nonprofit organization whose members are adults who were abducted as children.



When children who have been abducted by a parent are recovered, there are three important factors that will affect the child's ability to successfully return home and reenter the family they were taken from.

First each family abduction case is different. Some children are away from home for a short period of time and told they are only on an extended visitation. Other children are away from home for periods of months or years, given new names, kept out of school, told the left-behind parent has harmed or was intending to harm them, and experience a fugitive lifestyle.

Second each abducted child is different. Some children are perceptive and understand more quickly the abducting parent's explanation they are on an extended vacation is not true. These children then experience both significant emotional distress for themselves and concern for the left-behind parent, even though the actual length of the abduction may be limited. The children may find the fugitive lifestyle different and exciting or cooperate in order to maintain the abducting parent's increased level of positive attention toward them.

Third the reunification expectations of the searching parent and recovered child can be quite different. For some families the reunification is indeed the happy and joyous event hoped for. For other families the child may not, however, be initially happy to be recovered. This is especially true if the child's absence from home has been lengthy resulting in the child becoming attached to a different home, friends, and activities. Still other children are angry with the left-behind parent, believing they may have been abandoned or the parent may have allowed the abduction to occur. Frequently children appear fearful the left-behind parent will be angry and blame the child for the abduction.

In summary the recovered child's reunification with the family and readjustment is then determined by the combination of the three factors of the

- Particular set of events that occurred during this child's abduction
- Internal way in which the child tried to understand and cope with the abduction
- Expectations of the searching parent and child about recovery and family re-entry

## Specific Issues Prior to Recovery

The behavior of the abducting parent prior to the abduction is a key point to understand. You should pay particular attention to the degree of preparation the parent took to abduct your child, if known, and your child's level of participation, if any, in the abduction planning. Parents who carry out well-organized, carefully planned abductions have thought-out justifications for the abduction. As a result of such a well-thought-out abduction the child experiences rapid, planned movement marked by plausible explanations for removal from the other parent. The child's initial perception, then, is one of being cared for and attended to, reducing stress or confusion over leaving the home of the other parent. Unfortunately the child may later learn the abducting parent's behavior was not really focused on the child's best interests. This creates substantial disappointment and disillusionment for the child. Alternatively, disorganized abductions create confusion for the child. In an effort to create order out of confusion the child frequently responds by attempting to take care of the disorganized, emotional abducting parent. Upon recovery such children are concerned with the

welfare, health, and arrest status of the abducting parent and are less interested in the reunification process with the left-behind parent.

During the abduction the abducting parent may believe, in addition to convincing him- or herself taking the child is the right thing to do, that it is necessary to convince the child as well. Frequently this means talking to the child about the “harm” being done to him or her by the left-behind parent until the child will verbally repeat back the adult’s concerns. These communications to the child about the left-behind parent may vary from representing the abducting parent as simply the better parent to labeling the left-behind parent as harmful or having abandoned the child. Children may be told the left-behind parent is alcohol or drug addicted. An abducting parent may tell a child he or she loves the child more than the left-behind parent or cannot live without the child or the child in fact belongs to him or her alone. In a few cases children have been told the left-behind parent will hurt or kill them if found.

Living conditions during the abduction are important to the child as well. While some abducting parents and children create a new identity while living in a new home environment, most live with relatives or friends or move frequently living out of motels or campers. These children suffer from school denial, frequent school changes, and a lack of other children with whom they can interact. Parentally abducted children, at times, are subtle victims of medical neglect and deferred medical care. This can occur through failure to obtain preventative care such as immunizations, diagnostic care such as medical exams, remedial care such as regular medication or nonemergency surgery, or prosthetic care such as eyeglasses.

## Reunification Recommendations

Experience with the reunification of recovered children with their families indicates each member has an individual set of needs. The needs of the recovered child are

- A safe transition from the abducting parent to law enforcement and then to the recovering parent
- An explanation about what is happening during this transition process
- Evaluation and treatment, as necessary, for physical injury and psychological distress related to the disappearance

The needs of the recovering family are to be informed of

- The recovery of the child
- The circumstances of recovery
- Preliminary knowledge of the child’s physical and mental health
- Reunification meeting options
- Media contact options
- Psychological counseling resources
- The anticipated next steps in criminal/civil court proceedings

The needs of both the recovered child and recovering family can be met by taking the actions noted below to establish a reunification plan.

## **Prior to the Reunification**

The left-behind parent and law-enforcement officer in charge of the case should work together to agree upon recovery notification procedures; the investigating officer's level of on-site involvement if the child recovery is in another jurisdiction or country; and what reunification assistance resources may be available through the National Center for Missing & Exploited Children®; missing-child clearing-houses; and any local, nonprofit, missing-children organization.

The left-behind parent and law-enforcement officer in charge of the case should work together to agree upon what efforts should be made to provide support and information to the child pending the arrival of the recovering parent. The child needs to have an explanation about what is happening and will happen next. If the return of the child is voluntary or without resistance, it is possible and preferable for the abducting parent to provide such an explanation to the child and for good-byes to be said. If the return of the child is involuntary and involves resistance or arrest of the abducting parent, the law-enforcement officer or child-protective-service worker will need to provide an initial explanation to the child of what is happening and will happen until the other parent arrives.

## **Upon Notification of the Location of the Child**

In addition to arranging travel to the recovery location for him- or herself and any other family members, the left-behind parent needs to prepare legal documents and consult, as needed, with local authorities in the jurisdiction where the child is found. Arrangements should be made with someone, perhaps a relative, family friend, or neighbor, to care for the needs of the remaining family members in the home who will not be going to the reunification. During his or her absence the recovering parent should keep in regular contact with the caregiver to keep the other children in the family informed about reunification events and return travel plans.

The searching parent should provide for welcoming the recovered child. This may include bringing to the reunification location a favorite possession left behind and/or past and present photographs of family members, family events, or family pets especially if the child was close to a certain pet. These items can be useful in helping the child recall past positive memories as well as providing something to discuss during the initial reunification meeting. Depending on the age of the child, it may also be useful to take missing-child posters or newspaper articles with the child's name or picture to provide concrete indicators to the child of your efforts to find him or her.

## **At the Reunification Meeting**

The recovering parent should request the law-enforcement officer or other agency personnel at the planned reunification location provide a room and time for the child and parent to become reacquainted before leaving for home.

The recovering parent should recognize that media attention in highly publicized cases may be intense. It is important to remember the needs of the recovered child and family always come first. The recovering parent desiring privacy should request assistance from the other professionals involved in the reunification process.



## Psychological Considerations/What a Parent Can Expect

Recovering parents should be aware during reunifications recovered children may be hesitant, fearful, angry, or confused. In some cases the children may not even remember left-behind family members. In such situations the recovering parent's best response is to continue to proceed to let the child know how happy he or she is the child has been found and focus on welcoming the child home.

The recovering parent should recognize on the child's first night home the child is most likely to be focused on being in the room in which his or her bed is located, becoming reacquainted with other family members, and relearning other aspects of family interaction rather than talking about the disappearance. The recovering parent may experience mixed feelings. On the one hand there is undeniable relief the child has been recovered. On the other hand there is also a degree of anxiety and concern over not knowing what happened to the child during his or her absence and the possibility of future contact with the parent who abducted the child.

## Specific Issues After Recovery

Most recovering parents are interested in knowing what specific psychological and adjustment issues have been encountered by other children and families after child recovery from parental abduction.

Most children who have been parentally abducted have initial concerns about safety and reabduction expressed through dreams, play/sleep difficulties, and specific fears about reabduction. Reabduction dreams more characteristically have to do with a child being taken away by a nonspecific adult from the current parent. Reabduction play involves reenacting the abduction itself or activities with themes of abduction fear and protection. In one case a young boy who was fearful of reabduction discovered a mouse under the kitchen sink. He then took little "weapons" from a set of toys to give to the mouse creating a "super" mouse who became the boy's protector against reabduction.

Most recovered children struggle with guilt and shame around the abduction event. It is important to understand the child's knowledge of being abducted. If the child is aware he or she was being abducted, the child frequently feels responsible for not seeking help or calling home. Further, when the child realizes the abducting parent's statements about the left-behind parent were not true, the child feels guilty for not having seen this earlier. In a few cases the child truly does not understand what happened and feels responsible for not having known. Abducting parents also sometimes involve the child as a co-conspirator asking the child to assist in the process of not being discovered. In the child's mind evading discovery as part of the fugitive lifestyle may be like a game until real life intrudes. In one case a 7-year-old child described, in an animated and excited manner, hiding in a building when her mother and she knew law enforcement was looking for them. This game took on a very different meaning, however, when law enforcement came into the building, arrested the mother, and took them away.

After recovery children are often caught in conflicting loyalty demands. Overall, children tend to be good at assessing adult reactions to them especially in situa-

tions where the risk of loss is high. In order to preserve a sense of safety the child will most likely assume the attitudes and behavior expected of them by the abducting parent. Meanwhile the recovering parent must go through a lengthy and frustrating process of locating and recovering his or her child, inevitably producing a degree of anger toward the abducting parent. After the recovery the recovering parent may find it difficult not to communicate such anger and hostility about the abducting parent directly or indirectly to the child. This may result in the child feeling pressured to choose sides. In one case, nine months after his recovery and return, a child was aware of the ongoing legal actions between the custodial mother and father who had abducted him. In his play the boy would always represent the mother and father figures in the family as being in conflict. As the legal disagreements increased, the boy finally announced his “playmates” wanted to get rid of both parents and get new ones in their place.

## Planning for the Future: Recovery Resources

In the weeks and months after recovery many families find themselves facing significant readjustment difficulties. Relatives and family friends can be important sources of help and support during this time. Psychologists and other mental-health professionals can also play an important role. There may be a need for family counseling including the child, parents, and siblings. Local psychological, mental-health, and medical associations can help identify mental-health resources in your community. If possible find a therapist who has experience in parental abduction or missing-child cases. Remember a child’s readjustment may not be quick or easy especially if the child has been absent for a long period of time.

**Editor’s Note:** Take Root is a nonprofit organization whose adult members were abducted as children and taken into hiding by parents or family members. Take Root administers a national support network for its members and develops educational resources to assist today’s generation of parentally abducted children, families, and the professionals who assist them. Take Root has developed a multidisciplinary approach to recovery called “Kid Gloves for Handling Abducted Children.” The Kid Gloves approach is designed to improve how child recoveries are handled, with the goal of minimizing trauma and helping missing children recover. Information about this program is available at Take Root by calling toll-free at 1-800-ROOT-ORG (1-800-766-8674) or visiting [www.takeroot.org](http://www.takeroot.org). Take Root offers suggestions to help left-behind parents prepare for a child’s return including applying for crime victim’s compensation, locating treatment therapists for the child, seeking counseling and support for themselves, making a Web page for the child in the child’s own name, and keeping a reunion journal. For information about victim assistance programs in individual states and territories see the “Compensation Program for Crime Victims” section of the “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199. And for the recovery Take Root advocates having a mental-health professional accompany law enforcement to recover an abducted child to minimize potential trauma to the child.

Another resource is available through the National Center for Missing & Exploited Children. It is a brochure titled *Just in case...Parental guidelines in find-*

*ing professional help in case your child is missing or the victim of sexual exploitation. It is available at [www.missingkids.com](http://www.missingkids.com). From the home page click on the "More Publications" link. Then respectively click on the "Just in Case...Series" and "Just in case...Finding Professional Help" links.*

# The Impact of Abduction on Children

by Geoffrey L. Greif and Rebecca L. Hegar

*Portions of this chapter have appeared in the American Journal of Orthopsychiatry and are reprinted with permission of the Journal, Geoffrey L. Greif, and Rebecca L. Hegar, 1993.*

## Chapter Overview

Parental abduction occurs within the context of failed adult relationships. A parent snatches a child either as a marital or nonmarital relationship is breaking up or within a period of time ranging from a few days to a few years afterward. Whereas a great deal of attention has been focused on children of divorce, the consequences of this related traumatic event have been virtually ignored.

Child-custody disputes and marital breakups tear at the fabric of the family placing children and sometimes parents in impossible situations to which there rarely are resolutions satisfying everyone. At the far end of the divorce continuum are those relationship problems or custody disputes including a kidnapping or other illegal acts.

This chapter attempts to advance an understanding of children who are abducted by reporting on the findings of a study and sharing the abduction experience of one family. Below is a **summary of the key points** more fully described in this chapter.

1. A study of 371 left-behind parents found a significant number of abducted children were at risk of psychological harm prior to the abduction due to issues in the home including domestic violence; substance abuse or emotional problems; and physical, sexual, and/or emotional abuse.
2. The findings indicate a child's age at the time of the abduction may affect how the child experiences the abduction.
3. Overall functioning was believed to have declined in more than half of the children between the time they were taken and returned to the left-behind parent.

**Editor's Note:** For additional information about the psychological effects of family abduction on child victims, refer to the "Bibliography" beginning on page 143 Also visit [www.takeroot.org](http://www.takeroot.org). After entering the website click on "The Grotto" link.



## The Study

We compiled a sample of 371 left-behind parents, nearly half of whom had recovered their children, by enlisting the assistance of 15 missing-children organizations throughout the United States and Canada. The organizations mailed eight-page questionnaires to parents who had approached them for help in locating their children. The findings noted below help frame the parents' perspectives about their pre- and post-recovery situations.

A significant number described their home life prior to the abduction as chaotic, thus placing the children at risk for psychological problems even before the abduction. Domestic violence was present in 54 percent of the relationships. The abductor's substance abuse, at 15 percent, or emotional problems, at 16 percent, were blamed for the breakup in a significant percentage of the relationships, and abduction was threatened in advance of the actual event in almost half of the situations. Children were taken to other countries and subjected to a new culture while hiding in 21 percent of the abduction cases studied.

Children who were recovered were described by the recovering parent as having been physically abused, at 23 percent; sexually abused, at 7 percent; and both physically and sexually abused, at 5 percent. Children were also exposed to a range of other abusive behaviors such as being screamed at, threatened, and witness to adult-to-adult fighting.

The findings indicate the age of the children may affect how they experience abduction. Older children may suffer differently than younger children if, for example, they blame themselves for not contacting the left-behind parent when they had the capacity to do so. A sense of guilt for not having made such a contact may emerge. On the other hand younger children may be abducted at a time when crucial developmental bonds are being formed with the left-behind parent. Such a break may result in serious emotional problems at the time or in the future.

Overall functioning was believed to have declined in more than half of the children between the time they were taken from and returned to the left-behind parent. This finding was offered with caution, though, as parental assessment of pre-abduction functioning appeared to be unrealistically high. Similarly assessment of post-abduction functioning could be affected by a parent's desire to characterize the child's situation as negative in order to show how badly the child was treated when missing. Behavior at home was the most problematic area with grades, school behavior, and health showing a smaller decline. Three-quarters believed the abduction had some persisting negative effect. Over time a majority of the children had been seen for psychological counseling.

## One Family's Experience

In order to provide the reader with a picture of one extended and traumatic abduction, following is the case of David and Susan. These children were 6 and 5 years old, respectively, when they were located and returned to their mother, Ava, following more than three years of being held by their father.

David and Susan were the objects of a series of abductions when they were both quite young. Their parents, Ava and Ralph, were married for a short time before Ralph became verbally and physically abusive toward Ava, as well as

addicted to amphetamines. Major fights between the parents ensued. While never the intentional targets of their father's angry outbursts, the children would occasionally get nicked when objects were thrown. Ava finally fled with the children to her mother's house following one particularly abusive episode. Ralph located them and forced them back home, beat up Ava, and locked her in a closet. She escaped again with the children, this time to a women's shelter in a different state. With the shelter's assistance she established a new life. Ralph once more found them and snatched the children after promising he was only interested in visitation. Three months later Ava tracked them down and snatched the children back. Weeks later her new hiding place was revealed to Ralph who once again took the children and went into hiding, this time for three and one-half years. During that time the children had no contact with Ava who continued to search for them. She eventually remarried and had another child.

Life on the run was alternately exciting and terrifying especially for David. Susan and he were trained not to trust law enforcement and avoid telling anyone their real names. They often went hungry but were given toys whenever they asked for them. They were never enrolled in school. Most traumatic for David was being exposed to his father's drug taking and pornographic movies. In addition David was sexually abused by a female sitter. Susan apparently was spared much of this type of activity.

With assistance from a friend of Ralph's, Ava located both children who were in foster care in a different state following Ralph's arrest and incarceration on charges unrelated to the abduction. Ava said

The foster-care workers were shocked to see me. They and the children had been told first...I was dead and then that I was a prostitute and drug user. Then here I was looking like a normal mother. While there was a battle going on between the foster-care people and me as to who the children belonged to, Ralph was released from jail, where he was serving time on other criminal charges, and snatched David from the foster home. The workers hadn't known who to believe, but when he snatched David right out of the foster home, they knew. I was then able to get a court order to return custody to me which set the stage for my getting them back.

Susan, then 5 years old, was returned to Ava. As Ava described it, Susan greatly enjoyed seeing her again. "It was just like in the movies. We ran and hugged each other and were crying and everything. [My new husband] was there and he was crying too." Even though Susan did not remember Ava, it took only a few days before she began feeling comfortable with her. Her experiences in foster homes and with her father had been so unhappy that the relationship Ava offered her easily overcame any initial hesitations she had about living with her mother.

It would be another few months before David would rejoin the family. After Ralph abducted him from the foster home, he drove to Canada. Ralph and David finally were tracked down and caught after a high-speed chase, which ended with their car crashing into a barrier and David flying through the windshield. Ava recovered David, and Ralph went to prison for five years on kidnapping, drug, and theft charges.

## Susan's and David's Adjustment

The authors interviewed the children on four separate occasions, beginning a few months after David's return to their mother and spanning the next three years. At the first interview Susan, who had been living with Ava for five months at that time, was quiet and shy. She sat very close to her mother and gave the bare minimum of responses. She was alert and answered appropriately but, perhaps because of her experiences while in hiding or foster care, had learned to offer little information when questioned. Home schooling, initiated by her mother, was progressing well, and Susan was adjusting to her new half-sister. Susan stated she did not want to see her father and was afraid to speak or write to him in prison.

David's experiences left him in a more emotionally precarious position. He had been missing longer, spent a number of months in a less satisfactory foster-care setting than Susan, and been exposed to much more abuse while with his father. He had also established a stronger identification with his father. His adjustment to his mother, sister, new stepfather, and new half-sister was problematic. Ava described David as not knowing right from wrong, constantly throwing tantrums, crying 15 to 20 times a day if he was refused anything, and frequently beating his head against the wall. Whereas Susan was seen as being "a little lady," David was perceived as acting out in ways similar to his father. He entered counseling at a sexual assault center immediately upon his return home.

At the first interview with David he was extremely friendly and outgoing, had difficulty with impulse control, could not sit still, and drew a picture reflecting the skill level of a child much younger than 7 years of age. Like many children who have such experiences, David had learned to get attention through being affectionate and responsive to adults. Because he was very young when first abducted, critical stages in his development were missed and had to be experienced for the first time with a loving parent like Ava. In addition his moral development was stunted from living with a father who showed no regard for the law and encouraged illegal behavior.

Six months later, at the time of the second interview, improvement was noted. David remained outgoing and loved the attention he received, yet he appeared to be learning more clearly where appropriate boundaries between adults and children should be drawn. Therapy was progressing and improved behavior was noted at home. While he had at first been rooming with his youngest sibling, David had moved into a room of his own in the basement of the family townhouse. This was done in part to give David his own living space but also because Ava was somewhat worried he might harm his half-sister.

During this time both children continued to be home-schooled by Ava. Because they had never been in school, they both needed a great deal of remedial work to catch up to their peers. In addition they had been away from Ava for so much time she wanted to avail herself of every opportunity to be with them. Given their previous separations, home schooling enabled them to form a strong relationship, which in turn improved the children's self-concept.

At the third visit, 18 months later, Susan continued to show improvement but other issues loomed for David. Susan seemed to have formed a close bond with Ava. She was moving on with her life, and peer relations were not a problem for her. David had spent an unsatisfactory year in public school and, with Susan, who had performed well academically in school, was being taught at home again.



Apparently David was picked on a great deal by the other children and, even though he was reportedly getting along well with children in the neighborhood, lacked social skills in the school setting. His academic performance was not at issue.

In addition contact with Ralph, who was still in prison, was upsetting the family. David stated, "He calls and starts screaming at us and my mom and we all start to cry. My mom just hangs up on him." Despite the past dangers, David mentioned thinking about him a lot and wanting to see him. Then, with Ava's permission, David produced a photograph of his father as well as a picture Ralph had drawn from prison. Ava feared Ralph might try to reabduct the children when released from prison. Both children spoke fondly of their stepfather who was described by Ava as being a positive influence in all of their lives.

On the fourth visit, a year later, the family had again undergone a change. Ava's husband had been ill and spent a number of months home from work. This required the children to return to school outside of the home so he would have quiet during the day as well as Ava's attention. This time, at a new school, David began to flourish. As Ava stated with a laugh, "I think they like it [being in school] a lot more, and I think they like me a lot more now too! We were getting on each other's nerves. They are really finally adjusting well."

### **Case Analysis**

This case illustrates many issues. The children were kidnapped following months in an unstable home environment. They went into hiding; moved constantly; were told lies about their mother; had their identities changed; were taught to avoid legal authorities; were neglected; and at least one child, David, was abused. They also witnessed a great deal of Ralph's aberrant and erratic behavior. In addition they were kept out of school and eventually removed from their father, with whom David in particular had come to identify, and placed in foster homes. When returned to their mother, David had a difficult adjustment. He was uncontrollable for months and, almost two years later, continued to have problems in school though his behavior at home improved. Time has proved to be beneficial to David, though some concerns persist. He remains obsessed with thoughts of his father. If he continues to identify with Ralph, he will have a harder time relating to Ava and his stepfather. His sense of well-being may necessitate at some point a mourning for the loss of the "bad father" before he can accept the good parts in himself and move on – something he is starting to do. Susan has had an easier adjustment, though David's problems affect her as is evidenced by her also being home schooled a second time when David was removed from public school.

The fourth visit showed Ava had begun to experience her children more typically. She laughed at the need they had to spend time away from each other. This is a far cry from the mother who initially used home schooling to make up for lost time. Ava's new realism should eventually pave the way for a normal parent-child separation as the children reach adolescence.

This case example also illustrates children with rather different reactions to abduction. How much of this is due to the different experiences of the children or bond formed between Ralph and David on the one hand and Susan and Ava on the other is difficult to tell.

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## Bibliography

A select list of publications about family abduction appears below. Websites are provided for publications available online. The list is organized by source.

### **American Bar Association Center on Children and the Law**

The ABA Center on Children and the Law has produced many publications about parental kidnapping. They may be obtained by calling 1-800-285-2221 or visiting [www.abanet.org/child/pkpapers.pdf](http://www.abanet.org/child/pkpapers.pdf). Reports written by ABA staff members pursuant to grants awarded by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention are listed beginning on page 145.

Hoff, Patricia M. *The Hague Convention on the Civil Aspects of International Child Abduction: A Curriculum for American Judges and Lawyers* (1997).

Hoff, Patricia M. *Parental Kidnapping Prevention and Remedies* (Revised December 2000).

Hoff, Patricia M. *Hague Convention Issue Briefs*.

Parental Kidnapping Law Reform Package

Parental Kidnapping Crime Act

Missing Children Record Flagging Act

Tortious Interference With Child Custody and Visitation Act

### **The Hague Conference on Private International Law**

The Hague Conference on Private International Law provides extensive information about the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention) on its website at [www.hcch.net](http://www.hcch.net). From the home page click on the "Welcome" link, and then click on the "Child Abduction Section" link to find links to the key information noted below. From that section of the website also click on links to other information of interest including

- The Convention
- Contracting States
- Central Authorities
- Guide to Good Practice
- INCADAT
- Questionnaires and Responses
- Judges' Newsletter on International Child Protection
- International Centre for Judicial Studies & Technical Assistance

## **National Center for Missing & Exploited Children**

The National Center for Missing & Exploited Children offers a wealth of information about parental kidnapping. To access information online, view, download, and/or order these publications go to [www.missingkids.com](http://www.missingkids.com). From the home page click on the “More Publications” link. An alphabetized list of publications by category can be found from that link. Printed copies are also available by calling 1-888-24-NCMEC (1-888-246-2632). Sample titles include

*A Family Resource Guide on International Parental Kidnapping* (NCJ 215476). Hard copies of this item are available by calling toll-free at 1-800-851-3420, dialing directly at 301-519-5500, or visiting [www.ncjrs.gov](http://www.ncjrs.gov).

*Good Practice Report and Country Reports* (Respectively NCMEC Order #113 and 101-111, 154-157, and 163 in English and various other languages).

*International Forum on Parental Child Abduction: Hague Convention Action Agenda* (NCMEC Order #84-86 respectively in English, French, and Spanish).

*Just in Case...Family Separation* (NCMEC Order #08 in English, NCMEC Order #09 in Spanish, and NCMEC Order #45 in Vietnamese).

*Just in Case...Federal Parent Locator Service* (NCMEC Order #11 in English and NCMEC Order #47 in Spanish).

*Just in Case...Finding Professional Help* (NCMEC Order #30 in English, NCMEC Order #43 in Spanish, and NCMEC Order #44 in Vietnamese).

*The Kid is With a Parent, How Bad Can it Be?: The Crisis of Family Abductions.*

*Know the Rules...Abduction and Kidnapping Prevention Tips for Parents and Guardians* (NCMEC Order #94 in English and NCMEC Order #151 in Spanish).

*Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management and Investigative Checklist.* S.E. Steidel, Editor. 2006. (NCMEC Order #13 in English and NCMEC Order #38 in Spanish).

In addition to these publications, other helpful information about international child abduction is accessible from [www.missingkids.com](http://www.missingkids.com). From the home page, under the “Resources for” heading, click on the “Attorneys” link. Then click on “International Abductions” link and access the information of interest. Attorneys may find especially helpful the sample pleadings and the *Litigating International Child Abduction Cases Under the Hague Convention* manual available at this site.

## **The Office of Juvenile Justice and Delinquency Prevention**

Numerous publications about parental kidnapping are available from the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention at [www.ncjrs.gov](http://www.ncjrs.gov). Many of these publications are listed below with short summaries and can be accessed online at that website address. To search the site generally, use the keywords "parental kidnapping" or "parental abduction." For a particular publication type the "NCJ" number or the name of the publication in the "Site Search." To order publications or for other assistance, call NCJRS toll-free at 1-800-851-3420 or directly at 301-519-5500.

*Children Abducted by Family Members: National Estimates and Characteristics* (Heather Hammer, *et al.*) October 2002 (NCJ 196466). For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Criminal Justice System's Response to Parental Abduction* (Kathi L. Grasso, *et al.*) December 2001 (NCJ 186160). This document examines the response of state and federal law enforcement and prosecutors to interstate and international family-abduction cases. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Early Identification of Risk Factors for Parental Abduction* (Janet R. Johnston, *et al.*) March 2001 (NCJ 185026). For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Family Abductors: Descriptive Profiles and Preventive Interventions* (Janet R. Johnston, *et al.*) January 2001 (NCJ 182788). For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

The two studies listed immediately above identify risk factors for parental kidnapping and strategies for preventing abductions in families at risk for abduction.

*Family Resource Guide on International Parental Kidnapping* January 2007 (NCJ 215476). This publication provides parents with the facts they need to address international, parental-kidnapping cases in a question-and-answer format. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies, 5th Edition.* 2007 (NCJ 216857). This is a directory of the many federal agencies and services, programs, publications, and training addressing child sexual exploitation, child pornography, child abduction, and missing children. This directory represents an effort to enhance coordination of delivery of federal services to missing and exploited children and their families. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Issues in Resolving Cases of International Child Abduction by Parents* (Janet Chiancone, et al.) November 2001 (NCJ 190105). This publication reports about implementation of the Hague Convention on the Civil Aspects of International Child Abduction in party countries and identifies "best practices" for addressing these cases. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth: Research Summary* (J.J. Collins, et al.) 1993 (NCJ 145644). This publication summarizes major findings of OJJDP's *National Study of Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth* including recommendations for improving law-enforcement response. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Missing, Abducted, Runaway, and Thrownaway Children in America* (David Finkelhor, et al.) 1990 (NCJ 123668). This publication discusses the background, methodology, and findings from the 1988 *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children*, which provided the first reliable estimates of the incidence of five categories of missing children. It also presents recommendations for future research and discusses policy implications. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*North American Symposium on International Child Abduction: How to Handle International Child Abduction Cases* 1993 (NCJ 148137). This document contains comprehensive resource materials about the Hague Convention on the Civil Aspects of International Child Abduction and other remedies for international child-abduction cases as presented at the North American Symposium on International Child Abduction in 1993. It also includes four diskettes of applicable case law. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS

Abstracts Database Search” links. Then type this “NCJ Number” in that field and click on the “Search” link.

*Obstacles to the Recovery and Return of Parentally Abducted Children* (Linda K. Girdner and Patricia M. Hoff, Editors) 1993 (NCJ 144535). This publication presents research results of the American Bar Association Center on Children and the Law’s study of the legal, policy, procedural, and practical obstacles to the location, recovery, and return of parentally abducted children, and includes recommendations to overcome or reduce these obstacles. For more information review this publication’s abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the “Library/Abstracts” and “NCJRS Abstracts Database Search” links. Then type this “NCJ Number” in that field and click on the “Search” link.

*Obstacles to the Recovery and Return of Parentally Abducted Children: Research Summary* (Linda K. Girdner, et al.) 1994 (NCJ 143458). This publication outlines civil- and criminal-justice responses to the problem of parental abductions including recommendations for further action by congressional and state officials, juvenile-justice professionals, individuals, and other interested groups. For more information review this publication’s abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the “Library/Abstracts” and “NCJRS Abstracts Database Search” links. Then type this “NCJ Number” in that field and click on the “Search” link.

*Parental Abduction: A Review of the Literature* (Janet Chiancone) 2000 (NCJ 190074). This document is also available on NCMEC’s website at [www.missingkids.com](http://www.missingkids.com). From the home page, under the “Resources for” heading, respectively click on the “Attorneys,” “International Abductions,” and “Recommended Reading” links. For more information review this publication’s abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the “Library/Abstracts” and “NCJRS Abstracts Database Search” links. Then type this “NCJ Number” in that field and click on the “Search” link.

*Parental Abduction of Children: An Overview and Profile of the Abductor* (J. Kiedrowski, et al.) 1994 (NCJRS 162518). For more information review this publication’s abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the “Library/Abstracts” and “NCJRS Abstracts Database Search” links. Then type this “NCJ Number” in that field and click on the “Search” link.

*Parental Abductors: Four Interviews* (Video, VHS format) 1994 (NCJ 147866). This video features interviews with four parental abductors who discuss motives for abducting their children, their experiences while in hiding, and the consequences of their actions. For more information review this abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the “Library/Abstracts” and “NCJRS Abstracts Database Search” links. Then type this “NCJ Number” in that field and click on the “Search” link.

*Perspectives on Parents Who Abduct Their Children: Windows on a Limited Sample* (G.L. Grief, et al.) 1993 (NCJRS 157159). For more information review this



publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Report to the Attorney General on International Parental Kidnapping* April 1999 (NCJ 189382). This publication documents the federal government's response to international parental kidnapping, identifies gaps in the response, and makes recommendations for improving the U.S. handling of these cases. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Research Issues in the Study of Parental Kidnapping* (R.J. Gelles) 1980 (NCJ 79093). For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Runaway/Thrownaway Children: National Estimates and Characteristics* (Heather Hammer, et al.) October 2002 (NCJ 196469). This bulletin presents results from data collected by the NISMART-2 national household survey and provides a snapshot of family abductions in 1999. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*The Uniform Child-Custody Jurisdiction and Enforcement Act* (Patricia M. Hoff) November 2001 (NCJ 189181). This bulletin explains the uniform law that replaces the Uniform Child Custody Jurisdiction Act. It also describes the new civil statutory role for prosecutors and/or other designated public officials, and law enforcement acting at their request, in child custody enforcement and abduction cases. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*Using Agency Records To Find Missing Children: A Guide for Law Enforcement; Program Summary* 1996 (NCJ 154633). This guide provides information and ideas designed to assist law-enforcement officers in obtaining and using records from various human-service providers in order to locate missing children. Both mandated and voluntary access to records from schools, medical-care providers, child-welfare agencies, and various shelters are discussed. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

*When Your Child is Missing: A Family Survival Guide* (Heather Cox, et al.) May 2004 (NCJ 204958). This guide explains the role various agencies play in the search for a missing child and discusses some of the important issues a family needs to consider. It also features several helpful checklists such as "What You Should Do When Your Child Is First Missing," which leads families through action steps in the critical first 48 hours following the disappearance of a child. This guide was written by parents who have experienced the trauma of a missing child, with assistance from law-enforcement and youth-service professionals. The focus of this book is on nonfamily-abduction cases. For more information review this publication's abstract at [www.ncjrs.gov](http://www.ncjrs.gov). From the home page respectively click on the "Library/Abstracts" and "NCJRS Abstracts Database Search" links. Then type this "NCJ Number" in that field and click on the "Search" link.

### **Take Root**

Take Root hosts an online library of literature about family abduction. After entering Take Root's website, at [www.takeroot.org](http://www.takeroot.org), click on "The Grotto" link and then click on the links of interest. A "Compiled Bibliography and Library Holdings" is also available on this website. The direct link to this bibliography is [www.takeroot.org/multimedia/TR\\_bibliography\\_web\\_version.pdf](http://www.takeroot.org/multimedia/TR_bibliography_web_version.pdf).

### **U.S. Department of State**

The Office of Children's Issues provides extensive information about international child abduction on its website at [www.travel.state.gov](http://www.travel.state.gov). From the home page click on the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then click on the "Resources" link. A table of contents is shown below of the available resources. For additional information contact the Office of Children's Issues toll-free at 1-888-407-4747 or by dialing directly at 202-736-9090.

### **Reports**

Most recent Report on Compliance with the Hague Abduction Convention  
Archived Hague Abduction Convention Compliance Reports

### **Fliers**

About Our Office  
Abductions to the United States – FAQs  
Children's Passport Issuance Alert Program  
Country Specific Fliers  
Dual Nationality  
Ex Parte Court Order  
Enforcement of Judgments Abroad  
The Human and Social Cost of International Parental Child Abduction  
Islamic Family Law  
Notarial and Authentication Services Abroad  
Preventing International Parental Child Abduction  
Retaining a Foreign Attorney

## **Forms**

Instructions for Completing the Hague Application  
Hague Application Checklist  
Hague Application – English  
Hague Application – Spanish  
Privacy Act Waiver Form  
Sample Article 28 Statement  
Entry into the Children’s Passport Issuance Alert Program

## **Laws & Regulations**

Extradition Treaties Interpretation Act of 1998, 18 U.S.C. 3181  
Fugitive Felon Act, 18 U.S.C. 1073  
International Child Abduction Remedies Act (ICARA), 42 U.S.C. 11601 - 42 U.S.C. 11611  
International Parental Kidnapping Crime Act of 1993, 18 U.S.C. 1204  
1980 Hague Convention on the Civil Aspects of International Child Abduction Missing Children Act, 42 U.S.C. 5771  
National Child Search Assistance Act, 42 U.S.C. 5779 - 42 U.S.C. 5780

Viewers may also access links titled “For Attorneys and Judges,” “Finding an Attorney,” “Possible Solutions,” and “Helpful Links” from this section.

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## Missing-Children Organizations

The Association of Missing and Exploited Childrens Organizations Inc. (AMECO) is a national association of missing- and exploited-children organizations working together to serve and protect missing and abducted children and their families. Under a cooperative agreement with the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, AMECO was authorized to develop national standards for nonprofit organizations serving missing and sexually exploited children and their families and certify organizations meeting their standards. Currently AMECO members are located in many jurisdictions throughout the nation and numerous Canadian provinces. Each organization offers different services geared toward the needs of its community.

AMECO's website, at [www.amecoinc.org](http://www.amecoinc.org), provides a list of member organizations, qualifications for membership, a list of available services, and links to missing-child clearinghouses and regional Internet Crimes Against Children Task Forces. AMECO may also be reached at

PO Box 320338  
Alexandria, Virginia 22320-4338  
Toll-Free 1-877-263-2620  
703-838-8379  
Fax 703-549-3787  
[info@amecoinc.org](mailto:info@amecoinc.org)

The section titled "Nationwide Directory of Family-Abduction Laws and Resources," beginning on page 199, lists organizations in each jurisdiction that may provide assistance in family-abduction cases. It also lists contact information for each missing-child clearinghouse.



## Laws Applicable to Family Abduction

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### Missing-Children Laws

#### Missing Children Act (28 U.S.C. § 534)

Summary: This federal law authorizes the U.S. Attorney General to collect and exchange information that would assist in identifying unidentified deceased persons and in locating missing persons, including children.

#### 28 U.S.C. § 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) The Attorney General shall — ...

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;



(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin); [and]

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.

### **Missing Children's Assistance Act (42 U.S.C. § 5771 et seq.)**

Summary: This federal law directs the Administrator of the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, to establish and operate a national toll-free telephone line for missing children and a national resource center and clearinghouse. Sections of the law appear below.

#### **42 U.S.C. § 5771. Findings**

The Congress finds that —

(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place them in grave danger;

(2) many missing children are at great risk of both physical harm and sexual exploitation;

(3) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

(4) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

(5) growing numbers of children are the victims of child sexual exploitation, increasingly involving the use of new technology to access the Internet;

(6) children may be separated from their parents or legal guardians as a result of national disasters such as hurricanes and floods;

(7) sex offenders pose a threat to children;

(8) the Office of Juvenile Justice and Delinquency Prevention administers programs under this Act through the Child Protection Division, including programs which prevent or address offenses committed against vulnerable children and which support missing children's organizations; and

(9) a key component of such programs is the National Center for Missing and Exploited Children....

#### **42 U.S.C. § 5772. Definition...of "missing child"...**

For the purpose of this title —

(1) the term "missing child" means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian....

#### **42 U.S.C. § 5773(b). "Annual grant to National Center for Missing and Exploited Children"**

(1) In general

The Administrator shall annually make a grant to the Center, which shall be used to —

(A)

(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

- (ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714-11);
- (B) operate the official national resource center and information clearinghouse for missing and exploited children;
- (C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding —
  - (i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and
  - (ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;
- (D) coordinate public and private programs that locate, recover, or reunite missing children with their families;
- (E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;
- ...
- (H) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;
- (I) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and, in cooperation with the Department of State, internationally;
- ...
- (P) operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation....

**National Child Search Assistance Act (42 U.S.C. §§ 5779-5780)**

§ 5779 was amended in 2003 by Pub. L. No. 108-21, Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003, Sec. 204 (Suzanne’s Law).

§ 5780 was amended in 2006 by Pub. L. No.109-248, the Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act), Sec. 154(a)(2); (a)(3), 120 Stat. 611.

Summary: As amended this federal law requires each Federal, State, and local law enforcement agency to enter information about missing children younger than age 21 into the Federal Bureau of Investigation’s National Crime Information Center (NCIC) database within two hours of receiving a missing-person report. Missing-person reports are not to be removed from NCIC solely on the basis of age such as when a child reaches age 21 and is still missing. The Adam Walsh Act added the two-hour mandated entry into NCIC and required retention of missing person record’s beyond age 21, and also clarified the definition of “missing child” in the Missing Children Assistance Act.

**42 U.S.C. § 5779. Reporting requirement**

- (a) In general each Federal, State, and local law-enforcement agency shall report each case of a missing child under the age of 21 reported to such agency to the National Crime Information Center of the Department of Justice.
- (b) Guidelines. The Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this section and section 5780 of this title.
- (c) Annual summary. The Attorney General shall publish an annual statistical summary of the reports received under this section and section 5780 of this title.

#### **42 U.S.C. § 5780. State requirements**

Each State reporting under the provisions of this section and section 5779 of this title shall —

(1) ensure that no law-enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and

(3) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include —

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) the date and location of the last known contact with the child; and

(C) the category under which the child is reported missing; is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

(4) provide that after receiving reports as provided in paragraph (3), the law-enforcement agency that entered the report into the National Crime Information Center shall —

(A) no later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;

(B) institute or assist with appropriate search and investigative procedures; and

(C) maintain close liaison with the National Center for Missing & Exploited Children or the exchange of information and technical assistance in missing children cases.

#### **Adam Walsh Child Protection and Safety Act of 2006**

Summary: Section 154 of the Adam Walsh Child Protection and Safety Act of 2006 amended the missing-child-reporting requirements of 42 U.S.C. § 5780 to “ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person.” Section 154 also amended 42 U.S.C. § 5780 to require that a missing-child report be entered within 2 hours of receipt into the state law enforcement system and the National Crime Information Center computer networks and be made available to the Missing Children Information Clearinghouse within the state or other agency designated within the state to receive such reports.

#### **AMBER Alert Program, Pub. L. No. 108-21, Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, §§ 301–305**

Summary: This federal law directs the Attorney General to designate a Justice Department coordinator of the national AMBER Alert communications network regarding abducted children. The coordinator’s tasks include working with federal agencies and all States to promote a seamless communications network for rapidly locating abducted children in cases meeting state criteria, which ideally mirror suggested federal criteria for issuing AMBER Alerts. An overview of this act is below. The full text is available at [www.amberalert.gov](http://www.amberalert.gov). From the home page respectively click on the “Legislation” and “PROTECT Act (AMBER Alert excerpt)” links.

Sec. 301. National coordination of AMBER alert communications network.

Sec. 302. Minimum standards for issuance and dissemination of alerts through AMBER alert communications network.

Sec. 303. Grant program for notification and communications systems along highways for recovery of abducted children.

Sec. 304. Grant program for support of AMBER alert communications plans.

Sec. 305. Limitation on liability.

## **Interstate Child Custody, Visitation, and Abduction**

Summary: The Uniform Child Custody Jurisdiction Act (UCCJA) and the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) establish jurisdictional rules for interstate child custody and visitation cases. A purpose of the jurisdictional scheme is to remove legal incentives for abducting children. The jurisdictional rules govern when a state court can make and modify custody and visitation orders. Whereas both laws require interstate enforcement of valid custody and visitation orders, only the UCCJEA provides new enforcement procedures (including authorization for prosecutors and law enforcement to become involved in the civil aspects of custody and visitation enforcement). Another key difference is that the UCCJEA, unlike the UCCJA, is consistent with the Parental Kidnapping Prevention Act (PKPA), the federal law set forth below. This is important because custody and visitation orders made consistently with the PKPA are entitled to be enforced and not modified in sister jurisdictions as a matter of federal law.

### **Uniform Child Custody Jurisdiction Act**

As of November 2008 the UCCJA remains the law in only 4 states (Massachusetts, Missouri, New Hampshire, and Vermont) and the territory of the Northern Mariana Islands. UCCJEA legislation has been introduced in the legislatures of Massachusetts, Missouri, and New Hampshire. Citations to these UCCJA statutes are in the “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199.

### **Uniform Child Custody Jurisdiction and Enforcement Act**

As of November 2008 the UCCJEA has been enacted, with some variations, by 46 states, the District of Columbia, Guam, and the U.S. Virgin Islands as a replacement for the UCCJA. Citations to these UCCJEA statutes are in the “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199. Information about the UCCJEA, including the text, is available at [www.nccusl.org](http://www.nccusl.org). From the home page click on the “Final Acts & Legislation” link. Under the “Select an Act Title” field select “Child Custody Jurisdiction and Enforcement Act,” and then click on the “Search” button.

### **The Parental Kidnapping Prevention Act of 1980 (Pub. L. No. 96-611; 28 U.S.C. § 1738A), as amended by the Visitation Rights Enforcement Act (Pub. L. No. 105-374) and the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. No. 106-386 (2000))**

Summary: The PKPA has three parts. The first part requires appropriate authorities of every state to give “full faith and credit to child custody determinations” made consistently with its terms. The “full faith and credit” mandate applies to courts in every state, the District of Columbia, the Commonwealth of Puerto Rico, and territories and possessions of the United States. The second part allows authorized persons to seek information from the Federal Parent Locator Service to determine the whereabouts of abductors and abducted children. The third part clarifies congressional intent that the federal Fugitive Felon Act applies to parental kidnapping.

#### **28 U.S.C. § 1738A. Full faith and credit to child custody determinations**

(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsection (f), (g), and (h) of this section, any child custody determination or visitation determination made consistently with the provisions of this section by a court of another State.

(b) As used in this section, the term —

(1) "child" means a person under the age of eighteen;

(2) "contestant" means a person, including a parent or grandparent, who claims a right to custody or visitation of a child;

(3) "custody determination" means a judgment, decree, or other order of a court providing for the custody of a child, and includes permanent and temporary orders, and initial orders and modifications;

(4) "home State" means the State in which, immediately preceding the time involved, the child lived with his parents, a parent, or a person acting as a parent, for at least six consecutive months, and in the case of a child less than six months old, the State in which the child lived from birth with any of such persons. Periods of temporary absence of any of such persons are counted as part of the six-month or other period;

(5) "modification" and "modify" refer to a custody or visitation determination which modifies, replaces, supersedes, or otherwise is made subsequent to, a prior custody or visitation determination concerning the same child, whether made by the same court or not;

(6) "person acting as a parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody;

(7) "physical custody" means actual possession and control of a child;

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States;

(9) "visitation determination" means a judgment, decree, or other order of a court providing for the visitation of a child and includes permanent and temporary orders and initial orders and modifications.

(c) A child custody or visitation determination made by a court of a State is consistent with the provisions of this section only if —

(1) such court has jurisdiction under the law of such State; and

(2) one of the following conditions is met:

(A) such State (i) is the home State of the child on the date of the commencement of the proceeding, or (ii) had been the child's home State within six months before the date of the commencement of the proceeding and the child is absent from such State because of his removal or retention by a contestant or for other reasons, and a contestant continues to live in such State;

(B) (i) it appears that no other State would have jurisdiction under subparagraph (A), and (ii) it is in the best interest of the child that a court of such State assume jurisdiction because (I) the child and his parents, or the child and at least one contestant, have a significant connection with such State other than mere physical presence in such State, and (II) there is available in such State substantial evidence concerning the child's present or future care, protection, training, and personal relationships;

(C) the child is physically present in such State and (i) the child has been abandoned, or (ii) it is necessary in an emergency to protect the child because the child, a sibling or a parent of the child has been subjected to or threatened with mistreatment or abuse;

(D) (i) it appears that no other State would have jurisdiction under subparagraph (A), (B), (C), or (E), or another State has declined to exercise jurisdiction on the ground that the State whose jurisdiction is in issue is the more appropriate forum to determine the custody or visitation of the child, and (ii) it is in the best interest of the child that such court assume jurisdiction; or

(E) the court has continuing jurisdiction pursuant to subsection (d) of this section.

(d) The jurisdiction of a court of a State which has made a child custody or visitation determination consistently with the provisions of this section continues as long as the requirement of subsection (c)(1) of this section continues to be met and such State remains the residence of the child or of any contestant.

(e) Before a child custody or visitation determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental

rights have not been previously terminated and any person who has physical custody of a child.

(f) A court of a State may modify a determination of the custody of the same child made by a court of another State, if —

(1) it has jurisdiction to make such a child custody determination; and

(2) the court of the other State no longer has jurisdiction, or it has declined to exercise such jurisdiction to modify such determination.

(g) A court of a State shall not exercise jurisdiction in any proceeding for a custody or visitation determination commenced during the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody or visitation determination.

(h) A court of a State may not modify a visitation determination made by a court of another State unless the court of the other State no longer has jurisdiction to modify such determination or has declined to exercise jurisdiction to modify such determination.

**note**

(c) In furtherance of the purpose of section 1738A of title 28, United States Code, as added by subsection (a) of this section, State courts are encouraged to —

(1) afford priority to proceedings for custody determinations; and

(2) award to the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, necessary travel expenses, attorneys' fees, costs of private investigations, witness fees or expenses, and other expenses incurred in connection with such custody determination in any case in which —

(A) a contestant has, without the consent of the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, (i) wrongfully removed the child from the physical custody of such person, or (ii) wrongfully retained the child after a visit or other temporary relinquishment of physical custody; or

(B) the court determines it is appropriate.

**42 U.S.C. § 653. Federal Parent Locator Service**

(a) Establishment; purpose. The Secretary shall establish and conduct a Federal Parent Locator Service, under the direction of the designee of the Secretary referred to in section 652(a) of this title, which shall be used for the purposes specified in paragraphs (2) and (3)...

(3) For the purpose of enforcing any Federal or State law with respect to the unlawful taking or restraint of a child, or making or enforcing a child custody or visitation determination, defined in section 663(d)(1) of this title, the Federal Parent Locator Service shall be used to obtain and transmit the information specified in section 663(c) of this title to the authorized persons specified in section 663(d)(2) of this title.

**42 U.S.C. § 654. State plan for child and spousal support**

A State plan for child and spousal support must — ...

(8) provide that, for the purpose of...making or enforcing a child custody or visitation determination, as defined in section 663(d)(1) of this title the agency administering the plan will establish a service to locate parents utilizing —

(A) all sources of information and available records; and the Federal Parent Locator Service established under section 653 of this title, and shall, subject to the privacy safeguards required under paragraph (26), disclose only the information described in sections 653 and 663 of this title to the authorized persons specified in such sections for the purposes specified in such sections;

...

(17) provide that the State will have in effect an agreement with the Secretary entered into pursuant to section 663 of this title for the use of the Parent Locator Service established under section 653 of this title, and provide that the State will accept and

transmit to the Secretary requests for information authorized under the provisions of the agreement to be furnished by such Service to authorized persons, will impose and collect (in accordance with regulations of the Secretary) a fee sufficient to cover the costs to the State and to the Secretary incurred by reasons of such requests, will transmit to the Secretary from time to time (in accordance with such regulations) so much of the fees collected as are attributable to such costs to the Secretary so incurred, and during the period that such agreement is in effect will otherwise comply with such agreement and regulations of the Secretary with respect thereto;

**42 U.S.C. § 663. Use of Federal Parent Locator Service in connection with the enforcement or determination of child custody and in cases of parental kidnapping of a child.**

(a) Agreements with States for use of Federal Parent Locator Service. The Secretary shall enter into an agreement with every State under which the services of the Parent Locator Service established under section 653 of this title shall be made available to each State for the purpose of determining the whereabouts of any parent or child when such information is to be used to locate such parent or child for the purpose of —

(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

(2) making or enforcing a child custody or visitation determination.

(b) Requests from authorized persons for information. An agreement entered into under subsection (a) of this section shall provide that the State agency described in section 654 of this title will, under procedures prescribed by the Secretary in regulations, receive and transmit to the Secretary requests from authorized persons for information as to (or useful in determining) the whereabouts of any parent or child when such information is to be used to locate such parent or child for the purpose of —

(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

(2) making or enforcing a child custody or visitation determination.

(c) Information which may be disclosed. Information authorized to be provided by the Secretary under subsection (a), (b), (e), or (f) of this section shall be subject to the same conditions with respect to disclosure as information authorized to be provided under section 653 of this title, and a request for information by the Secretary under this section shall be considered to be a request for information under section 653 of this title which is authorized to be provided under such section. Only information as to the most recent address and place of employment of any parent or child shall be provided under this section.

(d) “Custody or visitation determination” and “authorized person” defined. For purposes of this section —

(1) the term “custody or visitation determination” means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modification;

(2) the term “authorized person” means —

(A) any agent or attorney of any State having an agreement under this section, who has the duty or authority under the law of such State to enforce a child custody or visitation determination;

(B) any court having jurisdiction to make or enforce such a child custody or visitation determination, or any agent of such court; and

(C) any agent or attorney of the United States, or of a State having an agreement under this section, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

(e) Agreement on use of the Federal Parent Locator Service with United States Central Authority under Convention on the Civil Aspects of International Child Abduction. The Secretary shall enter into an agreement with the Central Authority designated by the President in accordance with section 11606 of this title, under which the services of the

Federal Parent Locator Service established under section 653 of this title shall be made available to such Central Authority upon its request for the purpose of locating any parent or child on behalf of an applicant to such Central Authority within the meaning of section 11602(1) of this title. The Federal Parent Locator Service shall charge no fees for services requested pursuant to this subsection.

(f) Agreement to assist in locating missing children under Federal Parent Locator Service. The Secretary shall enter into an agreement with the Attorney General of the United States, under which the services of the Federal Parent Locator Service established under section 653 of this title shall be made available to the Office of Juvenile Justice and Delinquency Prevention upon its request to locate any parent or child on behalf of such Office for the purpose of —

(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

(2) making or enforcing a child custody or visitation determination. The Federal Parent Locator Service shall charge no fees for services requested pursuant to this subsection.

**18 U.S.C. § 1073. Parental kidnapping and interstate or international flight to avoid prosecution under applicable state felony statutes (Pub. L. No. 96-611, Sec. 10, 94 Stat. 3573)**

(a) In view of the findings of the Congress and the purposes of sections 6 to 10 of this Act set forth in section 302 [probably means section 7 of Pub. L. No. 96-611, set out as a note under section 1738A of Title 28, Judiciary and Judicial Procedure], the Congress hereby expressly declares its intent that section 1073 of title 18, United States Code, apply to cases involving parental kidnapping and interstate or international flight to avoid prosecution under applicable State felony statutes.

## **International Abductions**

### **Hague Convention on the Civil Aspects of International Child Abduction**

Summary: The text of this 1980 Hague Convention on the Civil Aspects of International Child Abduction is reprinted below from the website of the Hague Conference on Private International Law at [www.hcch.net](http://www.hcch.net). From the home page click on the “Welcome” link. Then respectively click on the “Conventions,” “All Conventions,” and “28. Convention of 25 October 1980 on the Civil Aspects of International Child Abduction” links. The U.S. Department of State’s *Legal Analysis of the Hague Convention*, published in the *Federal Register* at 51 Fed. Reg. 10494 (1986), is available at [www.missingkids.com/en\\_US/documents/FederalRegisterDoS.pdf](http://www.missingkids.com/en_US/documents/FederalRegisterDoS.pdf).

The States signatory to the present Convention,

Firmly convinced that the interests of children are of paramount importance in matters relating to their custody,

Desiring 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, as well as to secure protection for rights of access,

Have resolved to conclude a Convention to this effect, and have agreed upon the following provisions —

## **CHAPTER I — SCOPE OF THE CONVENTION**

### *Article 1*

The objects of the present Convention are —



a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and

b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in other Contracting States.

#### *Article 2*

Contracting States shall take all appropriate measures to secure within their territories the implementation of the objects of the Convention. For this purpose they shall use the most expeditious procedures available.

#### *Article 3*

The removal or the retention of a child is to be considered wrongful where —

a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and

b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph a) above, may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.

#### *Article 4*

The Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

#### *Article 5*

For the purposes of this Convention —

a) “rights of custody” shall include rights relating to the care of the person of the child and, in particular, the right to determine the child’s place of residence;

b) “rights of access” shall include the right to take a child for a limited period of time to a place other than the child’s habitual residence.

### **CHAPTER II – CENTRAL AUTHORITIES**

#### *Article 6*

A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

Federal States, States with more than one system of law or States having autonomous territorial organizations shall be free to appoint more than one Central Authority and to specify the territorial extent of their powers. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which applications may be addressed for transmission to the appropriate Central Authority within that State.

#### *Article 7*

Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.

In particular, either directly or through any intermediary, they shall take all appropriate measures –

- a)* to discover the whereabouts of a child who has been wrongfully removed or retained;
- b)* to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;
- c)* to secure the voluntary return of the child or to bring about an amicable resolution of the issues;
- d)* to exchange, where desirable, information relating to the social background of the child;
- e)* to provide information of a general character as to the law of their State in connection with the application of the Convention;
- f)* to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organizing or securing the effective exercise of rights of access;
- g)* where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;
- h)* to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;
- i)* to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application.

### **CHAPTER III – RETURN OF CHILDREN**

#### *Article 8*

Any person, institution or other body claiming that a child has been removed or retained in breach of custody rights may apply either to the Central Authority of the child's habitual residence or to the Central Authority of any other Contracting State for assistance in securing the return of the child.

The application shall contain –

- a)* information concerning the identity of the applicant, of the child and of the person alleged to have removed or retained the child;
- b)* where available, the date of birth of the child;
- c)* the grounds on which the applicant's claim for return of the child is based;
- d)* all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.

The application may be accompanied or supplemented by —

- e) an authenticated copy of any relevant decision or agreement;
- f) a certificate or an affidavit emanating from a Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State;
- g) any other relevant document.

#### *Article 9*

If the Central Authority which receives an application referred to in Article 8 has reason to believe that the child is in another Contracting State, it shall directly and without delay transmit the application to the Central Authority of that Contracting State and inform the requesting Central Authority, or the applicant, as the case may be.

#### *Article 10*

The Central Authority of the State where the child is shall take or cause to be taken all appropriate measures in order to obtain the voluntary return of the child.

#### *Article 11*

The judicial or administrative authorities of Contracting States shall act expeditiously in proceedings for the return of children.

If the judicial or administrative authority concerned has not reached a decision within six weeks from the date of commencement of the proceedings, the applicant or the Central Authority of the requested State, on its own initiative or if asked by the Central Authority of the requesting State, shall have the right to request a statement of the reasons for the delay. If a reply is received by the Central Authority of the requested State, that Authority shall transmit the reply to the Central Authority of the requesting State, or to the applicant, as the case may be.

#### *Article 12*

Where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith.

The judicial or administrative authority, even where the proceedings have been commenced after the expiration of the period of one year referred to in the preceding paragraph, shall also order the return of the child, unless it is demonstrated that the child is now settled in its new environment.

Where the judicial or administrative authority in the requested State has reason to believe that the child has been taken to another State, it may stay the proceedings or dismiss the application for the return of the child.

#### *Article 13*

Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that —

a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention; or

b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.

The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.

In considering the circumstances referred to in this Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence.

#### *Article 14*

In ascertaining whether there has been a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authorities of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognized or not in the State of the habitual residence of the child, without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable.

#### *Article 15*

The judicial or administrative authorities of a Contracting State may, prior to the making of an order for the return of the child, request that the applicant obtain from the authorities of the State of the habitual residence of the child a decision or other determination that the removal or retention was wrongful within the meaning of Article 3 of the Convention, where such a decision or determination may be obtained in that State. The Central Authorities of the Contracting States shall so far as practicable assist applicants to obtain such a decision or determination.

#### *Article 16*

After receiving notice of a wrongful removal or retention of a child in the sense of Article 3, the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned under this Convention or unless an application under the Convention is not lodged within a reasonable time following receipt of the notice.

#### *Article 17*

The sole fact that a decision relating to custody has been given in or is entitled to recognition in the requested State shall not be a ground for refusing to return a child under this Convention, but the judicial or administrative authorities of the requested State may take account of the reasons for that decision in applying this Convention.

#### *Article 18*

The provisions of this Chapter do not limit the power of a judicial or administrative authority to order the return of the child at any time.

*Article 19*

A decision under this Convention concerning the return of the child shall not be taken to be determination on the merits of any custody issue.

*Article 20*

The return of the child under the provision of Article 12 may be refused if this would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.

**CHAPTER IV – RIGHTS OF ACCESS**

*Article 21*

An application to make arrangements for organizing or securing the effective exercise of rights of access may be presented to the Central Authorities of the Contracting States in the same way as an application for the return of a child.

The Central Authorities are bound by the obligations of co-operation which are set forth in Article 7 to promote the peaceful enjoyment of access rights and the fulfillment of any conditions to which the exercise of those rights may be subject. The Central Authorities shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.

The Central Authorities, either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organizing or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.

**CHAPTER V – GENERAL PROVISIONS**

*Article 22*

No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in the judicial or administrative proceedings falling within the scope of this Convention.

*Article 23*

No legalization or similar formality may be required in the context of this Convention.

*Article 24*

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

*Article 25*

Nationals of the Contracting States and persons who are habitually resident within those States shall be entitled in matters concerned with the application of this Convention to legal aid and advice in any other Contracting State on the same conditions as if they themselves were nationals of and habitually resident in that State.

*Article 26*

Each Central Authority shall bear its own costs in applying this Convention.

Central Authorities and other public services of Contracting States shall not impose any charges in relation to applications submitted under this Convention. In particular, they may not require any payment from the applicant towards the costs and expenses of the proceedings or, where applicable, those arising from the participation of legal counsel or advisers. However, they may require the payment of the expenses incurred or to be incurred in implementing the return of the child.

However, a Contracting State may, by making a reservation in accordance with Article 42, declare that it shall not be bound to assume any costs referred to in the preceding paragraph resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

*Article 27*

When it is manifest that the requirements of this Convention are not fulfilled or that the application is otherwise not well founded, a Central Authority is not bound to accept the application. In that case, the Central Authority shall forthwith inform the applicant or the Central Authority through which the application was submitted, as the case may be, of its reasons.

*Article 28*

A Central Authority may require that the application be accompanied by a written authorization empowering it to act on behalf of the applicant, or to designate a representative so to act.

*Article 29*

This Convention shall not preclude any person, institution or body who claims that there has been a breach of custody or access rights within the meaning of Article 3 or 21 from applying directly to the judicial or administrative authorities of a Contracting State, whether or not under the provisions of this Convention.

*Article 30*

Any application submitted to the Central Authorities or directly to the judicial or administrative authorities of a Contracting State in accordance with the terms of this Convention, together with documents and any other information appended thereto or provided by a Central Authority, shall be admissible in the courts or administrative authorities of the Contracting States.

*Article 31*

In relation to a State which in matters of custody of children has two or more systems of law applicable in different territorial units —

a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;

b) any reference to the law of the State of habitual residence shall be construed as referring to the law of the territorial unit in that State where the child habitually resides.

*Article 32*

In relation to a State which in matters of custody of children has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

*Article 33*

A State within which different territorial units have their own rules of law in respect of custody of children shall not be bound to apply this Convention where a State with a unified system of law would not be bound to do so.

*Article 34*

This Convention shall take priority in matters within its scope over the Convention of 5 October 1961 concerning the powers of authorities and the law applicable in respect of the protection of minors, as between Parties to both Conventions. Otherwise the present Convention shall not restrict the application of an international instrument in force between the State of origin and the State addressed or other law of the State addressed for the purposes of obtaining the return of a child who has been wrongfully removed or retained or of organizing access rights.

*Article 35*

This Convention shall apply as between Contracting States only to wrongful removals or retentions occurring after its entry into force in those States.

Where a declaration has been made under Article 39 or 40, the reference in the preceding paragraph to a Contracting State shall be taken to refer to the territorial unit or units in relation to which this Convention applies.

*Article 36*

Nothing in this Convention shall prevent two or more Contracting States, in order to limit the restrictions to which the return of the child may be subject, from agreeing among themselves to derogate from any provision of this Convention which may imply such a restriction.

**CHAPTER VI – FINAL CLAUSES**

*Article 37*

The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fourteenth Session.

It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

*Article 38*

Any other State may accede to the Convention.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The Convention shall enter into force for a State acceding to it on the first day of the third calendar month after the deposit of its instrument of accession.

The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such a declaration will also have to be made by any Member State ratifying, accepting or approving the Convention after an accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Kingdom of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.

The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the first day of the third calendar month after the deposit of the declaration of acceptance.

*Article 39*

Any State may, at the time of signature, ratification, acceptance, approval or accession, declare that the Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect at the time the Convention enters into force for that State.

Such declaration, as well as any subsequent extension, shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

*Article 40*

If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

Any such declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and shall state expressly the territorial units to which the Convention applies.

*Article 41*

Where a Contracting State has a system of government under which executive, judicial and legislative powers are distributed between central and other authorities within that State, its signature or ratification, acceptance or approval of, or accession to this Convention, or its making of any declaration in terms of Article 40 shall carry no implication as to the internal distribution of powers within that State.

*Article 42*

Any State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 39 or 40, make one or both of the



reservations provided for in Article 24 and Article 26, third paragraph. No other reservations shall be permitted.

Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in the preceding paragraph.

#### *Article 43*

The Convention shall enter into force on the first day of the third calendar month after the deposit of the third instrument of ratification, acceptance, approval or accession referred to in Articles 37 and 38.

Thereafter the Convention shall enter into force —

(1) for each State ratifying, accepting, approving or acceding to it subsequently, on the first day of the third calendar month after the deposit of its instrument of ratification, acceptance, approval or accession;

(2) for any territory or territorial unit to which the Convention has been extended in conformity with Article 39 or 40, on the first day of the third calendar month after the notification referred to in that Article.

#### *Article 44*

The Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 43 even for States which subsequently have ratified, accepted, approved it or acceded to it.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands at least six months before the expiry of the five year period. It may be limited to certain of the territories or territorial units to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

#### *Article 45*

The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify the States Members of the Conference, and the States which have acceded in accordance with Article 38, of the following —

(1) the signatures and ratifications, acceptances and approvals referred to in Article 37;

(2) the accessions referred to in Article 38;

(3) the date on which the Convention enters into force in accordance with Article 43;

(4) the extensions referred to in Article 39;

(5) the declarations referred to in Articles 38 and 40;

(6) the reservations referred to in Article 24 and Article 26, third paragraph, and the withdrawals referred to in Article 42;

(7) the denunciation referred to in Article 44.

In witness whereof the undersigned, being duly authorized thereto, have signed this Convention.

Done at The Hague, on the 25th day of October, 1980, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fourteenth Session.

### **International Child Abduction Remedies Act (42 U.S.C. § 11601 to § 11610) Pub. L. No. 100-300**

Summary: This federal law establishes procedures for seeking relief in the United States pursuant to the Hague Convention.

#### **42 U.S.C. § 11601. Findings and declarations**

##### **(a) Findings**

The Congress makes the following findings:

(1) The international abduction or wrongful retention of children is harmful to their well-being.

(2) Persons should not be permitted to obtain custody of children by virtue of their wrongful removal or retention.

(3) International abductions and retentions of children are increasing, and only concerted cooperation pursuant to an international agreement can effectively combat this problem.

(4) The Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, establishes legal rights and procedures for the prompt return of children who have been wrongfully removed or retained, as well as for securing the exercise of visitation rights. Children who are wrongfully removed or retained within the meaning of the Convention are to be promptly returned unless one of the narrow exceptions set forth in the Convention applies. The Convention provides a sound treaty framework to help resolve the problem of international abduction and retention of children and will deter such wrongful removals and retentions.

##### **(b) Declarations**

The Congress makes the following declarations:

(1) It is the purpose of this chapter to establish procedures for the implementation of the Convention in the United States.

(2) The provisions of this chapter are in addition to and not in lieu of the provisions of the Convention.

(3) In enacting this chapter the Congress recognizes —

(A) the international character of the Convention; and

(B) the need for uniform international interpretation of the Convention.

(4) The Convention and this chapter empower courts in the United States to determine only rights under the Convention and not the merits of any underlying child custody claims.

#### **42 U.S.C. § 11602. Definitions**

For the purposes of this chapter —

(1) the term “applicant” means any person who, pursuant to the Convention, files an application with the United States Central Authority or a Central Authority of any other

party to the Convention for the return of a child alleged to have been wrongfully removed or retained or for arrangements for organizing or securing the effective exercise of rights of access pursuant to the Convention;

(2) the term "Convention" means the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980;

(3) the term "Parent Locator Service" means the service established by the Secretary of Health and Human Services under section 653 of this title;

(4) the term "petitioner" means any person who, in accordance with this chapter, files a petition in court seeking relief under the Convention;

(5) the term "person" includes any individual, institution, or other legal entity or body;

(6) the term "respondent" means any person against whose interests a petition is filed in court, in accordance with this chapter, which seeks relief under the Convention;

(7) the term "rights of access" means visitation rights;

(8) the term "State" means any of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(9) the term "United States Central Authority" means the agency of the Federal Government designated by the President under § 11606(a) of this title.

#### **42 U.S.C. § 11603. Judicial remedies**

(a) Jurisdiction of courts. The courts of the States and the United States district courts shall have concurrent original jurisdiction of actions arising under the Convention.

(b) Petitions. Any person seeking to initiate judicial proceedings under the Convention for the return of a child or for arrangements for organizing or securing the effective exercise of rights of access to a child may do so by commencing a civil action by filing a petition for the relief sought in any court which has jurisdiction of such action and which is authorized to exercise its jurisdiction in the place where the child is located at the time the petition is filed.

(c) Notice. Notice of an action brought under subsection (b) of this section shall be given in accordance with the applicable law governing notice in interstate child custody proceedings.

(d) Determination of case. The court in which an action is brought under subsection (b) of this section shall decide the case in accordance with the Convention.

(e) Burdens of proof

(1) A petitioner in an action brought under subsection (b) of this section shall establish by a preponderance of the evidence —

(A) in the case of an action for the return of a child, that the child has been wrongfully removed or retained within the meaning of the Convention; and

(B) in the case of an action for arrangements for organizing or securing the effective exercise of rights of access, that the petitioner has such rights.

(2) In the case of an action for the return of a child, a respondent who opposes the return of the child has the burden of establishing —

(A) by clear and convincing evidence that one of the exceptions set forth in article 13b or 20 of the Convention applies; and

(B) by a preponderance of the evidence that any other exception set forth in article 12 or 13 of the Convention applies.

(f) Application of Convention. For purposes of any action brought under this chapter —

(1) the term "authorities," as used in article 15 of the Convention to refer to the authorities of the state of the habitual residence of a child, includes courts and appropriate government agencies;

(2) the terms "wrongful removal or retention" and "wrongfully removed or retained," as used in the Convention, include a removal or retention of a child before the entry of a custody order regarding that child; and

(3) the term “commencement of proceedings,” as used in article 12 of the Convention, means, with respect to the return of a child located in the United States, the filing of a petition in accordance with subsection (b) of this section.

(g) Full faith and credit. Full faith and credit shall be accorded by the courts of the States and the courts of the United States to the judgment of any other such court ordering or denying the return of a child, pursuant to the Convention, in an action brought under this chapter.

(h) Remedies under Convention not exclusive. The remedies established by the Convention and this chapter shall be in addition to remedies available under other laws or international agreements.

#### **42 U.S.C. § 11604. Provisional remedies**

(a) Authority of courts. In furtherance of the objectives of article 7(b) and other provisions of the Convention, and subject to the provisions of subsection (b) of this section, any court exercising jurisdiction of an action brought under section 11603(b) of this title may take or cause to be taken measures under Federal or State law, as appropriate, to protect the well-being of the child involved or to prevent the child’s further removal or concealment before the final disposition of the petition.

(b) Limitation on authority. No court exercising jurisdiction of an action brought under section 11603(b) of this title may, under subsection (a) of this section, order a child removed from a person having physical control of the child unless the applicable requirements of State law are satisfied.

#### **42 U.S.C. § 11605. Admissibility of documents**

With respect to any application to the United States Central Authority, or any petition to a court under section 11603 of this title, which seeks relief under the Convention, or any other documents or information included with such application or petition or provided after such submission which relates to the application or petition, as the case may be, no authentication of such application, petition, document, or information shall be required in order for the application, petition, document, or information to be admissible in court.

#### **42 U.S.C. § 11606. United States Central Authority**

(a) Designation. The President shall designate a Federal agency to serve as the Central Authority for the United States under the Convention.

(b) Functions. The functions of the United States Central Authority are those ascribed to the Central Authority by the Convention and this Act.

(c) Regulatory authority. The United States Central Authority is authorized to issue such regulations as may be necessary to carry out its functions under the Convention and this Act.

(d) Obtaining information from Parent Locator Service. The United States Central Authority may, to the extent authorized by the Social Security Act [42 U.S.C.S. §§ 301 *et seq.*], obtain information from the Parent Locator Service.

(e) Grant authority. The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.

#### **42 U.S.C. § 11607. Costs and fees**

(a) Administrative costs. No department, agency, or instrumentality of the Federal Government or of any State or local government may impose on an applicant any fee in relation to the administrative processing of applications submitted under the Convention.

(b) Costs incurred in civil actions

(1) Petitioners may be required to bear the costs of legal counsel or advisors, court costs incurred in connection with their petitions, and travel costs for the return of the child involved and any accompanying persons, except as provided in paragraphs (2) and (3).

(2) Subject to paragraph (3), legal fees or court costs incurred in connection with an action brought under section 11603 of this title shall be borne by the petitioner unless they are covered by payments from Federal, State, or local legal assistance or other programs.

(3) Any court ordering the return of a child pursuant to an action brought under section 11603 of this title shall order the respondent to pay necessary expenses incurred by or on behalf of the petitioner, including court costs, legal fees, foster home or other care during the course of proceedings in the action, and transportation costs related to the return of the child, unless the respondent establishes that such order would be clearly inappropriate.

#### **42 U.S.C. § 11608. Collection, maintenance, and dissemination of information**

(a) In general. In performing its functions under the Convention, the United States Central Authority may, under such conditions as the Central Authority prescribes by regulation, but subject to subsection (c) of this section, receive from or transmit to any department, agency, or instrumentality of the Federal Government or of any State or foreign government, and receive from or transmit to any applicant, petitioner, or respondent, information necessary to locate a child or for the purpose of otherwise implementing the Convention with respect to a child, except that the United States Central Authority —

(1) may receive such information from a Federal or State department, agency, or instrumentality only pursuant to applicable Federal and State statutes; and

(2) may transmit any information received under this subsection notwithstanding any provision of law other than this chapter.

(b) Requests for information. Requests for information under this section shall be submitted in such manner and form as the United States Central Authority may prescribe by regulation and shall be accompanied or supported by such documents as the United States Central Authority may require.

(c) Responsibility of government entities. Whenever any department, agency, or instrumentality of the United States or of any State receives a request from the United States Central Authority for information authorized to be provided to such Central Authority under subsection (a) of this section, the head of such department, agency, or instrumentality shall promptly cause a search to be made of the files and records maintained by such department, agency, or instrumentality in order to determine whether the information requested is contained in any such files or records. If such search discloses the information requested, the head of such department, agency, or instrumentality shall immediately transmit such information to the United States Central Authority, except that any such information the disclosure of which —

(1) would adversely affect the national security interests of the United States or the law enforcement interests of the United States or of any State; or

(2) would be prohibited by section 9 of title 13; shall not be transmitted to the Central Authority. The head of such department, agency, or instrumentality shall, immediately upon completion of the requested search, notify the Central Authority of the results of the search, and whether an exception set forth in paragraph (1) or (2) applies. In the event that the United States Central Authority receives information and the appropriate Federal or State department, agency, or instrumentality thereafter notifies the Central Authority that an exception set forth in paragraph (1) or (2) applies to that information, the Central Authority may not disclose that information under subsection (a) of this section.

(d) Information available from Parent Locator Service. To the extent that information which the United States Central Authority is authorized to obtain under the provisions of subsection (c) of this section can be obtained through the Parent Locator Service, the United States Central Authority shall first seek to obtain such information from the Par-

ent Locator Service, before requesting such information directly under the provisions of subsection (c) of this section.

(e) Record keeping. The United States Central Authority shall maintain appropriate records concerning its activities and the disposition of cases brought to its attention.

#### **42 U.S.C. § 11609. Interagency coordinating group**

The Secretary of State, the Secretary of Health and Human Services, and the Attorney General shall designate Federal employees and may, from time to time, designate private citizens to serve on an interagency coordinating group to monitor the operation of the Convention and to provide advice on its implementation to the United States Central Authority and other Federal agencies. This group shall meet from time to time at the request of the United States Central Authority. The agency in which the United States Central Authority is located is authorized to reimburse such private citizens for travel and other expenses incurred in participating at meetings of the interagency coordinating group at rates not to exceed those authorized under subchapter I of chapter 57 of title 5 for employees of agencies.

#### **42 U.S.C. § 11610. Authorization of appropriations**

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the purposes.

## **Criminal Laws**

Summary: Refer to the section titled “Nationwide Directory of Family-Abduction Laws and Resources” beginning on page 199 for citations to each state’s criminal parental-kidnapping laws. Federal criminal laws applicable to parental kidnapping are set forth below.

#### **Parental Kidnapping Prevention Act/Fugitive Felon Act, 18 U.S.C. § 1073**

(The Parental Kidnapping Prevention Act language, set forth below, appears as a note below the statute in the U.S. Code.)

#### **18 U.S.C. § 1073. Flight to avoid prosecution or giving testimony**

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for a crime, or an attempt to commit a crime, punishable by death or which is a felony under the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by death or which is a felony under the laws of such place, is charged, or (3) to avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities, shall be fined under this title or imprisoned not more than five years, or both. For the purposes of clause (3) of this paragraph, the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed, or in which the person was held in custody or confinement, or in which an avoidance of service of process or a contempt referred to in clause (3) of the first paragraph of this section is alleged to have been committed, and only upon formal approval in writing by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or an Assistant Attorney General of the United States, which function of approving prosecutions may not be delegated.

### **Parental Kidnapping and Interstate or International Flight to Avoid Prosecution Under Applicable State Felony Statutes**

Pub. L. No. 96-611, Section 10, Dec. 28, 1980, 94 Stat. 3573, provided that:

(a) In view of the findings of the Congress and the purposes of sections 6 to 10 of this Act set forth in section 302 (probably means section 7 of Pub. L. No. 96-611, set out as a note under section 1738A of Title 28, Judiciary and Judicial Procedure), the Congress hereby expressly declares its intent that section 1073 of title 18, United States Code, apply to cases involving parental kidnapping and interstate or international flight to avoid prosecution under applicable State felony statutes.

(b) The Attorney General of the United States, not later than 120 days after the date of the enactment of this section (Dec. 28, 1980) (and once every 6 months during the 3-year period following such 120-day period), shall submit a report to the Congress with respect to steps taken to comply with the intent of the Congress set forth in subsection (a). Each such report shall include —

(1) data relating to the number of applications for complaints under section 1073 of title 18, United States Code in cases involving parental kidnapping;

(2) data relating to the number of complaints issued in such cases; and

(3) such other information as may assist in describing the activities of the Department of Justice in conformance with such intent.

### **International Parental Kidnapping Crime Act, 18 U.S.C. § 1204, Pub. L. No. 103-173 (1993)**

Amended by PROTECT Act, Pub. L. No. 108-21, Section 107(1) (2003), 117 Stat. 655 (adding attempt liability)

#### **18 U.S.C. § 1204. International parental kidnapping**

(a) Whoever removes a child from the United States, or attempts to do so, or retains a child (who has been in the United States) outside the United States with the intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

(b) As used in this section —

(1) the term “child” means a person who has not attained the age of 16 years; and

(2) the term “parental rights,” with respect to a child, means the right to physical custody of the child —

(A) whether joint or sole (and includes visiting rights); and

(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

(c) It shall be an affirmative defense under this section that —

(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act and was in effect at the time of the offense;

(2) the defendant was fleeing an incidence or pattern of domestic violence; or

(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant’s control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.

## **Sense of Congress Regarding Use of Procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction**

Section 2(b) of Pub. L. No. 103-173 provided that: "It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent."

## **International Parental Kidnapping Crime Act Committee Report House Report 103-390, accompanying the International Parental Kidnapping Crime Act of 1993\***

*\*NOTE: This report accompanied the original law, which did not cover attempt liability. The law was amended in 2003 to include attempt liability.*

### **International Parental Kidnapping Crime Act of 1993**

November 20, 1993 — Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

SPONSOR: Mr. Brooks, from the Committee on the Judiciary, submitted the following.

REPORT: To accompany H.R. 3378 — Including cost estimate of the Congressional Budget Office

The Committee on the Judiciary, to whom was referred the bill (H.R. 3378) to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### **Summary and Purpose**

H.R. 3378 is intended to deter the removal of children from the United States to foreign countries in order to obstruct parental rights. It creates a Federal felony offense of international parental kidnapping. Offenders may be punished by a fine under title 18, imprisonment for not more than 3 years, or both.

### **Background**

Every year hundreds of children are taken from the United States to foreign countries by parents who do not have legal custody. The rate of such cases has increased in recent years. The State Department reported a total of 515 international parental child abduction cases from the United States during 1992.<sup>1</sup> That number capped a steady series of increases from 320 such abductions during 1987.<sup>2</sup> Some experts believe that these figures are low and that the actual rate may be several times higher.<sup>3</sup>

These parental kidnappings seriously affect both the children and the parents deprived of rightful custody. Some child psychologists believe that the trauma children suffer from these abductions is one of the worst forms of child abuse.<sup>4</sup>

Parental kidnapping is a criminal offense in all 50 states,<sup>5</sup> and a felony in the majority of these.<sup>6</sup> But it is not a federal offense.

In the international cases which are the subject of this bill, the lack of a federal offense and the federal criminal justice system consequences that would flow from such an offense handicaps the pursuit of an effective remedy by the custodial, or "left-behind," parent. This is primarily because violations of state parental kidnapping statutes even though they may be felony offenses do not in international practice provide an adequate basis for effective pursuit and extradition.

In theory, an abducting parent who takes a child abroad may be pursued through a federal warrant for unlawful flight to avoid prosecution (UFAP).<sup>7</sup> In



practice, however, UFAP warrants are often neither practicable nor effective in international kidnapping cases.

State prosecutors may obtain UFAP warrants from U.S. Attorneys by tendering a state felony warrant for the child's abduction and showing probable cause that the abducting parent has fled the state.<sup>8</sup> However, this process requires that the state prosecutor also agree to extradite the alleged abductor. Many state prosecutors are reluctant to spend the limited funds they have available for extradition on parental abduction cases in general, and even more reluctant to expend those funds for the more costly international extraditions.<sup>9</sup>

Moreover, even if a UFAP warrant is obtained, it is of limited value in international flight cases. This is because (1) the United States does not have extradition treaties with all countries; (2) many countries with whom we have extradition treaties will not extradite their own nationals; (3) unlawful flight to avoid prosecution is not, itself, an extraditable offense; and, (4) the underlying state offense of child abduction is often not an extraditable offense.<sup>10</sup>

There is thus little effective legal process with which to enforce the criminal sanctions of state law in international child abduction cases.

There is an international civil mechanism relating to these cases, the Hague Convention on International Parental Child Abduction, for which Congress passed implementing legislation in 1988. As a result of this convention, the signatories will recognize the custody decrees of other signatories, thereby facilitating the return of abducted children. However, most countries are not signatories to the Convention, thus leaving individual countries to take whatever legal unilateral action they can to obtain the return of abducted children.

Creating a federal felony offense responds to these problems in four ways.

First, making international parental kidnapping a federal crime provides a direct basis for the United States to request extradition of the kidnapping parent from those countries with which we have extradition treaties.

Second, the federal criminal penalty will deter at least some abductions by ensuring that the kidnapping offender will be pursued by the United States government. At present, most abducting parents have little to fear with regard to effective pursuit.

Third, the offense will provide the basis for Federal warrants, which will in turn enhance the force of U.S. diplomatic representations seeking the assistance of foreign governments in returning abducted children.

Fourth, enacting such a felony offense will make clear to other nations the gravity with which the United States views these cases.

#### BRIEF EXPLANATION OF H.R. 3378

H.R. 3378 adds the offense of international parental kidnapping to title 18, United States Code.

The offense consists of taking a child from the United States, or keeping outside of the United States a child who has been in the United States, with intent to obstruct parental rights. A "child" is a person under 16. "Parental rights" means the right to physical custody of the child, arising from court order, operation of law, or a legally binding agreement.

The bill provides three affirmative defenses: (1) acting under a valid court order, (2) flight from domestic violence, and (3) circumstances beyond the defendant's control.

H.R. 3378 also authorizes \$250,000 for training and educational programs dealing with parental child abduction. The funds will be administered by the State Justice Institute in the form of grants, cooperative agreements, or contracts under the State Justice Institute Act of 1984.

#### LEGISLATIVE HISTORY

A bill to provide penalties for the international parental abduction of children, H.R. 3759, was introduced by Mr. Gekas of Pennsylvania in the 101st Congress. A hearing on the

bill was held before the Subcommittee on Criminal Justice on September 27, 1990.<sup>11</sup> The bill was subsequently included, as amended, as Subtitle B, Title XIV, of H.R. 3371, "The Omnibus Crime Control Act of 1991," as reported by the Committee on the Judiciary during the 1st Session of the 102d Congress.<sup>12</sup> It was accepted in the conference report on H.R. 3371, the "Violent Crime Control and Law Enforcement Act of 1991,"<sup>13</sup> which was adopted by the House on November 27, 1991, but was not voted on by the Senate prior to adjournment of the 102d Congress *sine die*.

#### 103d CONGRESS

H.R. 3378 was introduced on October 27, 1993, by Mr. Gekas. Its language is identical to that of the relevant part of the Conference Report on H.R. 3371 in the 102d Congress.

The Subcommittee on Crime and Criminal Justice reported H.R. 3378 to the Committee on the Judiciary favorably by voice vote on November 16, 1993.

On November 17, 1993, the Committee on the Judiciary met to consider H.R. 3378. A reporting quorum being present, the Committee by voice vote ordered H.R. 3378 favorably reported to the House.

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1

Short title: International Parental Kidnapping Crime Act of 1993.

##### SECTION 2(a)

Section 2(a) amends Chapter 55 of title 18 of the United States Code, which governs kidnapping, by adding a new section at the end, Section 1204 (to be codified at 18 U.S.C., Section 1204) entitled "International Parental Kidnapping."

The new Section 1204(a) provides for title 18 fines, or imprisonment for not more than 3 years, or both, for anyone who removes a child from the United States, or keeps outside of the United States a child who has been in the United States, with the intent of obstructing the lawful exercise of parental rights.

Section 1204(b)(1) defines "child" as a person who has not yet attained the age of 16.

Section 1204(b)(2) defines "parental rights" as the right to physical custody of the child, whether the right is joint or sole, and whether the right arises by operation of law, court order, or legally binding agreement of the parties. These "parental rights" are to be determined by reference to State law, in accordance with the Hague Convention on the Civil Aspects of International Parental Child Abduction.

Section 1204(c) provides three affirmative defenses. They are (1) acting within the provisions of a valid court order obtained pursuant to the Uniform Child Custody Jurisdiction Act and in effect at the time of the offense; (2) fleeing an incidence or pattern of domestic violence; and (3) having physical custody pursuant to a court order but failing to return the child because of circumstances beyond the defendant's control, provided that the defendant attempted to notify the lawful custodian within 24 hours after the visitation period expired and returned the child as soon as possible.

Section 1204(d) makes clear that nothing in this section is to be construed as detracting from the provisions of the Hague Convention.

##### SECTION 2(b)

Section 2(b) expresses the sense of the Congress that, where applicable, the procedures under the Hague Convention should be the option of first choice of a parent whose child has been abducted.

### SECTION 3

Section 3 authorizes \$250,000 for national, regional and in-State training and educational programs dealing with criminal and civil aspects of international and interstate parental child abduction. The funds are to be administered through the State Justice Institute Act of 1984....

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE...

U.S. CONGRESS  
CONGRESSIONAL BUDGET OFFICE  
Washington, DC, November 19, 1993

Hon. JACK BROOKS  
Chairman, Committee on the Judiciary  
House of Representatives, Washington, DC

Dear Mr. Chairman:

The Congressional Budget Office has reviewed H.R. 3378, the International Parental Kidnapping Crime Act of 1993, as ordered reported by the House Committee on the Judiciary on November 17, 1993. CBO estimates that implementation of H.R. 3378 would result in enforcement costs of \$15,000 a year, as well as increases in federal receipts and direct spending of less than \$500,000 annually. Because this bill would affect receipts and direct spending, it would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. In addition, H.R. 3378 would authorize appropriations of \$250,000 in fiscal year 1994 for the State Justice Institute to conduct training and educational programs related to child abduction. CBO estimates that the bill would impose no costs on state or local governments.

H.R. 3378 would make it a federal offense to remove a child from the United States with the intent to obstruct the lawful exercise of parental rights. Enforcing this legislation would consume staff time and other resources of the federal government. Under current law, the federal government has the authority to assist most states in their pursuit of alleged kidnapers. Any costs incurred by the federal government are reimbursed by the state that sought its assistance. According to the Department of Justice (DOJ), enactment of this bill would enable the federal government to handle international child abduction cases where it normally would not be involved because a state could not afford to reimburse the federal government for its assistance. Because most states have been able to provide funding for this type of assistance when needed, DOJ expects that it only would handle no more than three additional cases annually. CBO expects that it would cost DOJ an additional \$15,000 a year to support this additional caseload.

The bill establishes criminal penalties for violations of its provisions. CBO estimates that the government would collect less than \$500,000 a year in fines, which would be recorded in the budget as governmental receipts, or revenues. The fines would be deposited in the Crime Victims Fund and spent in the following year. Thus, enactment of H.R. 3378 would affect both receipts and direct spending. Because the increase in direct spending would be the same as the amount of fines collected with a one-year lag, the additional direct spending also would be less than \$500,000 a year. Therefore, the pay-as-you-go impact of this bill, with regard to both receipts and direct spending, would be negligible.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne Mehlman, and Melissa Sampson.

Sincerely,  
Robert D. Reischauer, Director

....

## End Notes

<sup>1</sup> U.S. Department of State, Statistical Report of the United States Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction (January 1993).

<sup>2</sup> *Ibid.*

<sup>3</sup> See “International Parental Child Abduction Act of 1989,” Hearing Before the Subcommittee on Criminal Justice of the Committee on the Judiciary, 101st Cong, 2d Sess. (Sept. 27, 1990) (testimony of Sen. Alan J. Dixon, D-Ill., and Ernest E. Allen, President, National Center for Missing & Exploited Children).

<sup>4</sup> *Id.* (testimony of Sen. Alan J. Dixon, D-Ill., and statement of Thomas E. Harries).

<sup>5</sup> *Id.* (testimony of Ernest E. Allen, President, National Center for Missing & Exploited Children).

<sup>6</sup> *Id.* (testimony of Sen. Alan J. Dixon, D-Ill., and Peter Pfund, Assistant Legal Adviser for Private International Law, U.S. Department of State).

<sup>7</sup> 18 U.S.C., Section 1073.

<sup>8</sup> “International Parental Child Abduction Act of 1989,” Hearing Before the Subcommittee on Criminal Justice of the Committee on the Judiciary, 101st Cong, 2d Sess. (Sept. 27, 1990) (testimony of David Margolis, Acting Deputy Assistant Attorney General, Criminal Division, Department of Justice).

<sup>9</sup> *Id.* (testimony of Ernest E. Allen, President, National Center for Missing & Exploited Children).

<sup>10</sup> *Id.* (testimony of David Margolis, Acting Deputy Assistant Attorney General, Criminal Division, Department of Justice).

<sup>11</sup> “International Parental Child Abduction Act of 1989,” Hearing Before the Subcommittee on Criminal Justice of the Committee on the Judiciary, 101st Cong, 2d Sess. (Sept. 27, 1990).

<sup>12</sup> Rept. 102-242, “Omnibus Crime Control Act of 1991,” Report of the Committee on the Judiciary on H.R. 3371, 102d Cong., 1st Sess. (October 7, 1991).

<sup>13</sup> Report 102-45, “Violent Crime Control and Law Enforcement Act of 1991,” Conference Report (November 27, 1991).

## **Extradition Treaties Interpretation Act of 1998, Pub. L. No. 105-323. Title II, October 30, 1998, 112 Stat. 303**

This act appears in the U.S. Code as a note under 18 U.S.C. 3181.

### **18 U.S.C. § SEC. 201. SHORT TITLE**

This title may be cited as the “Extradition Treaties Interpretation Act of 1998.”

### **18 U.S.C. § SEC. 202. FINDINGS**

Congress finds that —

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970s, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970s, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Pub. L. No. 103-173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word “kidnapping,” but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the

offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

### **18 U.S.C. SEC. § 203. INTERPRETATION OF EXTRADITION TREATIES**

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms “kidnaping” and “kidnapping” to include parental kidnapping.

### **Federal Register Notice in Regard to the Extradition Treaties Interpretation Act**

*Federal Register*, Vol. 64, No.15, pp. 3735-3736

### **DEPARTMENT OF STATE**

### **Public Notice 2960**

**DATE: Monday, January 25, 1999**

**Office of the Legal Adviser;**

### **Application of Certain United States Extradition Treaties to Parental Kidnapping**

Summary: On October 31, 1998, President Clinton signed into law the Extradition Treaties Interpretation Act of 1998 (Title II of Pub. L. No. 105-323). That Act authorizes the interpretation of the word “kidnapping” in international extradition treaties of the United States to include parental kidnapping. An earlier *Federal Register* notice issued by the State Department’s Legal Adviser reflected a more limited interpretation of the word kidnapping in extradition treaties. This Notice explains the change in U.S. policy in this area, including the context of Pub. L. No. 105-323.

EFFECTIVE DATE: October 31, 1998.

FOR FURTHER INFORMATION CONTACT: Samuel M. Witten, Office of the Legal Adviser, Department of State (202-647-7324).

SUPPLEMENTARY INFORMATION: Title II of Pub. L. No. 105-323, the “Extradition Treaties Interpretation Act of 1998,” addresses a unique issue that has arisen in the last twenty years of U.S. extradition practice. The U.S. Government’s international extradition treaties negotiated prior to the late 1970s typically limit extradition to specific listed offenses and include the word “kidnapping” in the negotiated lists of those offenses. About 75 of the U.S. Government’s approximately 110 extradition treaty relationships fall in this category of “list” treaties that include the word “kidnapping.”

At the time these list extradition treaties were negotiated, the term “kidnapping” was generally understood in U.S. criminal law to exclude abductions or wrongful retentions of minors by their parents. In keeping with this narrow interpretation, on November 24, 1976, the State Department Legal Adviser issued a *Federal Register* notice with a model “Bilateral Treaty on Mutual Extradition of Fugitives” which included the offense of “kidnapping” in the list of extraditable offenses while simultaneously noting that the model treaty would not reach “domestic relations problems such as custody disputes.” See *Federal Register*, Vol. 141, No. 228, page 51897. Subsequently, the State Department has not interpreted such “list” treaties to permit extradition requests that would have construed the word “kidnapping” to include parental kidnapping.

U.S. law on this subject has evolved dramatically since most of these list treaties were negotiated. Parental kidnappings are now crimes at the federal level (*see* United States Code, Title 18, Section 1204), in all of the 50 states, and in the District of Columbia. Both in the context of abductions and wrongful retention of children from the United States in violation of these laws and, more generally, in the interest of enhanced international law enforcement cooperation under our extradition treaties, this narrow interpretation became the subject of concern on the part of the U.S. Departments of Justice and State, state and local prosecutors, and parents who would like the greatest possible flexibility in dealing with parental kidnapping situations.

In addition, as U.S. extradition practice evolved, the practice of including lists of extraditable offenses in extradition treaties was gradually abandoned in favor of generally permitting extradition for any crime that is punishable in both the requesting and requested States by more than one year's imprisonment. This advance in treaty practice made the list treaty situation particularly anomalous because parental kidnapping was typically an extraditable offense under the modern extradition treaties that rely on "dual criminality" rather than lists of offenses, so long as the relevant treaty partner has also criminalized the offense and all other conditions of the treaties are met.

Normally, the interpretation of "list" treaty offenses would simply evolve to reflect the evolution of new aspects of crimes that are identified in the list treaties. In this instance, however, the U.S. view had been widely disseminated, including by publication in the *Federal Register* in 1976, as a fixed policy of the U.S. Government. Therefore, in 1997 the State and Justice Departments brought this issue to the attention of the Congress. These consultations led to Pub. L. No. 105-323, which addresses the matter by clarifying that "kidnapping" in extradition list treaties may include parental kidnapping, thus reflecting the major changes that have occurred in this area of criminal law in the last 20 years. With this clarification, the Executive Branch is now in a stronger position to make and act upon the full range of possible extradition requests dealing with parental kidnapping under list treaties that include the word "kidnapping" on such lists. This will help achieve the goal of enhancing international law enforcement cooperation in this area. The United States would, however, adopt this broader interpretation only once it has confirmed with respect to a given treaty that this would be a shared understanding of the parties regarding the interpretation of the treaty in question.

This change in the interpretation of "kidnapping" for purposes of extradition treaties is entirely unrelated to and would have no effect whatsoever on the use of civil means for the return of children, in particular under the Hague Convention on the Civil Aspects of International Parental Child Abduction. It addresses only countries with which we have "list" extradition treaties and would have no effect with respect to countries with which the United States has no extradition relationship or countries where we have a dual criminality treaty.

The adoption of this expanded interpretation with respect to each specific treaty, however, will depend of course on the views of the other country in question, as the interpretation of terms in a bilateral treaty must depend on a shared understanding between the two parties. The United States recognizes that not all countries have criminalized parental kidnapping, and many continue to treat custody of children as a civil or family law matter that is not an appropriate subject for criminal action. We also recognize that this is an evolving area of criminal law and that some countries which do not currently criminalize this conduct may decide to do so in future years. For this reason, we will consult with our list treaty partners and will adopt the expanded interpretation only where there is a shared understanding to this effect between the parties.

Dated: January 11, 1999  
David R. Andrews  
The Legal Adviser, U.S. Department of State

**Military Extraterritorial Jurisdiction Act of 2000**

**Pub. L. No. 106-523, Sec. 1, Nov. 22, 2000, 18 U.S.C. §§ 3261-3267**

Summary: Members of the Armed Forces and civilians employed by or accompanying the Armed Forces outside the U.S. are subject to criminal prosecution in the U.S. for conduct outside the U.S. that would be punishable as a felony if committed within the U.S. Excerpts from the law are reprinted below.

**18 U.S.C. § 3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States**

(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States —

- (1) while employed by or accompanying the Armed Forces outside the United States; or
- (2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice), shall be punished as provided for that offense.

**18 U.S.C. § 3262. Arrest and commitment**

(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct....

**18 U.S.C. § 3266. Regulations**

(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

**18 U.S.C. § 3267. Definitions**

As used in this chapter:

(1) The term “employed by the Armed Forces outside the United States” means —

- (A) employed as —
  - (i) a civilian employee of —
    - (I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or
    - (II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;
  - (ii) a contractor (including a subcontractor at any tier) of —
    - (I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or
    - (II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or
  - (iii) an employee of a contractor (or subcontractor at any tier) of —

(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

(B) present or residing outside the United States in connection with such employment; and

(C) not a national of or ordinarily resident in the host nation.

(2) The term “accompanying the Armed Forces outside the United States” means —

(A) a dependent of —

(i) a member of the Armed Forces;

(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

(C) not a national of or ordinarily resident in the host nation.

## Other

### **Department of Defense Instruction 5525.09, Compliance of DoD Members, Employees, and Family Members Outside the United States with Court Orders (Effective February 10, 2006)**

Summary: The information set forth below is available online at [www.defenselink.mil](http://www.defenselink.mil). From the home page click on the “Publications” link. Under the “Regulations and Forms” heading click on the “Directives and Instructions” link. Then respectively click on the “Instructions” and “5525.09” links.

### **SUBJECT: Compliance of DoD Members, Employees, and Family Members Outside the United States With Court Orders**

#### References:

(a) DoD Directive 5525.09, “Compliance of DoD Members, Employees, and Family Members Outside the United States With Court Orders,” December 27, 1988 (hereby canceled)

(b) Acting Deputy Secretary of Defense Memorandum, “DoD Directives Review – Phase II,” July 13, 2005

(c) Section 814 note of title 10, United States Code

(d) DoD Instruction 5525.11, “Criminal Jurisdiction over Civilians Employed by or Accompanying the Armed Forces Outside the United States and Former Service Members,” March 3, 2005

(e) Chapter 212, Sections 3261-3267 of title 18, United States Code

(f) Section 814 of title 10, United States Code

## 1. PURPOSE

### This Instruction:

1.1. Reissues reference (a) as a DoD Instruction according to the guidance in reference (b) and implements reference (c).



1.2. Establishes policy for the return to the United States of, or other action affecting, DoD members and employees serving outside the United States and family members accompanying them.

1.3. Provides guidance when the guidelines in reference (d) do not apply, for treating individuals who have been charged with, or convicted of, a felony in a court, have been held in contempt of a court for failure to obey the court's order, or have been ordered to show cause by a court why they should not be held in contempt for failing to obey the court's order.

1.4. Summarizes the guidance established in reference (d), according to chapter 212, Sections 3261-3267 of title 18, United States Code (reference (e)), for treating civilians employed by or accompanying the Armed Forces outside the United States, including contractors and subcontractors, certain former military members, when such persons are arrested for or charged with a felony offense under reference (e) and initial proceedings or other Federal Court or Federal Magistrate Judge orders may be, or have been issued with respect thereto.

## 2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

## 3. DEFINITIONS

The terms listed below are defined as applicable to this Instruction:

3.1. Certain Former Military Members. Those former military members who no longer remain subject to the Uniform Code of Military Justice.

3.2. Court. Any judicial body in the United States with jurisdiction to impose criminal sanctions on a DoD member, employee, or family member.

3.3. DoD Employee. A civilian employed by a DoD Component, including an individual paid from non-appropriated funds, who is a citizen or national of the United States, and any person "employed by the Armed Forces outside the United States," as defined in section 3267 of reference (e).

3.4. DoD Member. An individual who is a member of the Armed Forces on active duty, including members of the reserves and National Guard called to active duty, and under the jurisdiction of the Secretary of a Military Department, regardless of whether the individual is assigned to duty outside that Military Department.

3.5. Felony. A criminal offense that is punishable by incarceration for more than 1 year, regardless of the sentence imposed for commission of the offense.

3.6. United States. The 50 States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, American Samoa, and the Virgin Islands.

## 4. POLICY

It is DoD policy that:

4.1. The Department of Defense shall cooperate with courts and State and local officials in enforcing court criminal orders relating to DoD members and employees stationed outside the United States, as well as their family members who accompany them, who have been charged with, or convicted of, a felony in a court, have been held in contempt by a court for failure to obey the court's order, or have been ordered to show cause why they should not be held in contempt for failing to obey the court's order. DoD mission

requirements, the provisions of applicable international agreements, and ongoing DoD investigations and courts-martial shall be considered when determining the degree of cooperation required.

4.2. The policies and procedures of references (d) and (e) shall apply to civilians employed by or accompanying the Armed Forces outside the United States, including contractors and subcontractors at any tier, certain former military members, and any family members of any category of civilians or military members when they are arrested for or charged with a felony offense under reference (e), and a Federal Court or Federal Magistrate Judge has either issued an order, or otherwise might issue an order, requiring the individual to return to the United States.

4.3. This Instruction does not affect the authority of the DoD Components to cooperate with courts and State and local officials in enforcing orders against DoD members and employees outside the United States on matters not listed in paragraphs 4.1. and 4.2.

4.4. This Instruction is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any person, organization, or other entity against the United States, its departments, agencies, officers, employees, or agents, or any other person.

## 5. RESPONSIBILITIES

5.1. The General Counsel of the Department of Defense (GC, DoD) shall:

5.1.1. Issue guidance to implement this Instruction.

5.1.2. Review and approve implementing documents issued by the DoD Components.

5.1.3. Coordinate requests for exception to the requirements of this Instruction under paragraph 5.2.

5.2. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall grant exceptions on a case-by-case basis to the requirements of Enclosure 1, with the concurrence of the GC, DoD. In exercising this authority, the USD(P&R) shall give due consideration to the pertinent mission requirements, readiness, discipline, and ongoing DoD investigations and courts-martial, on request by the DoD Component concerned.

5.3. The Heads of the DoD Components shall:

5.3.1. Comply with this Instruction.

5.3.2. Report promptly any action taken under sections E1.1. or E1.2. to the USD(P&R) and GC, DoD.

6. EFFECTIVE DATE. This Instruction is effective immediately.

### E 1. ENCLOSURE 1.

## **GUIDANCE FOR COMPLIANCE OF DoD MEMBERS, EMPLOYEES, AND FAMILY MEMBERS OUTSIDE THE UNITED STATES WITH COURT ORDERS**

### E1.1. REQUEST FOR ASSISTANCE

The Head of the DoD component concerned, or designee, shall determine whether the request from a court, or a Federal, State, or local official concerning a court order described in paragraph 4.1. is based on an order issued by a court of competent jurisdiction. Attempts shall be made to resolve the matter to the satisfaction of the court without the return of, or other action affecting, the member, employee, or family member (the "Subject"). Before action is taken under this section, the Subject of the court order shall be afforded the opportunity to provide evidence of legal efforts to resist the court order, or otherwise show legitimate cause for noncompliance. If the Head of the DoD Component concerned determines such efforts warrant a delay in taking action under this section, the Component Head may grant a brief delay (not more than 90 days). All delays promptly shall be reported to the USD(P&R) and the GC, DoD.

E1.1.1. If the request pertains to a felony or to contempt involving the unlawful or contemptuous removal of a child from the jurisdiction of a court or the custody of a parent

or another person awarded custody by court order, and the matter cannot be resolved with the court without the return of the Subject to the United States, the Head of the DoD Component promptly shall take the action prescribed in sections E1.2. and E1.3., unless the USD(P&R), grants an exception.

E1.1.2. If the request does not pertain to a felony or contempt involving the unlawful or contemptuous removal of the child from the jurisdiction of a court or the custody of a parent or another person awarded custody by court order, and the matter cannot be resolved with the court without the return of the Subject to the United States, the Head of the Component promptly shall take the action prescribed in sections E1.2. through E1.5., when deemed appropriate under the facts and circumstance of each particular case, following consultation with legal staff.

#### E1.2. DoD MEMBER AS THE SUBJECT OF A REQUEST

If a DoD member is the Subject of the request, the member shall be ordered, under Section 814 of title 10, United States Code (reference (f)), to return expeditiously to an appropriate port of entry at Government expense, contingent on the party requesting return of the member providing for transportation, and escort, if desired, of the member from such port of entry to the jurisdiction of the party. The party requesting return of the member shall be notified at least 10 days before the member's return to the selected port of entry, absent unusual circumstances.

#### E1.3. DoD EMPLOYEE AS THE SUBJECT OF A REQUEST

If a DoD employee is the Subject of the request concerning the court order, the employee shall strongly be encouraged to comply with the court order. Failure to respond to the court order may be a basis for withdrawal of command sponsorship and adverse action against the DoD employee, including removal from the Federal Government. Proposals to take such adverse action must be approved by the Head of the DoD Component concerned. Such proposals shall be coordinated with the cognizant civilian personnel office and legal office.

#### E1.4. FAMILY MEMBER OF A DoD MEMBER OR EMPLOYEE AS THE SUBJECT OF A REQUEST

If the family member of a DoD member or employee is the Subject of a request concerning the court order, the family member shall strongly be encouraged to comply with the court order. Failure to respond to the court order may be a basis for withdrawing the command sponsorship of the family member.

#### E1.5. SUBJECT ASSISTANCE

The person who is the Subject of the court order shall, to the extent practicable, be provided the assistance requested when a request for assistance is received (according to reference (d)) concerning a Federal court or Federal Magistrate Judge's order as described in paragraph 4.2. The person's supervisor or the installation commander should encourage the person to comply with a valid order. Failure to respond to a valid order, without a legal justification for not doing so, may serve as the basis for adverse action, including removal from the Federal Government. Such actions should first be coordinated with the cognizant civilian personnel office and legal office.

#### E1.6. APPLICABILITY OF THIS ENCLOSURE

The provisions of this enclosure regarding the granting delays or exceptions to compliance with court orders do not apply to Federal court orders or Federal Magistrate Judge orders issued according to reference (e).

### **Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g)**

Summary: This statute protects the privacy of, and restricts release of, student educational records. Information regarding the transfer of school records may help searching parents locate abducted children.

#### **20 U.S.C. § 1232g. Family educational and privacy rights**

(a)(1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or who have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

(b)(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than Nationwide Directory information, as defined in paragraph (5) of subsection (a) of this section, of students without the written consent of their parents to any individual, agency, or organization, other than to the following —

(B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;....

#### **Servicemembers Civil Relief Act**

The Servicemembers Civil Relief Act (SCRA), 50 U.S.C. §§ 501-596, was enacted in 2003 and generally provides for the temporary suspension of judicial proceedings involving the civil liberties of servicemembers on active duty. A pocket guide to the SCRA as well as the complete text can be accessed at [www.uscg.mil/legal](http://www.uscg.mil/legal). From the home page respectively click on the "Links," "Legal Program Assistance," and "Servicemembers Civil Relief Act (SCRA)" links.

#### **Uniform Child Abduction Prevention Act**

Summary: This uniform state law helps judges identify children at risk of abduction and provides a list of prevention measures from which to fashion an appropriate prevention order. As of November 2008 UCAPA has been enacted, with some variations, in the seven states of Colorado, Kansas, Louisiana, Nebraska, Nevada, South Dakota, and Utah.

#### **SECTION 1. SHORT TITLE.**

This [act] may be cited as the Uniform Child Abduction Prevention Act.

#### **SECTION 2. DEFINITIONS.** In this [act]:

- (1) "Abduction" means the wrongful removal or wrongful retention of a child.
- (2) "Child" means an unemancipated individual who is less than 18 years of age.
- (3) "Child-custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order.

(4) “Child-custody proceeding” means a proceeding in which legal custody, physical custody, or visitation with respect to a child is at issue. The term includes a proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, or protection from domestic violence.

(5) “Court” means an entity authorized under the law of a state to establish, enforce, or modify a child-custody determination.

(6) “Petition” includes a motion or its equivalent.

(7) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(8) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe or nation.

(9) “Travel document” means records relating to a travel itinerary, including travel tickets, passes, reservations for transportation, or accommodations. The term does not include a passport or visa.

(10) “Wrongful removal” means the taking of a child that breaches rights of custody or visitation given or recognized under the law of this state.

(11) “Wrongful retention” means the keeping or concealing of a child that breaches rights of custody or visitation given or recognized under the law of this state.

### **SECTION 3. COOPERATION AND COMMUNICATION AMONG COURTS.**

Sections [110], [111], and [112] of [insert citation to the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act or its equivalent in the state] apply to cooperation and communications among courts in proceedings under this [act].

### **SECTION 4. ACTIONS FOR ABDUCTION PREVENTION MEASURES.**

(a) A court on its own motion may order abduction prevention measures in a child-custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child.

(b) A party to a child-custody determination or another individual or entity having a right under the law of this state or any other state to seek a child-custody determination for the child may file a petition seeking abduction prevention measures to protect the child under this [act].

(c) A prosecutor or public authority designated under [insert citation to Section 315 of the Uniform Child Custody Jurisdiction and Enforcement Act or applicable law of this state] may seek a warrant to take physical custody of a child under Section 9 or other appropriate prevention measures.

### **SECTION 5. JURISDICTION.**

(a) A petition under this [act] may be filed only in a court that has jurisdiction to make a child-custody determination with respect to the child at issue under [insert citation to Uniform Child Custody Jurisdiction and Enforcement Act or the Uniform Child Custody Jurisdiction Act].

(b) A court of this state has temporary emergency jurisdiction under [insert citation to Section 204 of the Uniform Child Custody Jurisdiction and Enforcement Act or Section 3(a)(3) of the Uniform Child Custody Jurisdiction Act] if the court finds a credible risk of abduction.

## SECTION 6. CONTENTS OF PETITION.

A petition under this [act] must be verified and include a copy of any existing child-custody determination, if available. The petition must specify the risk factors for abduction, including the relevant factors described in Section 7. Subject to [insert citation to Section 209(e) of the Uniform Child Custody Jurisdiction and Enforcement Act or cite the law of this state providing for the confidentiality of procedures, addresses, and other identifying information], if reasonably ascertainable, the petition must contain:

- (1) the name, date of birth, and gender of the child;
- (2) the customary address and current physical location of the child;
- (3) the identity, customary address, and current physical location of the respondent;
- (4) a statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location, and disposition of the action;
- (5) a statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location, and disposition of the case; and
- (6) any other information required to be submitted to the court for a child-custody determination under [insert citation to Section 209 of the Uniform Child Custody Jurisdiction and Enforcement Act or applicable law of this state].

## SECTION 7. FACTORS TO DETERMINE RISK OF ABDUCTION.

(a) In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

- (1) has previously abducted or attempted to abduct the child;
- (2) has threatened to abduct the child;
- (3) has recently engaged in activities that may indicate a planned abduction, including:
  - (A) abandoning employment;
  - (B) selling a primary residence;
  - (C) terminating a lease;
  - (D) closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;
  - (E) applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the child; or
  - (F) seeking to obtain the child's birth certificate or school or medical records;
- (4) has engaged in domestic violence, stalking, or child abuse or neglect;
- (5) has refused to follow a child-custody determination;
- (6) lacks strong familial, financial, emotional, or cultural ties to the state or the United States;
- (7) has strong familial, financial, emotional, or cultural ties to another state or country;
- (8) is likely to take the child to a country that:
  - (A) is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;
  - (B) is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:
    - (i) the Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;
    - (ii) is noncompliant according to the most recent compliance report issued by the United States Department of State; or
    - (iii) lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction;

(C) poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(D) has laws or practices that would:

(i) enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(ii) restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status, or religion; or

(iii) restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's gender, nationality, or religion;

(E) is included by the United States Department of State on a current list of state sponsors of terrorism;

(F) does not have an official United States diplomatic presence in the country; or

(G) is engaged in active military action or war, including a civil war, to which the child may be exposed;

(9) is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(10) has had an application for United States citizenship denied;

(11) has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a Social Security card, a driver's license, or other government-issued identification card or has made a misrepresentation to the United States government;

(12) has used multiple names to attempt to mislead or defraud; or

(13) has engaged in any other conduct the court considers relevant to the risk of abduction.

(b) In the hearing on a petition under this [act], the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

## **SECTION 8. PROVISIONS AND MEASURES TO PREVENT ABDUCTION.**

(a) If a petition is filed under this [act], the court may enter an order that must include:

(1) the basis for the court's exercise of jurisdiction;

(2) the manner in which notice and opportunity to be heard were given to the persons entitled to notice of the proceeding;

(3) a detailed description of each party's custody and visitation rights and residential arrangements for the child;

(4) a provision stating that a violation of the order may subject the party in violation to civil and criminal penalties; and

(5) identification of the child's country of habitual residence at the time of the issuance of the order.

(b) If, at a hearing on a petition under this [act] or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child, the court shall enter an abduction prevention order. The order must include the provisions required by subsection (a) and measures and conditions, including those in subsections (c), (d), and (e), that are reasonably calculated to prevent abduction of the child, giving due consideration to the custody and visitation rights of the parties. The court shall consider the age of the child, the potential harm to the child from an abduction, the legal and practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

(c) An abduction prevention order may include one or more of the following:

(1) an imposition of travel restrictions that require that a party traveling with the child outside a designated geographical area provide the other party with the following:

(A) the travel itinerary of the child;

(B) a list of physical addresses and telephone numbers at which the child can be reached at specified times; and

(C) copies of all travel documents;

(2) a prohibition of the respondent directly or indirectly:

(A) removing the child from this state, the United States, or another geographic area without permission of the court or the petitioner's written consent;

(B) removing or retaining the child in violation of a child-custody determination;

(C) removing the child from school or a child-care or similar facility; or

(D) approaching the child at any location other than a site designated for supervised visitation;

(3) a requirement that a party register the order in another state as a prerequisite to allowing the child to travel to that state;

(4) with regard to the child's passport:

(A) a direction that the petitioner place the child's name in the United States Department of State's Child Passport Issuance Alert Program;

(B) a requirement that the respondent surrender to the court or the petitioner's attorney any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child; and

(C) a prohibition upon the respondent from applying on behalf of the child for a new or replacement passport or visa;

(5) as a prerequisite to exercising custody or visitation, a requirement that the respondent provide:

(A) to the United States Department of State Office of Children's Issues and the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;

(B) to the court:

(i) proof that the respondent has provided the information in subparagraph (A); and

(ii) an acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child;

(C) to the petitioner, proof of registration with the United States Embassy or other United States diplomatic presence in the destination country and with the Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, if that Convention is in effect between the United States and the destination country, unless one of the parties objects; and

(D) a written waiver under the Privacy Act, 5 U.S.C. Section 552a [as amended], with respect to any document, application, or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and

(6) upon the petitioner's request, a requirement that the respondent obtain an order from the relevant foreign country containing terms identical to the child-custody determination issued in the United States.

(d) In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation that:

(1) limit visitation or require that visitation with the child by the respondent be supervised until the court finds that supervision is no longer necessary and order the respondent to pay the costs of supervision;

(2) require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorneys fees and costs if there is an abduction; and



(3) require the respondent to obtain education on the potentially harmful effects to the child from abduction.

(e) To prevent imminent abduction of a child, a court may:

(1) issue a warrant to take physical custody of the child under Section 9 or the law of this state other than this [act];

(2) direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination under this [act] or the law of this state other than this [act]; or

(3) grant any other relief allowed under the law of this state other than this [act].

(f) The remedies provided in this [act] are cumulative and do not affect the availability of other remedies to prevent abduction.

#### **SECTION 9. WARRANT TO TAKE PHYSICAL CUSTODY OF CHILD.**

(a) If a petition under this [act] contains allegations, and the court finds that there is a credible risk that the child is imminently likely to be wrongfully removed, the court may issue an ex parte warrant to take physical custody of the child.

(b) The respondent on a petition under subsection (a) must be afforded an opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

(c) An ex parte warrant under subsection (a) to take physical custody of a child must:

(1) recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based;

(2) direct law enforcement officers to take physical custody of the child immediately;

(3) state the date and time for the hearing on the petition; and

(4) provide for the safe interim placement of the child pending further order of the court.

(d) If feasible, before issuing a warrant and before determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the National Crime Information Center system and similar state databases to determine if either the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

(e) The petition and warrant must be served on the respondent when or immediately after the child is taken into physical custody.

(f) A warrant to take physical custody of a child, issued by this state or another state, is enforceable throughout this state. If the court finds that a less intrusive remedy will not be effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour.

(g) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under subsection (a) for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs, and expenses.

(h) This [act] does not affect the availability of relief allowed under the law of this state other than this [act].

#### **SECTION 10. DURATION OF ABDUCTION PREVENTION ORDER.**

An abduction prevention order remains in effect until the earliest of:

(1) the time stated in the order;

(2) the emancipation of the child;

(3) the child's attaining 18 years of age; or

(4) the time the order is modified, revoked, vacated, or superseded by a court with jurisdiction under [insert citation to Sections 201 through 203 of the Uniform Child Custody

Jurisdiction and Enforcement Act or Section 3 of the Uniform Child Custody Jurisdiction Act and applicable law of this state].

**SECTION 11. UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**SECTION 12. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.**

This [act] modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, *et seq.*, but does not modify, limit, or supersede Section 101(c) of the act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

**SECTION 13. EFFECTIVE DATE.**

This [act] takes effect on....



## Nationwide Directory of Family-Abduction Laws and Resources

**Note:** As the information in this directory is subject to change at any time, it is important for the reader to check for updates using the contact information/resources noted in each category below.

### Locator Services

Office of Child Support Enforcement  
Federal Parent Locator Service  
Aerospace Building, 4th Floor, East  
370 L'Enfant Promenade, Southwest  
Washington, DC 20447-0001  
202-401-9267

Contact information for State Parent Locator Services was accessed December 10, 2008, at [www.acf.hhs.gov](http://www.acf.hhs.gov).

### Missing-Child Clearinghouses

National Center for Missing & Exploited Children  
Charles B. Wang International Children's Building  
699 Prince Street  
Alexandria, Virginia 22314-3175  
1-800-THE-LOST® (1-800-843-5678)

Contact information for these clearinghouses was accessed in December 2008 at [www.missingkids.com](http://www.missingkids.com) and found by calling individual clearinghouses.

### Crime Victim Compensation Programs

National Association of Crime Victim Compensation Boards  
PO Box 16003  
Alexandria, Virginia 22302-8003  
703-780-3200

Contact information for these programs was accessed December 10, 2008, at [www.nacvcb.org](http://www.nacvcb.org) and individual agency websites.

### Nonprofit Organizations Assisting With Cases of Missing Children

Association of Missing and Exploited Childrens Organizations Inc. (AMECO)  
PO Box 320338  
Alexandria, VA 22320-4338  
1-877-263-2620/703-838-8379  
[www.amecoinc.org](http://www.amecoinc.org)

Contact information for these nonprofit organizations (NPO) was provided by AMECO on November 25, 2008, and found on individual organization websites on December 10, 2008.

### Laws and Relevant Case Law

Information regarding the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), Uniform Child Custody and Jurisdiction Act (UCCJA), and Uniform Child Abduction Prevention Act (UCAPA) is current through November 2008. Information regarding laws about custodial-inference, missing-children, and bonds is current as of October 2007. Entries for "Laws Regarding Custodial Interference" refer to criminal laws only unless otherwise noted. Information about relevant case law is also current as of October 2007 and reflects leading cases only. NCMEC did not attempt to capture all case law about these issues but rather provide information about leading cases in which lawyers and victim families could review the basic point and conduct their own case-specific research. To obtain copies of statutes, search online sources such as [www.findlaw.com](http://www.findlaw.com) or check in a major public library or law library. Law schools, courts, and bar associations may have libraries open to the public. Research the law of the "abducted from" and the "abducted to" jurisdictions.

## ALABAMA

Locator Service	Child Support Enforcement Division Alabama Department of Human Resources PO Box 304000 Montgomery, AL 36130-4000 334-242-9300 <a href="http://www.dhr.state.al.us">www.dhr.state.al.us</a> , in the "Search" field on the home page type "Child Support Enforcement"
Clearinghouse	Alabama Bureau of Investigation/Missing Children PO Box 1511 Montgomery, AL 36102-1511 1-800-228-7688 <a href="http://www.dps.state.al.us/abi">www.dps.state.al.us/abi</a>
Compensation Program for Crime Victims	Alabama Crime Victims Compensation Commission PO Box 231267 Montgomery, AL 36123-1267 1-800-541-9388 (victims only)/334-290-4420 <a href="http://www.acvcc.state.al.us">www.acvcc.state.al.us</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Code 1975, §§ 30-3B-101 to 30-3B-405 Public Enforcement Sections: No
Laws Regarding Custodial Interference	Ala. Code § 13A-6-45 (Interference with custody)
Laws Regarding Missing Children	Ala. Code §§ 26-19-1 to 26-19-10 Ala. Code § 29-19-2 (Alabama Center for Missing & Exploited Children) Ala. Code § 29-19-7 (Preliminary Investigation) Ala. Code § 29-19-9 (State Board of Education; duties)
Laws Regarding Bonds	Ala. Code § 30-3-135(b)(7)
Relevant Case Law	Bonds <i>Shonkwiler v. Kriska</i> , 780 So. 2d 703 (Ala. Civ. App. 2000) <i>Deal v. Deal</i> , 587 So. 2d 413 (Ala. Civ. App. 1991) <i>Taylor v. Taylor</i> , 563 So. 2d 1049 (Ala. Civ. App. 1990) <i>Caldwell v. Fisk</i> , 523 So. 2d 464 (Ala. Civ. App. 1988) <i>Breazeale v. Hayes</i> , 489 So. 2d 1111 (Ala. Civ. App. 1986) <i>Keeton v. Keeton</i> , 472 So. 2d 1082, (Ala. Civ. App. 1985) <i>Rayford v. Rayford</i> , 456 So. 2d 833 (Ala. Civ. App. 1984) <i>Owens v. Blair</i> , 452 So. 2d 1343 (Ala. Civ. App. 1984) <i>Ham v. Barnes</i> , 418 So. 2d 166 (Ala. Civ. App. 1982) <i>Pitts v. Sutter</i> , 408 So. 2d 105 (Ala. Civ. App. 1981) <i>McEntire v. McEntire</i> , 345 So. 2d 316 (Ala. Civ. App. 1977) <i>Quintanilla v. George</i> , 340 So. 2d 804 (Ala. Civ. App. 1976)  Tort Actions <i>Anonymous v. Anonymous</i> , 672 So. 2d 787 (Ala. 1995)

## ALASKA

Locator Service	Child Support Services Division Department of Revenue 550 West 7th Avenue, Suite 310 Anchorage, AK 99501-6699 1-800-478-3300 (in-state only)/907-269-6900 www.csed.state.ak.us
Clearinghouse	Missing Persons Clearinghouse Alaska State Troopers 3925 Tudor Centre Road Anchorage, AK 99508-5921 1-800-478-9333 (in-state only)/907-269-5058
Compensation Program for Crime Victims	Violent Crimes Compensation Board PO Box 110230 Juneau, AK 99811-0230 1-800-764-3040 www.state.ak.us/admin, from the home page, in the "Divisions" field, select the "Violent Crimes Compensation Board" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Alaska Stat. §§ 25.30.300 to 25.30.910 Public Enforcement Sections: No
Laws Regarding Custodial Interference	Alaska Stat. § 11.41.320 (Custodial interference in the first degree) Alaska Stat. § 11.41.330 (Custodial interference in the second degree) Alaska Stat. § 11.41.370 (Definitions) Alaska Stat. § 11.51.125 (Failure to permit visitation with a minor)
Laws Regarding Missing Children	Alaska Stat. § 14.30.700 (School records of missing children) Alaska Stat. § 14.30.710 (Required school records for transfer) Alaska Stat. § 18.50.315 (Birth records of missing children) Alaska Stat. § 18.65.600-650 (Missing Persons Information Clearinghouse) Alaska Stat. § 18.65.620 (Duty of law-enforcement agencies) Alaska Stat. § 47.10.141 (Runaway and missing minors)
Laws Regarding Bonds	Alaska Stat. § 25.20.061(7)
Relevant Case Law	Restricting Visitation <i>Monett v. Hoff</i> , 958 P.2d 434 (Alaska 1998)

## AMERICAN SAMOA

Locator Service	Office of the Attorney General of American Samoa PO Box 7 Pago Pago, AS 96799-0713 684-633-4163
Clearinghouse	Contact NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) for a law-enforcement referral
Compensation Program for Crime Victims NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	
Laws Regarding Custodial Interference	
Laws Regarding Missing Children	
Laws Regarding Bonds	
Relevant Case Law	

## ARIZONA

Locator Service	<p>Division of Child Support Enforcement          Arizona Department of Economic Security          PO Box 40458          Phoenix, AZ 85067-0458          1-800-882-4151 (in-state only)/602-252-4045  <a href="http://www.azdes.gov">www.azdes.gov</a>, from the home page click on the "Support Our Children" link</p>
Clearinghouse	<p>Criminal Investigations Research Unit          Arizona Department of Public Safety          PO Box 6638          Phoenix, AZ 85005-6638          602-644-5942</p>
Compensation Program for Crime Victims	<p>Arizona Criminal Justice Commission          1110 West Washington Street, Suite 230          Phoenix, AZ 85007-2958          602-364-1146  <a href="http://www.acjc.state.az.us">www.acjc.state.az.us</a>, from the home page click on the "Victim Services" link</p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	<p>Ariz. Rev. Stat. §§ 25-1001 to 25-1067          Public Enforcement Sections: Yes          Attorney General (Ariz. Rev. Stat. § 25-1065)</p>
Laws Regarding Custodial Interference	<p>Ariz. Rev. Stat. § 13-1302 (Custodial interference)          Ariz. Rev. Stat. § 13-1305 (Access interference)</p>
Laws Regarding Missing Children	<p>Ariz. Rev. Stat. § 15-807 (Absence from school; notification within 2 hours of parent or person having custody of minor)          Ariz. Rev. Stat. § 15-829 (Missing child; notification of school; flagging records; definitions)          Ariz. Rev. Stat. § 36-339 (Missing children; notification; flagging birth certificate records; definitions)</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Law-Enforcement Liability  <i>Henderson v. Mohave County</i>, 54 F.3d 592 (9th Cir. 1995)</p> <p>Tort Actions  <i>Pankratz v. Willis</i>, 155 Ariz. 8, 744 P.2d 1182 (Ct. App. 1987)</p>



## ARKANSAS

Locator Service	Office of Child Support Enforcement Arkansas Department of Finance & Administration PO Box 8133 Little Rock, AR 72203-8133 501-682-6169 www.arkansas.gov, from the home page, under the "Government" heading, click on the "State Agencies" link. Then click on the "Finance and Administration" link. Then in the "DAF Offices" field select the "Child Support" link.
Clearinghouse	Missing Children Services Program Office of Attorney General 323 Center Street, Suite 200 Little Rock, AR 72201-2698 1-800-448-3014 (in-state only)/501-682-1020 www.arkansasag.gov
Compensation Program for Crime Victims	Crime Victims Reparations Board Office of the Attorney General 323 Center Street, Suite 600 Little Rock, AR 72201-2698 1-800-448-3014 (in-state only)/501-682-1020 www.arkansasag.gov, from the home page, under the "Crime" heading, click on the "Crime Victims" link
NPO	Morgan Nick Foundation, Inc. PO Box 1033 Alma, AR 72921-1033 1-877-543-HOPE (4673)/479-632-6382 www.morgannick.com
UCCJEA	Ark. Code Ann. §§ 9-19-101 to 9-19-401 Public Enforcement Sections: Yes Prosecutor or Public Official (§9-19-315)
Laws Regarding Custodial Interference	Ark. Code Ann. § 5-26-501 (Interference with visitation) Ark. Code Ann. § 5-26-502 (Interference with court-ordered custody)
Laws Regarding Missing Children	Ark. Code Ann. § 9-34-204 (Missing Persons Information Clearinghouse) Ark. Code Ann. § 12-12-801 (Report of missing child; notation on birth and school records) Ark. Code Ann. § 12-12-802 (Request for birth certificate; notification of law-enforcement officer or Attorney General) Ark. Code Ann. § 12-12-803 (Request for school records; notification of law-enforcement officer or Attorney General)
Laws Regarding Abduction Prevention	Ark. Code Ann. §§ 9-13-401 to 9-13-407 (2005) (International child abduction prevention measures)
Laws Regarding Bonds	
Relevant Case Law	Bonds <i>Linder v. Linder</i> , 348 Ark. 322 (Ark. 2002) <i>Young v. Smith</i> , 331 Ark. 525, 964 S.W.2d 784 (1998) <i>Koroklo v. Koroklo</i> , 302 Ark. 96, 787 S.W.2d 241 (1990) <i>Day v. Wright</i> , 1986 Ark. App. LEXIS 2260 (Ark. Ct. App. 1986) <i>Durham v. Durham</i> , 289 Ark. 3, 708 S.W.2d 618 (1986) <i>Payne v. White</i> , 1 Ark. App. 271, 614 S.W.2d 684 (1981)  Restricting Visitation <i>Ishmael v. Ismail</i> , No. CA98-896, 1999 Ark. App. LEXIS 262 (Ark. Ct. App. May 5, 1999)

## CALIFORNIA

Locator Service	<p>Department of Child Support Services          PO Box 419064          Rancho Cordova, CA 95741-9064          1-866-249-0773 (Recorded Messages)  <a href="http://www.childsup.ca.gov">www.childsup.ca.gov</a></p>
Clearinghouse	<p>Missing/Unidentified Persons Unit          California Department of Justice          PO Box 903387          Sacramento, CA 94203-3870          1-800-222-3463/916-227-3290  <a href="http://www.ag.ca.gov/missing">www.ag.ca.gov/missing</a></p>
Compensation Program for Crime Victims	<p>Victim Compensation and Government Claims Board          PO Box 3036          Sacramento, CA 95812-3036          1-800-777-9929  <a href="http://www.vcgcb.ca.gov">www.vcgcb.ca.gov</a></p>
NPO	<p>Child Quest International Inc.          1060 North 4th Street, Suite 200          San Jose, CA 95112-4941          408-287-HOPE (4673)  <a href="http://www.childquest.org">www.childquest.org</a></p> <p>Interstate Association For Stolen Children          PO Box 131          Rancho Cordova, CA 95741-0131          916-965-5959  <a href="http://www.geocities.com/CapitolHill/6042/">www.geocities.com/CapitolHill/6042/</a></p> <p>Polly Klaas® Foundation          PO Box 800          Petaluma, CA 94953-0800          1-800-587-4357/707-769-1334  <a href="http://www.pollyklaas.org">www.pollyklaas.org</a></p> <p>The Carole Sund/Carrington Memorial Reward Foundation          301 Downey Avenue          Modesto, CA 95354-1203          1-888-813-8389/209-567-1059  <a href="http://www.carolesundfoundation.com">www.carolesundfoundation.com</a></p>
UCCJEA	<p>Cal. Family Code §§ 3400 to 3465          Public Enforcement Sections: Yes          District Attorney (§ 3455)</p>
Laws Regarding Custodial Interference	<p>Criminal</p> <p>Cal. Penal Code § 166(a)(4) (Misdemeanor contempt of court)          Cal. Penal Code § 277 to 280 (Child-abduction statutes)          Cal. Penal Code § 277 (Definitions)          Cal. Penal Code § 278 (Custodial interference)          Cal. Penal Code § 278.5 (Custodial and visitation interference)          Cal. Penal Code § 278.6 (Aggravation)          Cal. Penal Code § 278.7 (Inapplicability)          Cal. Penal Code § 279 (Extraterritoriality)          Cal. Penal Code § 279.1 (Continuous offenses)          Cal. Penal Code § 279.5 (Bail)          Cal. Penal Code § 279.6 (Law-enforcement officer may take child into protective custody)          Cal. Penal Code § 280 (Criminal offense for removing or concealing child in violation of Family Code §§ 8713, 8803, or 8910)</p> <p>Civil</p> <p>Cal. Family Code § 3130 to 3135          Cal. Family Code § 3451 (Warrant to take physical custody of child)          Cal. Family Code § 3455 (District attorney's authorization to proceed pursuant to Chapter 8, commencing with § 3130, in Hague Convention and custody/visitation enforcement cases)</p>

Laws Regarding Missing Children	<p>Cal. Educ. Code § 49.370 (Legislative intent to require school personnel to report missing child to law-enforcement agency)</p> <p>Cal. Educ. Code § 49068.5 (Missing children; check of new and transferring students)</p> <p>Cal. Educ. Code § 49068.6 (Notification of missing child; flagging of school records)</p> <p>Cal. Family Code § 3140 (Submission of child's birth certificate to court if parent has not appeared in proceeding; check to determine if child is missing person)</p> <p>Cal. Family Code § 17514 (Confidentiality of child abduction records; release of information)</p> <p>Cal. Govt. Code § 8594 (Activation of the Emergency Alert System)</p> <p>Cal. Govt. Code § 14685 (Posting of information about missing children)</p> <p>Cal. Penal Code § 14200 to 14213 (Violent Crime Information Center)</p> <p>Cal. Penal Code § 14201.5 (Missing and Exploited Children's Recovery Network)</p> <p>Cal. Penal Code § 14213(b)(4) (Definitions)</p>
Laws Regarding Abduction Prevention	<p>Cal. Family Code § 3048 (Contents of child custody or visitation order; determination of risk of abduction)</p> <p>Cal. Family Code § 6520(c) (Grounds for issuance of emergency protective order; risk or threat of abduction)</p> <p>Cal. Family Code § 6521 (Required findings)</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Bonds</p> <p><i>In re Marriage of Abargil</i>, 106 Cal. App. 4th 1294 (Cal. Ct. App. 2003)</p> <p><i>In re Marriage of Lasich</i>, 99 Cal. App. 4th 702 (Cal. Ct. App. 2002) (\$100,000 annually renewable bond)</p> <p><i>Condon v. Cooper</i>, 62 Cal. App. 4th 533, 73 Cal. Rptr. 2d 33 (1998)</p> <p><i>Damico v. Damico</i>, 7 Cal. 4th 673, 872 P.2d 126, 29 Cal. Rptr. 2d 787 (1994)</p> <p><i>Moffat v. Moffat</i>, 27 Cal. 3d 645, 612 P.2d 967, 165 Cal. Rptr. 877 (1980)</p> <p>Passport Restrictions</p> <p><i>Economou v. Economou</i>, 274 Cal. Rptr. 473 (Ct. App. 1990)</p> <p>Restricting Visitation</p> <p><i>In re Joseph D.</i>, 23 Cal. Rptr. 2d 574 (Ct. App. 1993)</p> <p><i>People v. Beach</i>, 240 Cal. Rptr. 50 (Ct. App. 1987)</p> <p>Tort Actions</p> <p><i>Segel v. Segel</i>, 179 Cal. App. 3d 602, 224 Cal. Rptr. 591 (1986)</p>

## COLORADO

Locator Service	Division of Child Support Enforcement Colorado Department of Human Services 1575 Sherman Street, 5th Floor Denver, CO 80203-1702 303-866-4300 www.childsupport.state.co.us
Clearinghouse	Missing Person/Children Unit Colorado Bureau of Investigation 710 Kipling Street, Suite 200 Denver, CO 80215-8006 303-239-4251
Compensation Program for Crime Victims	Office for Victims Programs Division of Criminal Justice 700 Kipling Street, Suite 1000 Denver, CO 80215-5897 303-239-5719 www.dcj.state.co.us/ovp
NPO	Missing Children Task Force 8100 Shaffer Parkway, #130 Littleton, CO 80127-4124 720-641-6432 www.childfinders.org
UCAPA	C.R.S. §§ 14-13.5-101 to 14-13.5-112
UCCJEA	Colo. Rev. Stat. §§ 14-13-101 to 14-13-403 Public Enforcement Sections: No
Laws Regarding Custodial Interference	Colo. Rev. Stat. § 18-3-304 (Violation of custody order or order pertaining to parental responsibilities)
Laws Regarding Missing Children	Colo. Rev. Stat. § 24-33.5 -415.1(1)-(7) (List of missing children) Colo. Rev. Stat. § 24-33.5-415.7 (AMBER Alert program)
Laws Regarding Bonds	Colo. Rev. Stat. § 14-10-129.5(2)(c) Colo. Rev. Stat. § 19-1-117.5(2)(c)
Relevant Case Law	Bonds <i>People, in the Interest of A.R.D. and K.F.D. Children</i> , 2001 Colo. App. LEXIS 1114 (Colo. Ct. App. July 5, 2001) <i>In re Colorado, in the Interest of B.C.</i> , No. 99SA127, 1999 Colo. LEXIS 504 (Colo. May 21, 1999) <i>In re Herrera</i> , 772 P.2d 676 (Colo. Ct. App. 1989) <i>Casida v. Casida</i> , 659 P.2d 56 (Colo. Ct. App. 1982)  Tort Actions <i>Castle Rock v. Gonzalez</i> , 545 U.S. 748 (2005) <i>D&amp;D Fuller CATV Constr. v. Pace</i> , 780 P.2d 520 (Colo. 1989) <i>Anderson v. Cramlet</i> , 789 F.2d 840 (10th Cir. 1986)

## CONNECTICUT

Locator Service	Bureau of Child Support Enforcement State of Connecticut Department of Social Services 3580 Main Street Hartford, CT 06120-1187 1-860-723-1000 <a href="http://www.ct.gov/dss">www.ct.gov/dss</a> , from the home page respectively click on the "Families with Children" and "Child Support Enforcement" links
Clearinghouse	Missing Persons Connecticut State Police PO Box 2794 Middletown, CT 06457-9294 1-800-367-5678 (in-state only)/860-685-8190
Compensation Program for Crime Victims	Office of Victim Services 225 Spring Street, 4th Floor Wethersfield, CT 06109-3418 1-888-286-7347 (in-state only)/860-263-2761 <a href="http://www.jud.ct.gov/crimevictim">www.jud.ct.gov/crimevictim</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Conn. Gen. Stat. §§ 46b-115 to 46b-115jj Public Enforcement Sections: No
Laws Regarding Custodial Interference	Conn. Gen. Stat. § 46b-16 (Petition to Superior Court for ex parte order regarding temporary care and custody of child when arrested for custodial interference; duration of order) Conn. Gen. Stat. § 53a-97 (Custodial interference in the first degree) Conn. Gen. Stat. § 53a-98 (Custodial interference in the second degree)
Laws Regarding Missing Children	Conn. Gen. Stat. § 7-282c (Filing and dissemination of missing-child reports) Conn. Gen. Stat. § 29-1e (Missing-children information; clearinghouse; definitions; duties; missing-child reports)
Laws Regarding Bonds	
Relevant Case Law*	Attorney Disclosure <i>Bersani v. Bersani</i> , 41 Conn. Supp. 252, 565 A.2d 1368 (1989)  Bonds <i>Presutti v. Presutti</i> , 181 Conn. 622, 436 A.2d 299 (1980)  Passport Restrictions <i>Stancuna v. Stancuna</i> , 2007 Conn. Super. LEXIS 2252 (2007) <i>Harrigan v. Harrigan</i> , 2006 Conn. Super. LEXIS 3855 (2006) <i>Racsko v. Racsko</i> , 91 Conn. App. 315, 881 A.2d 460 (2005)  Propriety of Joint-Custody Orders <i>Faria v. Faria</i> , 456 A.2d 1205 (Conn. Super. Ct. 1982)  Tort Actions <i>State of Connecticut v. Vakilzaden</i> , 272 Conn. 762, 865 A.2d 1155 (Conn. S.Ct. 2005) <i>Streeter v. Executive Jet Management, Inc.</i> , No. X01020179481S (Conn. Super. Ct., Waterbury, Complex Litigation, Nov. 10, 2005) (jury award of \$27 million against charter jet company hired by plaintiff-mother's former husband to abduct children from U.S., upheld on appeal) <i>Bouchard v. Sundberg</i> , 80 Conn. App. 180, 834 A.2d 744 (2003) <i>Arthur v. Huschke</i> , 1999 Conn. Super. LEXIS 2467 (Conn. Super. Ct. Sept. 9, 1999) <i>Zamstein v. Marvasti</i> , 240 Conn. 549, 692 A.2d 781 (1997) <i>Marshak v. Marshak</i> , 226 Conn. 652, 628 A.2d 964 (1993)

\*Parental Kidnapping: Guide to Resources in Law Library found at [www.jud.state.ct.gov/LawLib](http://www.jud.state.ct.gov/LawLib), from the home page respectively click on the "Pathfinder and Research Guides," "Connecticut Family Law Notebooks," and "Parental Kidnapping in Connecticut" links.

## DELAWARE

Locator Service	Division of Child Support Enforcement Delaware Health and Social Services 84A Christiana Road New Castle, DE 19720-3118 302-395-6520 <a href="http://www.dhss.delaware.gov/dhss">www.dhss.delaware.gov/dhss</a> from the home page respectively click on the "A-Z of Services" and "Child Support Enforcement Services" links
Clearinghouse	State Bureau of Identification Delaware State Police 1407 North DuPont Highway Dover, DE 19901-2212 302-739-5883
Compensation Program for Crime Victims	Violent Crimes Compensation Board 240 North James Street, Suite 203 Wilmington, DE 19804-3171 1-800-464-4357 (in-state only)/302-995-8383 <a href="http://www.courts.delaware.gov/vccb">www.courts.delaware.gov/vccb</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	13 Del. C. §§ 1901 to 1943 Public Enforcement Sections: No
Laws Regarding Custodial Interference	Del. Code Ann. tit. 11, § 785 (Interference with custody)
Laws Regarding Missing Children	Del. Code Ann. tit. 11, § 8531 to 8538 (Missing persons) Del. Code Ann. tit. 11, § 8535 (Unemancipated minors) Del. Code Ann. tit. 11, §§ 8541 to 8544 (Missing-child clearinghouse)
Laws Regarding Bonds	
Relevant Case Law	

## DISTRICT OF COLUMBIA

Locator Service	Child Support Services Division Office of the Attorney General Judiciary Square 441 - 4th Street, Northwest, Suite 550N Washington, DC 20001-2714 202-442-9900 <a href="http://www.csed.dc.gov/csed">www.csed.dc.gov/csed</a>
Clearinghouse	Youth Investigations Branch DC Metropolitan Police Department 1700 Rhode Island Avenue, Northeast Washington, DC 20018-1898 202-576-6768
Compensation Program for Crime Victims	Crime Victims Compensation Program DC Superior Court 515 - 5th Street, Northwest, Room 109 Washington, DC 20001-2710 202-879-4216 <a href="http://www.dccourts.gov">www.dccourts.gov</a> , from the home page respectively click on the "Superior Court" and "Crime Victims Compensation Program" links
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	D.C. Code §§ 16-4601.01 to 16-4604.02 Public Enforcement Section: Yes Office of the Attorney General (§ 16-4603.15)
Laws Regarding Custodial Interference	D.C. Code Ch. 10, Subch. II Parental Kidnapping §§ 16-1021 to 16-1026 D.C. Code Ch. § 16-1021 (Definitions) D.C. Code Ch. § 16-1022 (Prohibited acts) D.C. Code Ch. § 16-1023 (Defenses to prosecution, continuous offenses, expenses, jurisdiction) D.C. Code Ch. § 16-1024 (Penalties) D.C. Code Ch. § 16-1025 (Prosecution by Corporate Counsel) D.C. Code Ch. § 16-1026 (2006) (Expungement)
Laws Regarding Missing Children	
Laws Regarding Bonds	
Relevant Case Law	Bonds <i>Moore v. Moore</i> , 391 A.2d 762 (D.C. 1978)  Tort Actions <i>Bennett v. Bennett</i> , 682 F.2d 1039 (D.C. Cir. 1982)

## FLORIDA

Locator Service	<p>Child Support Enforcement  The Florida Department of Revenue  PO Box 8030  Tallahassee, FL 32314-8030  1-800-622-KIDS (5437)  <a href="http://www.myflorida.com/dor">www.myflorida.com/dor</a>, from the home page click on the "Child Support" link</p>
Clearinghouse	<p>Missing Children Information Clearinghouse  Florida Department of Law Enforcement  PO Box 1489  Tallahassee, FL 32302-1489  1-888-356-4774/850-410-8585  <a href="http://www.fdle.state.fl.us">www.fdle.state.fl.us</a></p>
Compensation Program for Crime Victims	<p>Division of Victim Services  Office of the Attorney General  The Capitol, PL-01  Tallahassee, FL 32399-1050  1-800-226-6667 (victims only)/850-414-3300  <a href="http://www.myfloridalegal.com/victims">www.myfloridalegal.com/victims</a></p>
NPO	<p>A Child Is Missing  500 Southeast 17th Street, Room 101  Fort Lauderdale, FL 33316-2547  1-888-US5-ACIM (875-2246)/954-763-1288  <a href="http://www.achildismissing.org">www.achildismissing.org</a></p> <p>Child Protection Education of America, Inc.  410 Ware Boulevard, Suite 710  Tampa, FL 33619-4456  1-866-USA-CHILD (872-2445)/813-626-3001  <a href="http://www.find-missing-children.org">www.find-missing-children.org</a></p> <p>Jimmy Ryce Center For Victims of Predatory Abduction  908 Coquina Lane  Vero Beach, FL 32963-5326  1-800-JIM-RYCE (546-7923)/772-492-0200  <a href="http://www.jimmyryce.org">www.jimmyryce.org</a></p>
UCCJEA	<p>Fla. Stat. §§ 61.501 to 61.542  Public Enforcement Section: Yes  State Attorney (§ 61.538)</p>
Laws Regarding Custodial Interference	<p>Fla. Stat. § 787.03 (Interference with custody)  Fla. Stat. § 787.04 (Removing minors from state or concealing minors contrary to state agency or court order)</p>
Laws Regarding Missing Children	<p>Fla. Stat. § 937 (Missing-person investigations)  Fla. Stat. § 937.021 (Missing-child reports)  Fla. Stat. § 937.022 (Missing Children Information Clearinghouse)  Fla. Stat. § 937.023 (Department of Education to compile list of missing Florida school children; forms; notification)  Fla. Stat. § 937.024 (Birth records of missing children; registrar's duties)  Fla. Stat. § 937.025 (Missing children; student records; reporting requirements; penalties)  Fla. Stat. § 937.028 (Fingerprints; missing children)  Fla. Stat. § 937.031 (Dental records of missing persons; access and use)</p>
Laws Regarding Abduction Prevention	<p>Fla. Stat. § 61.45 (Court order of visitation or custody; risk of violation; bond)</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Bonds  <i>Bekier v. Bekier</i>, 248 F.3d 1051 (11th Cir. 2001)  <i>Hinsley v. Hinsley</i>, 623 So. 2d 611 (Fla. Dist. Ct. App. 1993)  <i>Ingham v. Ingham</i>, 603 So. 2d 74 (Fla. Dist. Ct. App. 1992)  <i>Viltz v. Viltz</i>, 384 So. 2d 1348 (Fla. Dist. Ct. App. 1980)</p>



Passport Restrictions

*Williams v. Williams*, 845 So. 2d 246 (Fl. Ct. App. 2003)

Restricting Visitation

*Savoy v. Savoy*, 529 So. 2d 829 (Fla. Dist. Ct. App. 1988)

Tort Actions

*Davis v. Hilton*, 780 So. 2d 974 (Fla. Dist. Ct. App. 2001)

*Stone v. Wall*, 135 F.3d 1438 (11th Cir. 1986)

*McDougald v. Jenson*, 786 F.2d 1465 (11th Cir. 1986)

## GEORGIA

Locator Service	Office of Child Support Services Georgia Department of Human Resources PO Box 38450 Atlanta, GA 30334-0450 404-657-3851 <a href="http://www.georgia.gov">www.georgia.gov</a> , from the home page click on the "Child Support Services" link
Clearinghouse	Intelligence Unit Georgia Bureau of Investigation PO Box 370808 Decatur, GA 30037-0808 1-800-282-6564/404-244-2554
Compensation Program for Crime Victims	Crime Victims Compensation Program Criminal Justice Coordinating Council 104 Marietta Street, Suite 440 Atlanta, GA 30303-2743 1-800-547-0060 (victims only)/404-657-1956 <a href="http://www.georgia.gov">www.georgia.gov</a> , from the home page respectively click on the "Agencies" and "Criminal Justice Coordinating Council" links
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Ga. Code Ann. §§ 19-9-40 to 19-9-104 Public Enforcement Sections: Yes District Attorney (§ 19-9-95)
Laws Regarding Custodial Interference	Ga. Code Ann. § 16-5-45 (Interference with custody)
Laws Regarding Missing Children	Ga. Code Ann. §§ 35-3-80 to 35-3-85 (Missing Children Information Center) Ga. Code Ann. § 35-3-83 (Missing-child reports) Ga. Code Ann. § 51-1-50 (Immunity of broadcasters from liability for Levi's Call: AMBER Alert program)
Laws Regarding Bonds	Ga. Code Ann. § 9-11-65(e)
Relevant Case Law	Bonds <i>Moon v. Moon</i> , 277 Ga. 375 (Ga. 2003) (\$100,000 bond as prerequisite to exercising visitation) <i>Mitchell v. Mitchell</i> , 252 Ga. 46, 311 S.E.2d 456 (1984) <i>Bull v. Bull</i> , 243 Ga. 72, 252 S.E.2d 494 (1979) <i>Dearman v. Rhoden</i> , 235 Ga. 457 (Ga. 1975) <i>German v. Johnson</i> , 232 Ga. 451 (Ga. 1974) <i>Durham v. Spence</i> , 228 Ga. 525 (Ga. 1972)  Restricting Visitation <i>Mitchell v. Mitchell</i> , 252 Ga. 46, 311 S.E.2d 456 (1984)  Passport Restrictions <i>Mitchell v. Mitchell</i> , 252 Ga. 46, 311 S.E.2d 456 (1984)

## GUAM

Locator Service	Child Support Enforcement Division Office of the Attorney General The Justice Building 287 West O'Brien Drive Hagatna, GU 96910-5151 671-475-3324
Clearinghouse	Contact NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) for a law-enforcement referral
Compensation Program for Crime Victims	Office for Victims of Crime, Victim Assistance for Guam 671-475-3324
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	7 GCA §§ 39101-39110 Public Enforcement Sections: No
Laws Regarding Custodial Interference	9 GCA § 22.50
Laws Regarding Missing Children	9 GCA § 22.40 (Defining child stealing)
Laws Regarding Bonds	
Relevant Case Law	

## HAWAII

Locator Service	Hawaii Child Support Enforcement Agency Department of the Attorney General 601 Kamokila Boulevard, Suite 207 Kapolei, HI 96707-2035 808-692-7000 <a href="http://www.hawaii.gov/ag">www.hawaii.gov/ag</a> , from the home page click on the "Child Support Enforcement Agency" link
Clearinghouse	Missing Child Center – Hawaii Department of the Attorney General Hale Auhau Building 425 Queen Street Honolulu, HI 96813-1449 808-753-9797 (hotline)/808-586-1449 <a href="http://www.missingchildcenterhawaii.com">www.missingchildcenterhawaii.com</a>
Compensation Program for Crime Victims	Crime Victims Compensation Commission 1136 Union Mall, Room 600 Honolulu, HI 96813-2711 808-587-1143 <a href="http://www.hawaii.gov/cvcc">www.hawaii.gov/cvcc</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Haw. Rev. Stat. §§ 583A-101 to 583A-317 Public Enforcement Sections: Yes Attorney General and Prosecuting Attorneys (§ 583A-315)
Laws Regarding Custodial Interference	Haw. Rev. Stat. § 707-726 (Custodial interference in the first degree) Haw. Rev. Stat. § 707-727 (Custodial interference in the second degree)
Laws Regarding Missing Children	Haw. Rev. Stat. § 28-121 (Missing-child center) Haw. Rev. Stat. § 577-27 (Missing children; reporting)
Laws Regarding Bonds	
Relevant Case Law	Bonds <i>Cerit v. Cerit</i> , 188 F. Supp. 2d 1239 (D. Haw. 2002) <i>Bullard v. Bullard</i> , 3 Haw. App. 194, 647 P.2d 294 (1982)

## IDAHO

Locator Service	Bureau of Child Support Services Idaho Department of Health and Welfare PO Box 83720 Boise, ID 83720-0003 1-800-356-9868 <a href="http://www.healthandwelfare.idaho.gov">www.healthandwelfare.idaho.gov</a> , from the home page click on the "Child Support Services" link
Clearinghouse	Missing Persons Clearinghouse Idaho Bureau of Criminal Identification PO Box 700 Meridian, ID 83680-0700 1-888-777-3922/208-884-7154 <a href="http://www.isp.state.id.us">www.isp.state.id.us</a>
Compensation Program for Crime Victims	Crime Victims Compensation Program Idaho Industrial Commission PO Box 83720 Boise, ID 83720-0041 208-334-6080 <a href="http://www.iic.idaho.gov">www.iic.idaho.gov</a> , from the home page click on the "Crime Victims" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Idaho Code §§ 32-11-101 to 32-11-405 Public Enforcement Sections: Yes County Prosecuting Attorney (§ 32-11-315)
Laws Regarding Custodial Interference	Idaho Code § 18-4506 (Child custody interference defined with defenses and punishments)
Laws Regarding Missing Children	Idaho Code § 5-340 (Immunity of radio and television broadcasting organizations participating in the AMBER Alert system) Idaho Code §§ 18-4507 to 18-4511 (Missing Child Reporting Act) Idaho Code § 18-4507 (Short title) Idaho Code § 18-4508 (Definitions) Idaho Code § 18-4509 (Missing-child reports) Idaho Code § 18-4510 (Birth records of missing child; state registrar's duties) Idaho Code § 18-4511 (School duties regarding records of missing child; identification upon enrollment; transfer of student records) Idaho Code § 18-4512 (Missing Persons Clearinghouse)
Laws Regarding Bonds	
Relevant Case Law	Bonds <i>Howard v. Cornell</i> , 134 Idaho 403, 3 P.2d 528 (Idaho 2000) <i>Biggers v. Biggers</i> , 103 Idaho 550, 650 P.2d 692 (Idaho 1982)  Law-Enforcement Liability <i>Shields v. Martin</i> , 109 Idaho 132, 706 P.2d 21 (Idaho 1985)  Tort Actions <i>Lake v. Lake</i> , 817 F.2d 1416 (9th Cir. 1987)

## ILLINOIS

Locator Service	Division of Child Support Enforcement Illinois Department of Healthcare and Family Services 201 South Grand Avenue, East Springfield, IL 62763-0001 1-800-447-4278 www.ilchildsupport.com
Clearinghouse	Clearinghouse for Missing Persons Illinois State Police 2200 South Dirksen Parkway, Suite 238 Springfield, IL 62703-4528 1-800-843-5763/217-785-4341 www.amberillinois.org
Compensation Program for Crime Victims	Crime Victims Compensation Bureau Office of the Attorney General 100 West Randolph, 13th Floor Chicago, IL 60601-3397 1-800-228-3368/312-814-2581 www.ag.state.il.us, from the home page click on the "Helping Crime Victims" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	750 Ill. Comp. Stat. §§ 36/101 to 36/403 Public Enforcement Sections: Yes State's Attorney or other appropriate public official (§ 36/315)
Laws Regarding Custodial Interference	720 Ill. Comp. Stat. § 5/10-5 (Child abduction) 720 Ill. Comp. Stat. § 5/10-5.5 (Unlawful visitation interference) 720 Ill. Comp. Stat. § 5/10-7 (Aiding and abetting child abduction)
Laws Regarding Missing Children	20 Ill. Comp. Stat. § 2605/2605-480 (Statewide kidnapping alert and prevention program; Child Safety Coordinator) 20 Ill. Comp. Stat. § 2705/2705-505.5 (Child-abduction message signs) 105 Ill. Comp. Stat. § 5/2-3.73 (Missing-child program; cross-check of school records) 105 Ill. Comp. Stat. § 5/26-3b (Verify student absences within 2 hours) 325 Ill. Comp. Stat. § 40 (Intergovernmental Missing Child Recovery Act) §§ 40/1 to 40/8 325 Ill. Comp. Stat. § 50 (Missing Child Recovery Act) §§ 50/1-50/5 325 Ill. Comp. Stat. § 55 (Missing Children Registration Law) §§ 55/1-55/6 325 Ill. Comp. Stat. §§ 57/1 and 57/5 (Find Our Children Act) 750 Ill. Comp. Stat. § 5/607.1(c) (Restricted visitation; supervised visitation)
Laws Regarding Bonds	750 Ill. Comp. Stat. § 5/609 (In conjunction with court-authorized, out-of-state move)
Relevant Case Law	Attorney Disclosure <i>In re Marriage of Decker</i> , 153 Ill. 2d 298, 606 N.E.2d 1094, 1103 (Ill. 1992)  Bonds <i>In re Marriage of Saheb</i> , 2007 Ill. App. LEXIS 1195 (2007) <i>Klumpner v. Klumpner</i> , 182 Ill. App. 3d 22, 537 N.E.2d 914, 130 Ill. Dec. 585 (1989) <i>In re Rodriguez</i> , 131 Ill. 2d 273, 545 N.E.2d 731, 137 Ill. Dec. 78 (1989) <i>Doggett v. Doggett</i> , 51 Ill. App. 3d 868 (Ill. App. Ct. 1977)  Passport Restrictions <i>In re Marriage of Saheb</i> , 2007 Ill. App. LEXIS 1195 (2007)  Restricting Visitation <i>In re Rodriguez</i> , 131 Ill. 2d 273, 545 N.E.2d 731, 137 Ill. Dec. 78 (1989)  Supervised Visitation <i>Jawad v. Whalen</i> , 759 N.E.2d 1002 (App. Ct. Ill. 2001)  Tort Actions <i>Kunz v. Deitch</i> , 660 F. Supp. 679 (N.D. Ill. 1987) <i>Shehade v. Gerson</i> , 148 Ill. App. 3d 1026, 500 N.E.2d 510, 102 Ill. Dec. 617 (1986) <i>Whitehorse v. Critchfield</i> , 144 Ill. App. 3d 192, 494 N.E.2d 743, 98 Ill. Dec. 621 (1986)

## INDIANA

Locator Service	<p>Child Support Bureau          Indiana Department of Child Services          402 West Washington Street, Room W360          Indianapolis, IN 46204-2739          1-800-840-8757/317-233-5437  <a href="http://www.in.gov/dcs">www.in.gov/dcs</a>, from the home page click on the "Child Support" link</p>
Clearinghouse	<p>Indiana Missing Children Clearinghouse          Indiana State Police          100 North Senate Avenue, Third Floor          Indianapolis, IN 46204-2259          1-800-831-8953/317-232-8310  <a href="http://www.state.in.us/isp">www.state.in.us/isp</a></p>
Compensation Program for Crime Victims	<p>Violent Crime Victim Compensation Division          East Tower          101 West Washington Street, Suite 1170          Indianapolis, IN 46204-2038          1-800-353-1484  <a href="http://www.in.gov/cji">www.in.gov/cji</a>, from the home page click on the "Victim Services" link</p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJA With Enforcement Provisions	<p>Ind. Code §§ 31-21-1-1 to 31-21-7-3          Public Enforcement Sections: Yes          Prosecutor, public official, and law enforcement (§§ 31-21-6-18 to 31-21-6-19)</p>
Laws Regarding Custodial Interference	Ind. Code § 35-42-3-4 (Interference with custody)
Laws Regarding Missing Children	<p>Ind. Code § 10-13-5 (Indiana Clearinghouse for Information on Missing Children) (§§ 10-13-5-1 to 10-13-5-11)          Ind. Code § 12-17.2-4-18.5 (Duties of childcare centers regarding missing child reports)          Ind. Code § 31-34-2 (Taking a child in need of services into custody)          §§ 31-34-2-1 to 31-34-2-6          Ind. Code § 31-34-2-4 (Missing child taken into custody without court order)          Ind. Code § 31-34-2-5 (Missing child taken into custody under court order)          Ind. Code § 31-36-1 (Reports of missing children) §§ 31-36-1 to 31-36-5          Ind. Code § 31-36-2 (Investigation of reports of missing children) §§ 31-36-2-1 to 31-36-6          Ind. Code § 31-36-2-5 (Arrest warrant issuance for persons abducting or unlawfully retaining child; reporting requirements)</p>
Laws Regarding Bonds	Ind. Code §§ 31-17-3.5-1 to 31-17-3.5-4 (Security to secure custody and parenting time orders)
Relevant Case Law	

## IOWA

Locator Service	<p>Bureau of Collections          Department of Human Services          400 Southwest 8th Street, Suite M          Des Moines, IA 50319-4691          1-888-229-9223</p> <p>www.iowa.gov, in the "Other Search Topics" field on the home page select "State Government Agencies." Then respectively click on the "H," "Human Services," and "Child Support" links.</p>
Clearinghouse	<p>Division of Criminal Investigation          Missing Person Information Clearinghouse          215 East 7th Street          Des Moines, IA 50319-1900          1-800-346-5507/515-725-6036</p> <p>www.iowa.gov, from the home page, under the "Public Safety" heading, click on the "Agencies" link. Then click on the "Missing Persons Information Clearinghouse" link.</p>
Compensation Program for Crime Victims	<p>Crime Victim Assistance Division          Department of Justice          Lucas Building          321 East 12th Street, Room 018          Des Moines, IA 50319-9029          1-800-373-5044/515-281-5044</p> <p>www.iowa.gov, from the home page, under the "Public Safety" heading, click on the "Agencies" link. Then click on the "Crime Victims Assistance Division" link.</p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	<p>Iowa Code §§ 598B.101 to 598B.402          Public Enforcement Sections: Yes          Prosecutor (§ 598B.315)</p>
Laws Regarding Custodial Interference	Iowa Code § 710.6 (Violating custodial order)
Laws Regarding Missing Children	<p>Iowa Code §§ 694.1 to 694.6 (Missing persons)          Iowa Code § 694.5 (Unemancipated minor)          Iowa Code § 694.10 (Missing Person Information Clearinghouse)</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Bonds  <i>Morgan v. Morgan</i>, 289 F. Supp. 2d 1067 (D. Iowa 2003)  <i>Wagner v. Wagner</i>, 480 N.W.2d 883, 885 (Iowa 1992)  <i>In re Hatzievgenakis</i>, 434 N.W.2d 914 (Iowa Ct. App. 1988)</p> <p>Tort Actions  <i>Wolf v. Wolf</i>, 690 N.W. 2d 887 (Iowa 2005)  <i>Wood v. Wood</i>, 338 N.W.2d 123 (Iowa 1983)</p>



## KANSAS

Locator Service	Child Support Enforcement Program Department of Social and Rehabilitation Services PO Box 497 Topeka, KS 66601-0497 785-296-3237 <a href="http://www.srskansas.org">www.srskansas.org</a> , in the "Site Search" field on the home page type "Child Support Services"
Clearinghouse	Missing/Unidentified Person Clearinghouse Kansas Bureau of Investigation 1620 Southwest Tyler Street Topeka, KS 66612-1837 785-296-8200 <a href="http://www.accesskansas.org/kbi">www.accesskansas.org/kbi</a>
Compensation Program for Crime Victims	Crime Victims Compensation Board 120 - 10th Avenue, Southwest, 2nd Floor Topeka, KS 66612-1597 785-296-2359 <a href="http://www.ksag.org">www.ksag.org</a> , from the home page respectively click on the "Serving Victims" and "Compensation Board" links
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCAPA	Kan. Stat. Ann. § 38-13a01 to 38-13a12
UCCJEA	Kan. Stat. Ann. §§ 38-1336 to 38-1377 Public Enforcement Sections: Yes Prosecutor (Kan. Stat. Ann. § 38-1372)
Laws Regarding Custodial Interference	Kan. Stat. Ann. § 21-3422 (Interference with parental custody) Kan. Stat. Ann. § 21-3422a (Aggravated interference with parental custody)
Laws Regarding Missing Children	Kan. Stat. Ann. § 75-712(c) and (d) (Missing Children Information Clearinghouse; reports of missing children; duties of law-enforcement agencies) Kan. Stat. Ann. § 72-53,106 (Pupil identification; proof required upon first enrollment in a school; duties of schools and law enforcement) Kan. Stat. Ann. § 72-53, 106 (2000)
Laws Regarding Bonds	Kan. Stat. Ann. § 23-701(g)(3) (2006) (To compel compliance with visitation or parenting time)
Relevant Case Law	

## KENTUCKY

Locator Service	Child Support Enforcement Department of Income Support PO Box 2150 Frankfort, KY 40602-2150 1-800-248-1163/502-564-2285 <a href="http://www.chfs.ky.gov/dis">www.chfs.ky.gov/dis</a> , from the home page click on the "Child Support Enforcement" link
Clearinghouse	Kentucky Intelligence & Information Fusion Center 200 Mero Street, Suite 127 Frankfort, KY 40601-1920 1-800-KIDS-SAF (543-7723)/502-564-1020 <a href="http://www.kentuckystatepolice.org">www.kentuckystatepolice.org</a> , from the home page click on the "Missing Children" link
Compensation Program for Crime Victims	Crime Victims Compensation Board 130 Brighton Park Boulevard Frankfort, KY 40601-3714 1-800-469-2120/502-573-2290 <a href="http://www.cvcb.ky.gov">www.cvcb.ky.gov</a>
NPO	Exploited Children's Help Organization, Inc. 1500 Poplar Level Road, Suite 2 Louisville, KY 40217-1311 502-636-3670 <a href="http://www.echolou.org">www.echolou.org</a>
UCCJEA	Ky. Rev. Stat. §§ 403.800 to 403.880 Public Enforcement Sections: Yes County Attorney or other appropriate public official (§ 403.870); Peace Officer (§ 403.872)
Laws Regarding Custodial Interference	Ky. Rev. Stat. § 440.375 (Extradition of persons charged with custodial interference) Ky. Rev. Stat. § 509.070 (Custodial interference)
Laws Regarding Missing Children	Ky. Rev. Stat. Ann. § 16.175 (Abduction of children; Kentucky AMBER Alert system; department to operate in cooperation with other agencies) Ky. Rev. Stat. Ann. § 17.450 (Kentucky Missing Child Information Center) Ky. Rev. Stat. Ann. § 17.460 (Procedure by law-enforcement agency upon receipt of report of missing child; transportation and return of child once located) Ky. Rev. Stat. Ann. § 17.470 (Notification by state police of missing and recovered children) Ky. Rev. Stat. Ann. § 39F.180 (Reports of search and rescue missions; immediate search for lost, missing, or overdue person permitted) Ky. Rev. Stat. Ann. § 156.495 (Program to identify and locate missing children enrolled in Kentucky schools) Ky. Rev. Stat. Ann. § 158.032 (Flagging record of missing child; procedure upon recovery; documents required upon enrollment or transfer) Ky. Rev. Stat. Ann. § 199.015 ("Code Adam" safety protocol) Ky. Rev. Stat. Ann. § 213.061 (Flagging record of missing child; procedure upon recovery; documents required upon enrollment or transfer)
Laws Regarding Bonds	
Relevant Case Law	

## LOUISIANA

Locator Service	Office of Family Support Support Enforcement Services Division Louisiana Department of Social Services PO Box 94065 Baton Rouge, LA 70804-9065 225-342-4780 <a href="http://www.dss.state.la.us">www.dss.state.la.us</a> , from the home page click on the "Child Support" link
Clearinghouse	Clearinghouse for Missing & Exploited Children Office of Community Services Louisiana Department of Social Services PO Box 3318 Baton Rouge, LA 70821-3318 225-342-8631
Compensation Program for Crime Victims	Crime Victims Reparations Board Commission on Law Enforcement 1885 Wooddale Boulevard, Suite 708 Baton Rouge, LA 70806-1550 1-888-6-VICTIM (684-2846/in-state only)/225-925-4437 <a href="http://www.lcle.state.la.us">www.lcle.state.la.us</a> , from the home page respectively click on the "Our Programs" and "Crime Victim Reparations" links
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCAPA	La. Rev. Stat. § 13:1851 to 13:1862 (Limited scope to act in international abductions)
UCCJEA	La. Rev. Stat. §§ 13:1801 to 13:1842 Public Enforcement: Yes Prosecutor or other appropriate public official (§ 1837)
Laws Regarding Custodial Interference	La. Rev. Stat. § 14:45 (4) (Simple kidnapping) La. Rev. Stat. § 14:45.1 (Interference with custody of a child)
Laws Regarding Missing Children	La. Rev. Stat. § 14:403.3 (Reports of missing children; procedures; false reports or communications; penalties) La. Rev. Stat. § 20:1737 (Immunity from liability; implementation of the "AMBER Alert" system) La. Rev. Stat. § 40:2511, <i>et seq.</i> (Missing Children Identification Act) La. Rev. Stat. § 40:2521 (Duty of law-enforcement agencies receiving reports of missing children) La. Rev. Stat. §§ 1431 to 1434 (Missing and Exploited Children Information Clearinghouse)
Laws Regarding Bonds	La. Rev. Stat. § 9:342 (Bond to secure child custody or visitation order)
Relevant Case Law	Bonds <i>Walet v. Caulfield</i> , 858 So. 2d 615 (La. Ct. App. 2003) <i>Mimms v. Brown</i> , 856 So. 2d 36 (La. Ct. App. 2003) <i>Hodges v. Hodges</i> , 827 So. 2d 1271 (La. Ct. App. 2002) <i>Fuge v. Uiterwyk</i> , 653 So. 2d 708 (La. Ct. App. 1995) <i>Glover v. Tooley</i> , 641 So. 2d 1032 (La. Ct. App. 1994) <i>Holdsworth v. Holdsworth</i> , 621 So. 2d 71 (La. St. App. 1993) <i>Baudoin v. Herbert</i> , 463 So. 2d 78 (La. Ct. App. 1985) <i>Hatchett v. Hatchett</i> , 449 So. 2d 626 (La. Ct. App. 1984) <i>White v. White</i> , 398 So. 2d 1257 (La. Ct. App. 1981)  Restricting Visitation <i>Glover v. Tooley</i> , 641 So. 2d 1032 (La. Ct. App. 1994)  Tort Actions <i>Rykers v. Alford</i> , 832 F.2d 895 (5th Cir. 1987) <i>Eicke v. Eicke</i> , 517 So. 2d 1067 (La. Ct. App. 1987) <i>Owens v. Owens</i> , 471 So. 2d 920 (La. Ct. App. 1985)

## MAINE

Locator Service	<p>Division of Support Enforcement &amp; Recovery          Office of Integrated Access and Support          Department of Health and Human Services          11 State House Station          Augusta, ME 04333-0993          207-624-4100  <a href="http://www.maine.gov/dhhs">www.maine.gov/dhhs</a>, from the home page respectively click on the "Subject index," "Child Support," and "Division of Support Enforcement &amp; Recovery" links</p>
Clearinghouse	<p>Missing Children Clearinghouse          Maine State Police, CID 1          1 Game Farm Road          Gray, ME 04039-6803          207-657-5710</p>
Compensation Program for Crime Victims	<p>Victims' Compensation Program          Office of the Attorney General          6 State House Station          Augusta, ME 04330-0006          1-800-903-7882 (in-state victims only)/207-624-7882  <a href="http://www.maine.gov/ag">www.maine.gov/ag</a>, from the home page respectively click on the "Crime and Victims" and "Victims' Compensation Program" links</p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	<p>19-A M.R.S.A. §§ 1731 to 1783          Public Enforcement Sections: Yes          Prosecutor (§ 1775)</p>
Laws Regarding Custodial Interference	25 M.R.S.A. § 303 (Criminal restraint by parent)
Laws Regarding Missing Children	<p>25 M.R.S.A. § 2152 to 2156 (Missing Children Act)          25 M.R.S.A. § 2154(3) (Missing-child report; parental kidnapping)</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Tort Actions  <i>Finn v. Lipman</i>, 526 A.2d 1380 (Me. 1987)</p>

## MARYLAND

Locator Service	Child Support Enforcement Administration Maryland Department of Human Resources Saratoga State Center 311 West Saratoga Street, Room 301 Baltimore, MD 21201-3521 1-800-332-6347/410-962-1110 (Baltimore metropolitan area only) <a href="http://www.dhr.state.md.us/csea">www.dhr.state.md.us/csea</a>
Clearinghouse	Maryland Center for Missing Children Maryland State Police 1201 Riesterstown Road Baltimore, MD 21208-3802 1-800-637-5437/410-290-1620
Compensation Program for Crime Victims	Criminal Injuries Compensation Board Department of Public Safety and Correctional Services 6776 Reisterstown Road, Suite 206 Baltimore, MD 21215-2340 1-888-679-9347/410-585-3010 <a href="http://www.dpscs.state.md.us">www.dpscs.state.md.us</a> , in the "Search" field on the home page type "Criminal Injuries Compensation Board"
NPO	Missing and Exploited Children's Association of Maryland 405 East Joppa Road, Suite 301 Towson, MD 21286-5748 410-321-1184 <a href="http://www.mecamd.com">www.mecamd.com</a>
UCCJEA	Code, Family Law §§ 9.5-101 to 9.5-318 Public Enforcement Sections: Yes Attorney General (§ 9.5-315)
Laws Regarding Custodial Interference	Md. Code Ann., Fam. Law § 9-301 (Definitions) Md. Code Ann., Fam. Law § 9-304 (Prohibited acts in this state) Md. Code Ann., Fam. Law § 9-305 (Prohibited acts outside of this state) Md. Code Ann., Fam. Law § 9-306 (Clear and present danger to child) Md. Code Ann., Fam. Law § 9-307 (Penalties)
Laws Regarding Missing Children	Md. Code Ann., Fam. Law § 9-401 to 9-403 (Missing children) Md. Code Ann., Fam. Law § 9-402 (Determination of law-enforcement agency upon receipt of report)
Laws Regarding Bonds	Md. Code Ann., Fam. Law § 5-1035(a)(3) (Miscellaneous provisions in court order)
Relevant Case Law	Tort Actions <i>Lapides v. Trabbic</i> , 758 A.2d 1114 (Md. Ct. Spec. App. filed Sept. 7, 2000) <i>Hixon v. Buchberger</i> , 306 Md. 72, 507 A.2d 607 (1986) <i>Wasserman v. Wasserman</i> , 671 F.2d 832 (4th Cir. 1982)

## MASSACHUSETTS

Locator Service	Child Support Enforcement Division Massachusetts Department of Revenue PO Box 7057 Boston, MA 02204-7057 1-800-332-2733 <a href="http://www.cse.state.ma.us">www.cse.state.ma.us</a>
Clearinghouse	Commonwealth Fusion Center Massachusetts State Police 124 Acton Street Maynard, MA 01754-1227 978-451-3700
Compensation Program for Crime Victims	Massachusetts Office for Victim Assistance Office of the Attorney General One Ashburton Place, 19th Floor Boston, MA 02108-1698 617-727-5200 <a href="http://www.ago.state.ma.us">www.ago.state.ma.us</a> , from the home page click on the "Victim and Witness Assistance" link
NPO	radKids® 9 New Venture Drive, Unit 4 South Dennis, MA 02660-3437 1-866-430-2080/508-760-2080 <a href="http://www.radkids.org">www.radkids.org</a>
UCCJA	Mass. Ann. Laws ch. 209B, §§ 1 to 14 (2001)
Laws Regarding Custodial Interference	Mass. Gen. Laws ch. 265, § 26A (Kidnapping of minor or incompetence by relative; punishment) Mass. Gen. Laws ch. 265, § 27A (2001) (Kidnapping of minor or incompetence by relative; venue)
Laws Regarding Missing Children	Mass. Gen. Laws ch. 22A, §§ 1 to 9 (Central Register for Missing Children) Mass. Gen. Laws ch. 22A, § 4 (Reports of missing children; entry into central registry; search for missing children) Mass. Gen. Laws ch. 22A, § 9 (Notice by law-enforcement agency to last-known school of missing child; marking of child's record; notice child has been located) Mass. Gen. Laws ch. 76, § 1A (Pupil absence notification program)
Laws Regarding Bonds	Mass. Gen. Laws ch. 208, § 30 (Minor children; removal from Commonwealth; prohibition)
Relevant Case Law	Bonds <i>Hernandez v. Branciforte</i> , 55 Mass. App. Ct. 212 (Mass. App. Ct. 2002) <i>Maalouf v. Saliba</i> , 54 Mass. App. Ct. 547 (Mass. App. Ct. 2002) <i>Schiereck v. Schiereck</i> , 14 Mass. App. Ct. 378, 439 N.E.2d 859 (1982) <i>Haas v. Puchalski</i> , 9 Mass. App. Ct. 555, 402 N.E.2d 1088 (1980)  Supervised Visitation <i>Maalouf v. Saliba</i> , 54 Mass. App. Ct. 547 (Mass. App. Ct. 2002)  Tort Actions <i>Suboh v. District Attorney's Office of Suffolk</i> , 298 F. 3d 81 (1 <sup>st</sup> Cir. 2002) <i>Murphy v. I.S.K. Con. of New England, Inc.</i> , 571 N.E.2d 340 (Mass. 1991)

## MICHIGAN

Locator Service	Office of Child Support Department of Human Services PO Box 30037 Lansing, MI 48909-7537 517-373-2035 www.michigan.gov/dhs, in the "Search" field on the home page type "Child Support"
Clearinghouse	Michigan Intelligence Operations Center Michigan State Police 714 South Harrison Road East Lansing, MI 48823-5143 1-800-525-5555/517-241-7183
Compensation Program for Crime Victims	Crime Victim Services Commission 320 South Walnut Street Lansing, MI 48933-2014 517-373-7373 www.michigan.gov/mdch, in the "Search" field on the home page type "Crime Victim Services Commission"
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Mich. Comp. Laws §§ 722.1101 to 722.1406 (2002) Public Enforcement Sections: Yes Prosecutor or the Attorney General (§ 722.1314)
Laws Regarding Custodial Interference	Mich. Comp. Laws § 750.350a (Taking or retaining a child by adoptive or natural parent; intent; violation as felony; penalty; restitution for financial expense; effect of pleading or being found guilty; probation; discharge and dismissal; nonpublic record; defense)
Laws Regarding Missing Children	Mich. Comp. Laws § 28.258 (Uniform Crime Reporting System; definitions; certain persons reported missing; preliminary investigation; entering information into the Michigan Law Enforcement Information Network (LEIN), National Crime Information Center, and clearinghouse; dental records; retaining and broadcasting information; forwarding information to registrar; notice and information to last known school district; request that registrar and school district be notified; emancipated missing child; cancellation of information; policy preventing immediate investigation prohibited; unidentified body; unknown identity of person found) Mich. Comp. Laws § 28.259 (Missing children information clearinghouse; establishment; administration; supervision; services; duties; location of child; compliance) Mich. Comp. Laws §§ 28.751 to 28.753 (Michigan AMBER Alert Act) Mich. Comp. Laws §§ 28.761 to 28.765 (Child Abduction Broadcast Act) Mich. Comp. Laws § 380.1134 (Definitions; tagging record of missing student; removal of tag) Mich. Comp. Laws § 380.1135 (Proof of identity and age; notice of noncompliance; investigation; reporting inaccurate or suspicious affidavit; school record of transfer student; compliance; effect of tagged record; confidentiality) Mich. Comp. Laws § 333.2889 (Tagging birth certificate of missing child; notifying state police of request for copy of certificate; matching LEIN entry and certificate; tagging by local registrar; removal of tag)
Laws Regarding Bonds	Mich. Comp. Laws § 722.27a(8)(f) (Supervised parenting time); (g) (bond)
Relevant Case Law	Bonds <i>Freier v. Freier</i> , 969 F. Supp. 436 (E.D. Mich. 1996) <i>Farrell v. Farrell</i> , 133 Mich. App. 502, 351 N.W.2d 219 (1984)  Law-Enforcement Liability <i>Ropoleski v. Krupp</i> , 886 F. Supp. 1356 (W.D. Mich. 1995)  Passport Restrictions <i>Farrell v. Farrell</i> , 133 Mich. App. 502, 351 N.W.2d 219 (1984)  Restricting Visitation <i>Farrell v. Farrell</i> , 133 Mich. App. 502, 351 N.W.2d 219 (1984)

## MINNESOTA

Locator Service	Child Support Enforcement Division PO Box 64946 Saint Paul, MN 55164-0946 651-431-4400 <a href="http://www.dhs.state.mn.us">www.dhs.state.mn.us</a> , from the home page respectively click on the "A-Z topics" and "Child Support" links
Clearinghouse	Minnesota State Clearinghouse Bureau of Criminal Apprehension 1430 Maryland Avenue, East Saint Paul, MN 55106-2802 651-793-7000
Compensation Program for Crime Victims	Crime Victims Reparations Board 445 Minnesota Street, Suite 2300 St. Paul, MN 55101-1515 1-888-622-8799/651-201-7300 <a href="http://www.dps.state.mn.us/ojp">www.dps.state.mn.us/ojp</a> , from the home page click on the "Crime Victim Reparations" link
NPO	Missing Children Minnesota Ford Center, Suite 570 420 North 5th Street Minneapolis, MN 55401-1348 1-888-RUN-YELL (786-9355)/612-334-9449 <a href="http://www.missingchildrenmn.org">www.missingchildrenmn.org</a>  Jacob Wetterling Resource Center 2314 University Avenue, West, Suite 14 St. Paul, MN 55114-1863 1-800-325-HOPE (4673)/651-714-4673 <a href="http://www.jwrc.org">www.jwrc.org</a>
UCCJEA	Minn. Stat. §§ 518D.101 to 518D.317 Public Enforcement Sections: Yes Prosecutor or other appropriate public official (§ 518D.315) Minn. Stat. §§ 518D.201 to 518D.210 Minn. Stat. §§ 518D.301 to 518D.317 (2000)
Laws Regarding Custodial Interference	Minn. Stat. § 609.26 (2005) (Depriving another of custodial or parental rights)
Laws Regarding Missing Children	Minn. Stat. § 299A.61 (Criminal alert network) Minn. Stat. § 299C.51 to 299C.53 (2005) (Minnesota Missing Children's Act) Minn. Stat. § 299C.53 (Missing-child report; duties of commissioner and law-enforcement agencies) Minn. Stat. § 299C.54 (Missing-children bulletin) Minn. Stat. § 299C.56 (Release of medical data) Minn. Stat. § 626C.8454 (Manual and policy for investigating cases involving children who are missing and endangered)
Laws Regarding Bonds	Minn. Stat. § 518.175 (6)(c)(2)-(6)(d)
Relevant Case Law	Bonds <i>Bongo v. Norris</i> , 2005 Minn. App. LEXIS 664 (Minn. Ct. App. 2005) <i>Meier v. Connelly</i> , 378 N.W.2d 812 (Minn. Ct. App. 1985) <i>Shepard v. Shepard</i> , 352 N.W.2d 42 (Minn. Ct. App. 1984) <i>Tichendorf v. Tichendorf</i> , 321 N.W.2d 405 (Minn. 1982)  Passport Restrictions <i>Olupo v. Olupo</i> , 2002 Minn. App. LEXIS 963 (2002) <i>Abu-Dalbough v. Abu-Dalbough</i> , 547 N.W.2d 700 (Minn. Ct. App. 1996) <i>Al-Zouhayli v. Al-Zouhayli</i> , 486 N.W.2d 10 (Minn. Ct. App. 1992)  Restricting Visitation <i>Al-Zouhayli v. Al-Zouhayli</i> , 486 N.W.2d 10 (Minn. Ct. App. 1992) <i>Meier v. Connelly</i> , 378 N.W.2d 812 (Minn. Ct. App. 1985)  Tort Actions <i>Larson v. Dunn</i> , 460 N.W.2d 39 (Minn. 1990)



## MISSISSIPPI

Parent Locator Service	<p>Division of Child Support Enforcement  Mississippi Department of Human Services  750 North State Street  Jackson, MS 39202-3033  1-866-388-2836  <a href="http://www.mdhs.state.ms.us">www.mdhs.state.ms.us</a>, under the "Public Services" heading on the home page click on the "Child Support Enforcement" link</p>
Clearinghouse	<p>Criminal Information Center  Mississippi Highway Patrol  3891 Highway 468 West  Pearl, MS 39208-9005  601-933-2638</p>
Compensation Program for Crime Victim	<p>Crime Victim Compensation Division Program  Office of the Attorney General  PO Box 220  Jackson, MS 39205-0220  1-800-829-6766/601-359-6766  <a href="http://www.ago.state.ms.us">www.ago.state.ms.us</a>, under the "Victims" heading on the home page, click on the "Compensation Program" link</p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	<p>Miss. Code Ann. §§ 93-27-101 to 93-27-402  Public Enforcement Sections: Yes  Prosecutor or other appropriate public officials (§ 93-27-315)</p>
Laws Regarding Custodial Interference	<p>Miss. Code Ann. § 97-3-51 (Interstate removal of child younger than 14 by noncustodial parent or relative)  Miss. Code Ann. § 97-3-53 (Kidnapping; punishment)</p>
Laws Regarding Missing Children	
Laws Regarding Bonds	<p>Miss. Code Ann. § 93-5-24(d)(ii)(2)-(d)(ii)(7) (In domestic/family violence visitation cases, court may order supervised visitation; bond)</p>
Relevant Case Law	<p>Bonds  <i>Ponder v. Ponder</i>, 943 So. 2d 716 (Miss. Ct. App. 2006)  <i>Faris v. Jernigan</i>, 939 So. 2d 835 (Miss. Ct. App. 2006)  <i>Bridges v. Bridges</i>, 910 So. 2d 1156 (Miss. Ct. App. 2005)  <i>Slaughter v. Slaughter</i>, 869 So. 2d 386 (Miss. 2004)  <i>In re Guardianship of Z.J.</i>, 804 So. 2d 1009 (Miss. 2002)  <i>Ayers v. Ayers</i>, 734 So. 2d 213 (Miss. Ct. App. 1999)  <i>Rakestraw v. Rakestraw</i>, 543 So. 2d 174 (Miss. 1989)  <i>Roberts v. Fuhr</i>, 523 So. 2d 20 (Miss. 1987)</p> <p>Law-Enforcement Immunity  <i>Blake v. Wilson</i>, 962 So. 2d 705 (Miss. Ct. App. 2007)</p> <p>Tort Actions  <i>Goins v. Goins</i>, 777 F.2d 1059 (5th Cir. 1985)</p>

## MISSOURI

Locator Service	Division of Child Support Enforcement Department of Social Services PO Box 2320 Jefferson City, MO 65102-2320 1-800-859-7999/573-751-4301 <a href="http://www.dss.mo.gov/cse">www.dss.mo.gov/cse</a>
Clearinghouse	Missing Persons Unit Missouri State Highway Patrol PO Box 568 Jefferson City, MO 65102-0568 1-800-877-3452/573-526-6178
Compensation Program for Crime Victims	Crime Victims' Compensation Program Department of Public Safety PO Box 3001 Jefferson City, MO 65102-3001 573-526-6006 <a href="http://www.dps.mo.gov/cvc">www.dps.mo.gov/cvc</a>
NPO	One Missing Link, Inc. PO Box 10581 Springfield, MO 65808-0581 1-800-555-7037/417-886-5836 <a href="http://www.onemissinglink.org">www.onemissinglink.org</a>
UCCJA	Mo. Rev. Stat. §§ 452.440 to 452.550 (2005)
Laws Regarding Custodial Interference	Mo. Rev. Stat. § 565.149 (2005) (Definitions) Mo. Rev. Stat. § 565.150 (2005) (Interference with custody; penalty) Mo. Rev. Stat. § 565.153 (2005) (Parental kidnapping; penalty felony) Mo. Rev. Stat. § 565.156 (2005) (Child abduction; penalty) Mo. Rev. Stat. § 565.160 (2005) (Defenses to parental kidnapping and child abduction) Mo. Rev. Stat. § 565.163 (2005) (Venue) Mo. Rev. Stat. § 565.165 (2005) (Assisting in child abduction or parental kidnapping; penalty) Mo. Rev. Stat. § 565.167 (2005) (Custody of child; peace officer to take child into protective custody; when) Mo. Rev. Stat. § 565.169 (2005) (Restitution; expenses of custodial parent granted; when)
Laws Regarding Missing Children	Mo. Rev. Stat. §§ 43.400 to 43.409 Mo. Rev. Stat. § 43.401 (Reports; information to be included; entry of data into computer systems; patrol to be notified; when; report to be maintained as record during investigation) Mo. Rev. Stat. § 43.402 (Missing persons unit established; duties) Mo. Rev. Stat. § 43.403 (Responsibilities of other agencies) Mo. Rev. Stat. § 43.404 (Parent or guardian may report missing child; when; duty to notify patrol when child located) Mo. Rev. Stat. § 43.405 (False reports; penalty) Mo. Rev. Stat. § 43.406 (Missing children; patrol may notify registrar of vital statistics and last-known school attended) Mo. Rev. Stat. § 43.407 (Birth certificate to be flagged at request of patrol) Mo. Rev. Stat. § 43.408 (School record to be flagged at request of patrol) Mo. Rev. Stat. § 43.409 (Registrar and school to be notified when missing child is located)
Laws Regarding Bonds	Mo. Rev. Stat. 452.400(6)(4)
Relevant Case Law	Attorney Disclosure <i>Jafarian-Kerman v. Jafarian-Kerman</i> , 424 S.W.2d 333 (Mo. Ct. App. 1967)  Restricting Visitation <i>Rios v. Rios</i> , 935 S.W.2d 49 (Mo. Ct. App. 1996)  Tort Actions <i>Meikle v. Van Biber</i> , 745 S.W.2d 714 (Mo. Ct. App. 1987) <i>Politte v. Politte</i> , 727 S.W.2d 198 (Mo. Ct. App. 1987) <i>Kramer v. Leineweber</i> , 642 S.W.2d 364 (Mo. Ct. App. 1982)

## MONTANA

Locator Service	<p>Child Support Enforcement Division          Department of Public Health &amp; Human Services          PO Box 202943          Helena, MT 59620-2943          1-800-346-5437/406-444-9855  <a href="http://www.dphhs.mt.gov">www.dphhs.mt.gov</a>, under the "About Us" heading on the home page click on the "Divisions" link. Then click on the "Child Support Enforcement" link.</p>
Clearinghouse	<p>Missing/Unidentified Persons          Montana Department of Justice          PO Box 201402          Helena, MT 59620-1402          406-444-1526</p>
Compensation Program for Crime Victims	<p>Crime Victim Compensation Program          Office of Victim Services and Restorative Justice          PO Box 201410          Helena, MT 59620-1410          1-800-498-6455 (in-state only)/406-444-3653  <a href="http://www.doj.mt.gov/victims">www.doj.mt.gov/victims</a>, under the "Victim Services" heading on the home page click on the "Crime Victim Compensation" link</p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	<p>Mont. Code Ann. §§ 40-7-101 to 40-7-317          Public Enforcement Sections: Yes          Prosecutor (§ 40-7-315)</p>
Laws Regarding Custodial Interference	<p>Mont. Code Ann. § 45-5-304 (Custodial interference)          Mont. Code Ann. § 45-5-631 (Interference with parent-child contact)          Mont. Code Ann. § 45-5-632 (Aggravated interference with parent-child contact)          Mont. Code Ann. § 45-5-633 (Defenses to interference with parent-child contact and aggravated interference with parent-child contact)          Mont. Code Ann. § 45-5-634 (Parenting interference)</p>
Laws Regarding Missing Children	<p>Mont. Code Ann. § 44-2-502 (Definitions)          Mont. Code Ann. § 44-2-503 (Missing-children information program)          Mont. Code Ann. § 44-2-504 (Reports to missing children information program)          Mont. Code Ann. § 44-2-505 (Duties of law-enforcement authority)          Mont. Code Ann. § 44-2-506 (List of missing Montana school children)          Mont. Code Ann. § 44-2-507 (Notice to parents of children absent from school)          Mont. Code Ann. § 44-2-511 (School enrollment procedures to aid identification of missing child)</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Bond  <i>In re Marriage of Robbins</i>, 219 Mont. 130 (Mont. 1985)  <i>In re Winn</i>, 190 Mont. 73, 618 P.2d 870 (Mont. 1980)</p>

## NEBRASKA

Locator Service	Child Support Enforcement Nebraska Department of Health and Human Services PO Box 94728 Lincoln, NE 68509-4728 1-877-631-9973/402-441-8715 www.hhs.state.ne.us, from the home page respectively click on the "A-Z Topics" and "Child Support Enforcement" links
Clearinghouse	CID/Missing Persons Clearinghouse Nebraska State Patrol PO Box 94907 Lincoln, NE 68509-4907 1-877-441-5678/402-479-4986
Compensation Program for Crime Victims	Crime Victim Reparations Program PO Box 94946 Lincoln, NE 68509-4946 402-471-2194 www.ncc.state.ne.us
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCAPA	Neb. Rev. Stat. Ann. §§ 43-3901 to 43-3912
UCCJEA	Neb. Rev. Stat. Ann. §§ 43-1226 to 43-1266 (2004) Public Enforcement Sections: Yes County Attorney or the Attorney General (§ 43-1262)
Laws Regarding Custodial Interference	Neb. Rev. Stat. Ann. § 28-316 (Violation of custody; penalty)
Laws Regarding Missing Children	Neb. Rev. Stat. § 29-214 (Missing Persons Information Clearinghouse; missing-person report; unemancipated minor; law-enforcement agency; duties) Neb. Rev. Stat. § 43-2001 to 42-2012 (Missing Children Identification Act) Neb. Rev. Stat. § 43-2001 (Title) Neb. Rev. Stat. § 43-2002 (Legislative findings) Neb. Rev. Stat. § 43-2003 (Terms defined) Neb. Rev. Stat. § 43-2004 (Missing-person identification) Neb. Rev. Stat. § 43-2005 (Flagging birth certificate) Neb. Rev. Stat. § 43-2006 (Flagged birth certificate; inquiry and request; how handled) Neb. Rev. Stat. § 43-2007 (Schools; home school; duties) Neb. Rev. Stat. § 43-2008 (Flag requirements) Neb. Rev. Stat. § 43-2009 (Removal of flag) Neb. Rev. Stat. § 43-2010 (Local law-enforcement agencies; duties) Neb. Rev. Stat. § 43-2011 (Immunity from liability) Neb. Rev. Stat. § 43-2012 (Department; patrol; adopt rules and regulations)
Laws Regarding Bonds	Neb. Rev. Stat. § 42-364.15(1) (Enforcement of visitation orders; procedures; costs)
Relevant Case Law	Bonds <i>Ganyo v. O'Neill</i> , 2004 Neb. App. LEXIS 10 (Neb. Ct. App. 2004) <i>Ghowral v. Husain</i> , 207 Neb. 831, 301 N.W.2d 349 (1981)  Restricting Visitation <i>Smith-Helstrom v. Yonker</i> , 544 N.W.2d 93 (Neb. 1996)

## NEVADA

Locator Service	Child Support Enforcement Program Division of Welfare and Supportive Services Nevada Department of Health and Human Services 1470 College Parkway Carson City, NV 89706-7924 1-800-992-0900 dws.nv.gov, from the home page click on the "Child Support Enforcement Program" link	
Clearinghouse	Nevada State Advocate for Missing and Exploited Children Office of the Attorney General 555 East Washington Avenue, Suite 3900 Las Vegas, NV 89101-6208 1-800-992-0900 (in-state only)/702-486-3539	
Compensation Program for Crime Victims	Victims of Crime Program Department of Administration Suite 130 2200 South Rancho Drive Las Vegas, NV 89102-4410 702-486-2546 www.voc.nv.gov	
NPO	Nevada Child Seekers 2880 East Flamingo Road, Suite J Las Vegas, NV 89121-5223 702-458-7009 www.nevadachildseekers.org	Reno Office c/o Children's Cabinet 2005 Silverado Boulevard, #250 Reno, NV 89512-5035 775-352-8090, extension 122
UCAPA	2007 Nev. ALS 81 § 1-24	
UCCJEA	Nev. Rev. Stat. §§ 125A.005 to 125A.605 Public Enforcement Sections: Yes District Attorney or the Attorney General (§ 125A.565) Nev. Rev. Stat. § 200.357 (Law-enforcement officer required to take child into custody if child in danger of being removed from the jurisdiction) Nev. Rev. Stat. § 200.359 (Detention, concealment, or removal of child from person having lawful custody or from jurisdiction of court; penalties; limitation on issuance of arrest warrant; restitution; exceptions)	
Laws Regarding Custodial Interference	Nev. Rev. Stat. Ann. § 200.357 (2007) (law-enforcement officer required to take child into custody if in danger of being removed from the jurisdiction) Nev. Rev. Stat. Ann. § 200.359 (2007) (custodial interference, Category D felony)	
Laws Regarding Missing Children	Nev. Rev. Stat. §§ 432.150 to 432.220 (Missing or Exploited Children) Nev. Rev. Stat. § 432.205 (Duties of law-enforcement agency, clearinghouse, governmental agency, and superintendent of schools upon receiving report of missing child) Nev. Rev. Stat. §§ 432.300 to 432.800 (AMBER Alert System) Nev. Rev. Stat. § 385.115 (State Board of Education to cooperate in establishment of programs of information about missing children; regulations) Nev. Rev. Stat. § 388.585 (Program of information concerning missing children)	
Laws Regarding Bonds and Abduction Prevention	Nev. Rev. Stat. § 125.510(5) (Limited custody right must be defined with specificity) Nev. Rev. Stat. § 125.510(6) (Court order must state penalties for violations) Nev. Rev. Stat. § 125.510(7) (Court order must specify that Hague Convention applies in case of international abduction) Nev. Rev. Stat. § 125.510(8)(a) (If parties agree, court order may specify that U.S. is child's country of habitual residence) Nev. Rev. Stat. § 125.510(8)(b) (Bond where risk of international abduction)	
Relevant Case Law		

## NEW HAMPSHIRE

Locator Service	Division of Child Support Services Department of Health & Human Services 129 Pleasant Street Concord, NH 03301-3852 1-800-852-3345, extension 4745/603-271-4745 <a href="http://www.dhhs.state.nh.us">www.dhhs.state.nh.us</a> , from the home page click on the "Child Support" link
Clearinghouse	Investigative Services Bureau Major Crime Unit New Hampshire State Police 91 Airport Road Concord, NH 03301-7300 1-800-852-3411 (in-state only)/603-271-2663
Compensation Program for Crime Victims	Victims' Assistance Commission Department of Justice 33 Capitol Street Concord, NH 03301-6397 1-800-300-4500 (in-state only)/603-271-1284 <a href="http://www.doj.nh.gov/victim">www.doj.nh.gov/victim</a> , from the home page click on the "Victims' Assistance Commission" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJA	N.H. Rev. Stat. Ann. §§ 458-A:1 to 458-A:25
Laws Regarding Custodial Interference	N.H. Rev. Stat. Ann. § 633:4 (2006) (Interference with custody)
Laws Regarding Missing Children	N.H. Rev. Stat. Ann. § 7:10-a (2006) (Missing-child bulletin) N.H. Rev. Stat. Ann. § 169-E:1-E:7 (Missing children)
Laws Regarding Bonds	
Relevant Case Law	Tort Actions <i>Plante v. Engel</i> , 124 N.H. 213, 469 A.2d 1299 (1983)

## NEW JERSEY

Locator Service	Office of Child Support Department of Human Services PO Box 716 Trenton, NJ 08625-0716 1-877-NJ KIDS 1 (655-4371)/609-588-2915 www.njchildsupport.org
Clearinghouse	Missing Persons Unit New Jersey State Police PO Box 7068 West Trenton, NJ 08628-0068 1-800-709-7090/609-882-2000
Compensation Program for Crime Victims	Victims of Crime Compensation Agency 50 Park Place, 6th Floor Newark, NJ 07102-4390 1-800-242-0804/973-648-2107 www.njvictims.org
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	N.J. Stat. §§ 2A:34-53 to 2A:34-95 Public Enforcement Sections: Yes Prosecutor or other appropriate official (N.J. Stat. § 2A:34-89)
Laws Regarding Custodial Interference	N.J. Stat. § 2C:13-4 (Interference with custody) N.J. Stat. § 2A:34-31.1 (Law-enforcement officer may take child into custody if there is reasonable cause that the child might be taken out of the jurisdiction)
Laws Regarding Missing Children	N.J. Stat. § 18A:36-24 (Missing children; legislative findings and declaration) N.J. Stat. § 18A:36-25 (Early detection of missing and abused children; policies of school districts) N.J. Stat. § 18A:36-25.1 (Certified copy of birth certificate required for enrollment in school; records) N.J. Stat. § 52:17B-9a ("Missing child" defined) N.J. Stat. § 52:17B-9b (Notification of school districts; records) N.J. Stat. § 52:17B-9c (Notification of state registrar of vital statistics; records) N.J. Stat. § 52:17B-9-13 (Commission on Missing Persons) N.J. Stat. § 52:17B-194 (Findings, declarations relative to child abduction) N.J. Stat. § 52:17B-194.1 to 194.3 (AMBER's Plan) N.J. Stat. § 52:17B-195 (Organization; establishment of Technology Center for missing)
Laws Regarding Bonds	N.J. Stat. § 9:2-2
Relevant Case Law	Attorney Disclosure <i>Fellerman v. Bradley</i> , 493 A.2d 1239 (N.J. Sup. Ct. 1985)  Passport Restrictions <i>Abouzahr v. Matera-Abouzahr</i> , 361 N.J. Super. 135, 824 A.2d 268 (2003)  Propriety of Joint Custody <i>MC v. MC</i> , 521 A.2d 381 (N.J. Super. Ct. App. Div. 1986)  Tort Actions <i>Matsumoto v. Matsumoto</i> , 762 A.2d 224 (N.J. Super. Ct. App. Div. 2000), modified, 171 N.J. 110 (2002) <i>DiRuggiero v. DiRuggiero</i> , 743 F.2d 1009 (3rd Cir. 1984)

## NEW MEXICO

Locator Service	Child Support Enforcement Division Department of Human Services PO Box 25110 Santa Fe, NM 87502-8110 1-800-288-7207 (in-state only)/1-800-585-7631 <a href="http://www.hsd.state.nm.us/csed">www.hsd.state.nm.us/csed</a>
Clearinghouse	Law Enforcement Records New Mexico Department of Public Safety PO Box 1628 Santa Fe, NM 87504-1628 505-827-9191
Compensation Program for Crime Victims	Crime Victims Reparation Commission 8100 Mountain Road, Northeast, Suite 106 Albuquerque, NM 87110-7822 1-800-306-6262 (victims only)/505-841-9432 <a href="http://www.state.nm.us/cvrc">www.state.nm.us/cvrc</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	NMSA 1978 §§ 40-10A-101 to 40-10A-403 Public Enforcement Sections: Yes Prosecutor or other appropriate public officials (§ 40-10A-315)
Laws Regarding Custodial Interference	NMSA 1978 § 30-4-4 (Custodial interference; penalties)
Laws Regarding Missing Children	NMSA 1978, §§ 32A-14-1 to 32A-14-4 (Missing Child Reporting Act) NMSA 1978, §§ 29-15-1 to 29-15-12 (Missing Persons Information Act) NMSA 1978, §§ 29-15A-1 to 29-15A-5 (AMBER Alert Law)
Laws Regarding Bonds	
Relevant Case Law	Tort Actions <i>Johnson v. Rodrigues</i> , 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000)



## NEW YORK

Locator Service	Division of Child Support Enforcement Office of Temporary and Disability Assistance 40 North Pearl Street, Room 13C Albany, NY 12243-0001 1-888-208-4485 www.newyorkchildsupport.com	
Clearinghouse	New York Division of Criminal Justice Service 4 Tower Place Albany, NY 12203-3764 1-800-FIND-KID (346-3543) www.criminaljustice.state.ny.us	
Compensation Program for Crime Victims	Crime Victims Board 1 Columbia Circle, Suite 200 Albany, NY 12203-6383 1-800-247-8035/518-457-8658 www.cvb.state.ny.us	
NPO	Center for Hope 20 Prospect Street, Suite 103 Ballston Spa, NY 12020-1367 518-884-8761 www.hope4themissing.org	Child Find® of America, Inc. PO Box 277 New Paltz, NY 12561-0277 1-800-I-AM-LOST (426-5678) www.childfind®ofamerica.org
UCCJEA	N.Y. Dom. Rel. Law §§ 75 to 78-a Public Enforcement Sections: Yes Prosecutor or other appropriate public official (§ 77-n)	
Laws Regarding Custodial Interference	N.Y. Penal Law § 135.000 (Definitions of terms) N.Y. Penal Law § 135.45 (Custodial interference in the second degree) N.Y. Penal Law § 135.50 (Custodial interference in the first degree)	
Laws Regarding Missing Children	N.Y. Exec. Law § 837-e (Statewide central register for missing children) N.Y. Exec. Law § 837-f (Missing and exploited children clearinghouse) N.Y. Exec. Law § 837-m (Reporting duties of law-enforcement departments with respect to missing children) N.Y. Exec. Law § 838 (Identification of unknown dead and missing persons) N.Y. Educ. Law § 3212(2)(a) (School to notify law enforcement of missing children) N.Y. Educ. Law § 3213(2)(c) and (2)(d) (Notification regarding absences) N.Y. Pub. Health Law § 4100(2)(i) (Flagging birth records) N.Y. Pub. Health Law § 4170(h) (Flagged birth records)	
Laws Regarding Bonds		
Relevant Case Law	<p>Attorney Disclosure <i>In re Jacqueline F.</i>, 47 N.Y.2d 215, 391 N.E.2d 967, 417 N.Y.S.2d 884 (1979)</p> <p>Bonds <i>Tortomas v. Andrade</i>, 2005 N.Y. Misc. LEXIS 3428 (2005) <i>Salichs v. James</i>, 294 A.D.2d 160 (N.Y. App. Div. 2002) <i>Dennis W. v. Alice W.</i>, 179 A.D.2d, 579 N.Y.S.2d 154 (N.Y. App. Div. 1992) <i>David S. v. Zamira S.</i>, 151 Misc. 2d 630, 575 N.Y.S.2d 429 (Fam. Ct. 1991) <i>Lolli-ghetti v. Lolli-ghetti</i>, 556 N.Y.S.2d 324 (N.Y. App. Div. 1990) <i>Schoonheim v. Schoonheim</i>, 92 A.D.2d 474, 459 N.Y.S.2d 56 (App. Div. 1983) <i>Frederick P. v. Barbara P.</i>, 115 Misc. 2d 332, 454 N.Y.S.2d 202 (N.Y. Fam. Ct. 1982)</p> <p>Passport Restrictions <i>David S. v. Zamira S.</i>, 151 Misc. 2d 630, 575 N.Y.S.2d 429 (Fam. Ct. 1991) <i>Klien v. Klien</i>, 533 N.Y.S.2d 211 (Sup. Ct. 1988) <i>Anonymous v. Anonymous</i>, 503 N.Y.S.2d 466 (App. Div. 1986)</p> <p>Restricting Visitation <i>Janousek v. Janousek</i>, 485 N.Y.S.2d 305 (App. Div. 1985) <i>Larissa F. v. Michael S.</i>, 466 N.Y.S.2d 899 (Fam. Ct. 1983)</p> <p>Tort Actions <i>Pittman v. Grayson</i>, 93 Civ. 3974, 1997 U.S. Dist. LEXIS 9287 (S.D.N.Y. July 2, 1997) <i>Tinker v. Abrams</i>, 640 F. Supp. 229 (S.D.N.Y. 1986) <i>Kajtazi v. Kajtazi</i>, 488 F. Supp. 15 (E.D.N.Y. 1978)</p>	

## NORTH CAROLINA

Locator Service	Child Support Enforcement North Carolina Department of Health and Human Services PO Box 20800 Raleigh, NC 27619-0800 1-800-992-9457 www.ncchildsupport.com
Clearinghouse	North Carolina Center for Missing Persons 4706 Mail Service Center Raleigh, NC 27699-4706 1-800-522-5437
Compensation Program for Crime Victims	Crime Victims Compensation Commission 4703 Mail Service Center Raleigh, NC 27699-4703 1-800-826-6200 (in-state only victims line)/919-733-7974 www.nccrimecontrol.org/vjs
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	N.C. Gen. Stat. §§ 50A-101 to 50A-317 Public Enforcement Sections: Yes Prosecutor or other appropriate public official (§ 50A-315)
Laws Regarding Custodial Interference	N.C. Gen. Stat. § 14-41 (Abduction of children) N.C. Gen. Stat. § 14-320.1 (Transporting child outside the state with intent to violate custody order)
Laws Regarding Missing Children	N.C. Gen. Stat. §§ 143B-495 to 499.7 N.C. Gen. Stat. § 143B-495 (North Carolina Center for Missing Persons established) N.C. Gen. Stat. § 143B-496 (Definitions; "missing child") N.C. Gen. Stat. § 143B-499 (Submission of missing person reports to the Center) N.C. Gen. Stat. § 143B-499.1 (Dissemination of missing persons data by law-enforcement agencies) N.C. Gen. Stat. § 143B-499.2 (Responsibilities of Center) N.C. Gen. Stat. § 143B-499.7(b)(4) (North Carolina AMBER Alert System established; parental kidnapping criteria) N.C. Gen. Stat. § 115C-403 (Flagging and verification of student records; notification of law-enforcement agencies)
Laws Regarding Bonds	N.C. Gen. Stat. § 50-13.2(c) (Taking child out of state)
Relevant Case Law	Bonds <i>Mussallam v. Mussallam</i> , 321 N.C. 504, 364 S.E.2d 364 (1988) <i>Wolfe v. Wolfe</i> , 64 N.C. App. 249, 307 S.E.2d 400 (1983) <i>Hamlin v. Hamlin</i> , 302 N.C. 478, 276 S.E.2d 381 (1981)  Restricting Visitation <i>Brewington v. Serrato</i> , 336 S.E.2d 444 (N.C. Ct. App. 1985)  Tort Actions <i>Grenade v. Gordon</i> , 60 N.C. App. 650, 299 S.E.2d 809 (N.C. Ct. App. 1983) <i>Coleman v. Shirlen</i> , 53 N.C. App. 573, 281 S.E.2d 431 (1981)

## NORTH DAKOTA

Locator Service	Child Support Enforcement Division North Dakota Department of Human Services PO Box 7190 Bismarck, ND 58507-7190 1-800-755-8530 (in-state only)/701-328-3582 www.nd.gov/dhs, from the home page respectively click on the "Services and Help" and "Child Support Enforcement" links
Clearinghouse	North Dakota Clearinghouse for Missing Children North Dakota Bureau of Criminal Investigation 4205 State Street Bismarck, ND 58503-0623 701-328-8171
Compensation Program for Crime Victims	Crime Victims Compensation Program Division of Parole and Probation PO Box 5521 Bismarck, ND 58506-5521 1-800-445-2322 (in-state only)/701-328-6195 www.nd.gov, in the "Search" field on the home page type "Crime Victims Compensation"
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	N.D. Cent. Code §§ 14-14.1-01 to 14-14.1-37 Public Enforcement Sections: Yes State's Attorney (§ 14-14.1-35)
Laws Regarding Custodial Interference	N.D. Cent. Code § 12.1-18-05 (Removal of child from state in violation of custody decree; penalty)
Laws Regarding Missing Children	N.D. Cent. Code § 54-23.2-04.1 (Lost or runaway children and missing persons) N.D. Cent. Code § 54-23.2-04.2 (School enrollment procedures to aid identification and location of missing children)
Laws Regarding Bonds	
Relevant Case Law	Restricting Visitation <i>Bergstrom v. Bergstrom</i> , 320 N.W.2d 119 (Sup. Ct. N.D. 1982)

## NORTHERN MARIANA ISLANDS

Locator Service	Attorney General of the Northern Mariana Islands Office of the Attorney General Administration Building Saipan, MP 95950-9997 670-664-2341
Clearinghouse	Contact NCMEC toll-free at 1-800-THE-LOST (1-800-843-5678) for a law-enforcement referral
Compensation Program for Crime Victims	Criminal Justice Planning Agency PO Box 501133 Chalan Kanoa Saipan, MP 96950-1133 670-664-4550 <a href="http://www.cjpa.gov.mp">www.cjpa.gov.mp</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJA	8 CMC §§ 1601, <i>et seq.</i>
Laws Regarding Custodial Interference	
Laws Regarding Missing Children	
Laws Regarding Bonds	
Relevant Case Law	

## OHIO

Locator Service	Office of Child Support Ohio Department of Job and Family Services PO Box 182709 Columbus, OH 43218-2709 1-800-686-1556/614-752-6561 <a href="http://www.jfs.ohio.gov/ocs">www.jfs.ohio.gov/ocs</a>
Clearinghouse	Missing Persons Unit Criminal Justice Initiatives Ohio Attorney General's Office 150 East Gay Street, 25th Floor Columbus, OH 43215-3190 1-800-325-5604/614-466-5610 <a href="http://www.mcc.ag.state.oh.us">www.mcc.ag.state.oh.us</a>
Compensation Program for Crime Victims	Victims of Crime Compensation Program 125 East Gay Street, 25th Floor Columbus, OH 43215-3190 1-877-584-2846/614-466-5610 <a href="http://www.ag.state.oh.us">www.ag.state.oh.us</a> , from the home page click on the "Victim's Services" link
NPO	Grandparents Against Sex Predators 233 Quaker Square Akron, OH 44308-1700 330-247-1402 <a href="http://www.gasp123.org">www.gasp123.org</a>
UCCJEA	Ohio Rev. Code Ann. §§ 3127.01 to 3127.53 Public Enforcement Sections: Yes Prosecutors (§ 3127.45)
Laws Regarding Custodial Interference	Ohio Rev. Code Ann. § 2919.23 (Interference with custody)
Laws Regarding Missing Children	Ohio Rev. Code Ann. § 109.64 (Periodic information bulletins concerning missing children) Ohio Rev. Code Ann. § 109.65 (Missing-child clearinghouse) Ohio Rev. Code Ann. § 2901.30 (Missing-child report; notice of return) Ohio Rev. Code Ann. § 2901.31 (Cooperation in locating missing children) Ohio Rev. Code Ann. § 3313.205 (Notice of student's absence from school) Ohio Rev. Code Ann. § 3313.672(A)(3) (New pupil to present school record, custody order or grandparent authorization document if applicable, and certification of birth) Ohio Rev. Code Ann. § 5502.52 (Statewide emergency alert program regarding abducted children)
Laws Regarding Bonds	Ohio Civ. R. 75 (H)(2006) (Divorce, annulment, and legal separation actions; bond pending appeal)
Relevant Case Law	Attorney Disclosure <i>Waldmann v. Waldmann</i> , 48 Ohio St. 176, 358 N.E.2d 521 (1976)  Bonds <i>Beil v. Bridges</i> , 1993 Ohio App. LEXIS (Ohio Ct. App. December 22, 1993) <i>Davis v. Davis</i> , 1992 Ohio App. LEXIS 1074 (Ohio Ct. App. 1992) <i>Carpenter v. Reiboldt</i> 1983 Ohio App. LEXIS 14122 (Ohio Ct. App. June 23, 1983)  Restricting Visitation <i>Al-Silham v. Al-Silham</i> 1995 Ohio App. LEXIS 5159 (Ohio Ct. App. Nov. 24, 1995) <i>Beil v. Bridges</i> 1993 Ohio App. LEXIS (Ohio Ct. App. December 22, 1993)  Tort Actions <i>Pyle v. Pyle</i> , 11 Ohio App. 3d 21, 463 N.E.2d 98 (1983)

## OKLAHOMA

Locator Service	Child Support Enforcement Division Oklahoma Department of Human Services PO Box 53552 Oklahoma City, OK 73152-3552 1-800-522-2922 <a href="http://www.okdhs.org/childsupport">www.okdhs.org/childsupport</a>
Clearinghouse	Missing Person Clearinghouse Criminal Intelligence Office Oklahoma State Bureau of Investigation 6600 North Harvey Place Oklahoma City, OK 73116-7912 1-800-522-8017/405-879-2645
Compensation Program for Crime Victims	Crime Victims Compensation Board 421 Northwest 13th Street, Suite 290 Oklahoma City, OK 73103-3701 1-800-745-6098/405-264-5006 <a href="http://www.ok.gov/dac">www.ok.gov/dac</a> , from the home page click on the "Victims Services" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Okla. Stat. tit. 43 §§ 551-101 to 551-402 Public Enforcement Sections: Yes District Attorney (§ 43-551-315)
Laws Regarding Custodial Interference	Okla. Stat. tit. 21, § 891 (Child stealing; penalty) Okla. Stat. tit. 21, § 567A (Violation of custody order; affirmative defense; emergency or protective custody)
Laws Regarding Missing Children	Okla. Stat. tit. 10, § 1628 (Missing child 16 and younger investigation of disappearance) Okla. Stat. tit. 10, § 1629 to 1633 (Oklahoma Minor Identification Act; fingerprinting program) Okla. Stat. tit. 63, § 1-323.1 (Notification system for identifying missing children; birth certificate) Okla. Stat. tit. 70, § 10-106 (Records of attendance of pupil; report of absence; school day) Okla. Stat. tit. 74, § 150.12A (Missing or runaway persons; reports; NCIC entries; procedures and guidelines; family-abduction reports; missing-children publicity and hotline)
Laws Regarding Bonds and Torts	Okla. Stat. tit. 43, § 111.2 (Civil action for child stealing) Okla. Stat. tit. 43, § 111.3 (D)(3) (Interference with visitation rights of noncustodial parent; motion for enforcement)
Relevant Case Law	Bonds <i>Burris v. Hunt</i> , 965 P.2d 1003 (Okla. Ct. App. 1998)  Tort Actions <i>Rector v. Kimes</i> , 2002 OK CIV APP 121 (Okla. Ct. App. 2002) <i>Johnson v. Rodrigues</i> , 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000) <i>Zaharias v. Gammill</i> , 844 P.2d 137 (Okla. 1992)

## OREGON

Locator Service	Division of Child Support Oregon Department of Justice 494 State Street, Suite 300 Salem, OR 97301-6158 503-986-6166 <a href="http://www.dcs.state.or.us">www.dcs.state.or.us</a>
Clearinghouse	Missing Children Clearinghouse Oregon State Police 255 Capital Street, Northeast, 4th Floor Salem, OR 97310-1600 1-800-282-7155 (in-state only)/503-934-0188 <a href="http://www.osp.state.or.us">www.osp.state.or.us</a>
Compensation Program for Crime Victims	Crime Victims Assistance Section Department of Justice 1162 Court Street, Northeast Salem, OR 97301-4096 503-378-5348 <a href="http://www.doj.state.or.us">www.doj.state.or.us</a> , from the home page click on the "Crime Victims" link
NPO	Tommy Foundation PO Box 662 Phoenix, OR 97535-0662 1-888-994-5437 <a href="http://www.tommyfoundation.org">www.tommyfoundation.org</a>
UCCJEA	Or. Rev. Stat. §§ 109.701 to 109.834 Public Enforcement Sections: Yes District Attorney (§ 109.821)
Laws Regarding Custodial Interference	Or. Rev. Stat. § 163.245 (Custodial interference in the second degree) Or. Rev. Stat. § 163.257 (Custodial interference in the first degree)
Laws Regarding Missing Children	Or. Rev. Stat. § 146.525 (Missing persons; police report; supplementary report) Or. Rev. Stat. § 146.535 (Medical practitioners to provide information about missing persons) Or. Rev. Stat. § 181.505 (Establishment and maintenance of Missing Children Clearinghouse) Or. Rev. Stat. § 181.506 (Duties of administrator of clearinghouse) Or. Rev. Stat. § 336.187 (When school authorized to disclose information about student)
Laws Regarding Bonds and Torts	Or. Rev. Stat. § 107.434(2)(b) Or. Rev. Stat. § 109.035 (Security required before foreign travel with child; other international abduction prevention measures) Chapter 841 Oregon Laws 2005 ("Aaron's Law") (civil action for damages arising from unlawful acts under ORS 163.257(1)(a))
Relevant Case Law	Bonds <i>In re Bloise</i> , 26 Ore. App. 381 (Or. Ct. App. 1976)  Passport Restrictions <i>McEvoy v. Helikson</i> , 562 P.2d 540 (Or. 1977)  Tort Actions <i>Blari v. Toran</i> , 1999 U.S. Dist LEXIS 20033 (D. Or. Dec. 2, 1999)

## PENNSYLVANIA

Locator Service	Bureau of Child Support Enforcement Department of Public Welfare PO Box 8018 Harrisburg, PA 17105-8018 1-800-932-0211 www.childsupport.state.pa.us
Clearinghouse	Missing Persons Unit Bureau of Criminal Investigation Pennsylvania State Police 1800 Elmerton Avenue Harrisburg, PA 17110-9758 717-783-0960
Compensation Program for Crime Victims	Victims Compensation Assistance Program PO Box 1167 Harrisburg, PA 17108-1167 1-800-233-2339/717-783-5153 www.pccd.state.pa.us, from the home page click on the "Victims of Crime" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	23 Pa. C. S. §§ 5401 to 5482 Public Enforcement Sections: Yes Prosecutor or other appropriate public official (§ 5455)
Laws Regarding Custodial Interference	18 Pa. C. S. § 2904 (Interference with custody of children) 18 Pa. C. S. § 2909 (Concealment of whereabouts of child)
Laws Regarding Missing Children	18 Pa. C. S. § 2908 (Missing children; duties of law-enforcement agencies) 23 Pa. C. S. § 6340(9)(iv) (Release of information in confidential reports to law enforcement investigating missing-children report) 35 Pa. C. S. § 450.401A (Missing-children registration; definitions) 35 Pa. C. S. § 450.402A (Missing-children registration; investigating law-enforcement agency) 35 Pa. C. S. § 450.403A (Missing-children registration; notations on school and birth records) 35 Pa. C. S. § 450.404A (Missing-children registration; requests for information) 35 Pa. C. S. §§ 7025.1 to 7025.5 (Pennsylvania AMBER Alert System established)
Laws Regarding Bonds	Pa. R.C.P. Rule 1915.13
Relevant Case Law	Attorney Disclosure <i>Brennan v. Brennan</i> , 281 Pa. Super. 362, 422 A.2d 510 (1980)  Bonds <i>Ermel v. Ermel</i> , 322 Pa. Super. 400, 469 A.2d 682 (1983) <i>Commonwealth ex rel. Logan v. Toomey</i> , 241 Pa. Super. 80 (Pa. Super. Ct. 1976)  Relocation of Custodial Parent <i>Fatemi v. Fatemi</i> , 537 A.2d 840 (Pa. Super. Ct. 1988)  Tort Actions <i>Egervary v. Rooney</i> , 80 F. Supp. 2d 491 (E.D. Penn. 2000) <i>Bartanus v. Lis</i> , 332 Pa. Super. 48, 480 A.2d 1178 (1984)



## PUERTO RICO

Locator Service	Administración para el Sustento de Menores Departamento de la Familia PO Box 70376 San Juan, PR 00936-8376 1-888-711-0011/787-767-1500 www.gobierno.pr/ASUME/Inicio
Clearinghouse	Missing Children Program Centro Estatal Para Niños Desaparecidos y Víctimas de Abuso PO Box 9023899 Old San Juan, PR 00902-3899 1-800-995-NINO (6466/limited calling area)/787-729-2523
Compensation Program for Crime Victims	Oficina de Compensación a Víctimas de Delitos Departamento de Justicia GPO Box 9020192 San Juan, PR 00902-0192 787-641-7480
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	
Laws Regarding Custodial Interference	
Laws Regarding Missing Children	
Laws Regarding Bonds	
Relevant Case Law	

## RHODE ISLAND

Locator Service	Office of Child Support Services Department of Human Services 77 Dorrance Street, Suite 400 Providence, RI 02903-2288 401-458-4400 www.cse.ri.gov
Clearinghouse	Missing & Exploited Children Unit Rhode Island State Police 311 Danielson Pike North Scituate, RI 02857-1946 401-444-1125 (in-state only)/401-444-1000
Compensation Program for Crime Victims	Crime Victim Compensation Program 40 Fountain Street, 1st Floor Providence, RI 02903-1856 401-222-8590 www.treasury.state.ri.us, from the home page click on the "Crime Victim Compensation Fund" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	R.I. Gen. Laws 1956, §§ 15-14.1-1 to 15-14.1-42 Public Enforcement Sections: Yes Prosecutor or other public official (§ 15-14.1-37)
Laws Regarding Custodial Interference	R.I. Gen. Laws § 11-26-1.1 (Childsnatching) R.I. Gen. Laws § 11-26-1.2 (Abduction of child prior to court order) R.I. Gen. Laws § 11-26-1.4 (Kidnapping of a minor)
Laws Regarding Missing Children	R.I. Gen. Laws § 11-26-1.3 (Missing child and parent duty to investigate/exception) R.I. Gen. Laws § 16-19-10 (Notification of pupil absence) R.I. Gen. Laws § 16-60-6(12) (Commissioner of elementary and secondary education; duty to disseminate law-enforcement lists of missing children) R.I. Gen. Laws § 23-3-5(8)(i) (Duties of state registrar of vital records) R.I. Gen. Laws § 23-3-7(6) (Duties of local registrars; flag birth certificates) R.I. Gen. Laws §§ 42.28.8-1 to 42.28.8-8 (Missing Children Information Center; responsibilities; reporting) R.I. Gen. Laws § 42.28.8-7 (Flagging required of school records) R.I. Gen. Laws § 42.28.8-8 (Flagging required of birth certificates)
Laws Regarding Bonds	R.I. Gen. Laws § 15-5-16(g)(3)(iii) (To ensure child's safe return)
Relevant Case Law	Bonds <i>McCullough v. Hudspeth</i> , 120 R.I. 598 (R.I. 1978) <i>Goldstein v. Goldstein</i> , 115 R.I. 152, 341 A.2d 51 (1975)  Passport Restrictions <i>Africano v. Castelli</i> , 837 A.2d 721 (R.I. Sup. Ct. 2003)

## SOUTH CAROLINA

Locator Service	Child Support Enforcement South Carolina Department of Social Services PO Box 1469 Columbia, SC 29202-1469 1-800-768-5858 <a href="http://www.state.sc.us/dss">www.state.sc.us/dss</a> , from the home page click on the "Child Support Enforcement" link
Clearinghouse	Missing Person Information Center South Carolina Law Enforcement Division PO Box 21398 Columbia, SC 29221-1398 1-800-322-4453/803-737-9000
Compensation Program for Crime Victims	State Office of Victim Assistance 1205 Pendleton Street, Room 401 Columbia, SC 29201-3756 1-800-220-5370 (victims only)/803-734-1900 <a href="http://www.oapp.sc.gov/sova">www.oapp.sc.gov/sova</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	S.C. Code Ann. §§ 20-7-6000 to 20-7-6092 Public Enforcement Sections: No
Laws Regarding Custodial Interference	S.C. Code Ann. § 16-17-495 (Custodial interference)
Laws Regarding Missing Children	S.C. Code Ann. §§ 23-3-200 to 23-3-320 (Missing Persons Information Center) S.C. Code Ann. §23-3-240 (Submission of missing-person reports to Center) S.C. Code Ann. §23-3-250 (Dissemination of missing persons data by law-enforcement agencies)
Laws Regarding Bonds	S.C. Code Ann. § 20-3-160
Relevant Case Law	Bonds <i>Satterwhite v. Satterwhite</i> , 280 S.C. 228, 312 S.E.2d 21 (S.C. Ct. App. 1984) <i>Jackson v. Jackson</i> , 279 S.C. 618, 310 S.E.2d 827 (S.C. Ct. App. 1983)  Restricting Visitation <i>Pirayesh v. Pirayesh</i> , 359 S.C. 284, 596 S.E.2d 505 (S.C. Ct. App. 2004)

## SOUTH DAKOTA

Locator Service	Division of Child Support South Dakota Department of Social Services 700 Governor's Drive Pierre, SD 57501-2291 605-773-3641 <a href="http://www.dss.sd.gov/childsupport">www.dss.sd.gov/childsupport</a>
Clearinghouse	Division of Criminal Investigation South Dakota Attorney General's Office 1302 East Highway 14, Suite 5 Pierre, SD 57501-8505 605-773-3331
Compensation Program for Crime Victims	Crime Victims' Compensation Program 700 Governor's Drive Pierre, SD 57501-2291 1-800-696-9476 (in-state only)/605-773-3617 <a href="http://www.dss.sd.gov">www.dss.sd.gov</a> , from the home page click on the "Victim Services" link
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCAPA	S.D. Codified Laws § 26-18-1 to 26-18-12
UCCJEA	S.D. Codified Laws §§ 26-5B-101 to 26-5B-405 Public Enforcement Sections: Yes Prosecutor or other appropriate public official (§ 26-5B-315)
Laws Regarding Custodial Interference	S.D. Codified Laws § 22-19-9 (Taking, enticing away, or keeping of unmarried minor child by parent; misdemeanor; subsequent violation felony) S.D. Codified Laws § 22-19-10 (Removal of child from state; felony) S.D. Codified Laws § 22-19-11 (Failure to report offense as complete defense) S.D. Codified Laws § 22-19-12 (Expense of child's return)
Laws Regarding Missing Children	S.D. Codified Laws § 26-17-1 (Agreement for parent locator service) S.D. Codified Laws § 26-17-2 (Missing-child report; time for law-enforcement agency to integrate information into National Crime Information Center computer) S.D. Codified Laws § 26-17-3 (Notice to parents that information integrated into computer) S.D. Codified Laws § 26-17-4 (Information provided about missing child)
Laws Regarding Bonds	
Relevant Case Law	Tort Actions <i>Hershey v. Hershey</i> , 467 N.W.2d 484 (S.D. 1991)

## TENNESSEE

Locator Service	<p>Child Support Services          Department of Human Services          400 Deaderick Street          Nashville, TN 37248-7400          1-800-838-6911/615-253-4394 (Nashville area)  <a href="http://www.state.tn.us/humanserv">www.state.tn.us/humanserv</a>, from the home page click on the "Child Support Services" link</p>
Clearinghouse	<p>Criminal Intelligence Unit          Tennessee Bureau of Investigation          901 R.S. Gass Boulevard          Nashville, TN 37216-2639          615-744-4000</p>
Compensation Program for Crime Victims	<p>Criminal Injuries Compensation Program          Division of Claims Administration          Andrew Jackson Building, 9th Floor          Nashville, TN 37243-0243          615-741-2734  <a href="http://www.treasury.state.tn.us/injury">www.treasury.state.tn.us/injury</a></p>
NPO	<p>Commission on Missing and Exploited Children          616 Adams Avenue, Room 124          Memphis, TN 38105-4996          901-405-8441  <a href="http://www.comec.org">www.comec.org</a></p> <p>The Santa Project          PO Box 5981          Cleveland, TN 37320-5981          1-800-719-2537/423-614-3379  <a href="http://www.thesantaproject.org">www.thesantaproject.org</a></p>
UCCJEA	<p>Tenn. Code Ann. §§ 36-6-201 to 36-6-243          Public Enforcement Sections: Yes          Prosecutor or other appropriate public official (§ 36-6-239)</p>
Laws Regarding Custodial Interference	<p>Tenn. Code Ann. §§ 39-13-306 (Custodial interference)</p>
Laws Regarding Missing Children	<p>Tenn. Code Ann. §§ 37-10-201 to 37-10-209 (Tennessee Missing Child Recovery Act)          Tenn. Code Ann. § 37-10-204 (Reports to juvenile court judge; missing-child order)          Tenn. Code Ann. § 38-6-116(3) (Tennessee Internet crime information center)          Tenn. Code Ann. § 38-06-117 (Tennessee Missing Child Registry)          Tenn. Code Ann. § 4-51-134 (Tennessee Education Lottery Corporation Participation in "AMBER Alert")</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Bonds  <i>Greene v. Greene</i>, 1990 Tenn. App. LEXIS 318 (May 4, 1990)  <i>Whittington v. Whittington</i>, 1985 Tenn. App. LEXIS 3338 (Tenn. Ct. App. Dec. 11, 1985)</p> <p>Law-Enforcement Liability  <i>Hooks v. Hooks</i>, 771 F.2d 935 (6th Cir. 1985)</p>

## TEXAS

Locator Service	<p>Child Support Division Office of the Attorney General PO Box 12017 Austin, TX 78711-2017 1-800-252-8014 <a href="http://www.oag.state.tx.us">www.oag.state.tx.us</a>, from the home page click on the "Child Support" link</p>
Clearinghouse	<p>Missing Persons Clearinghouse Bureau of Information Analysis Texas Department of Public Safety PO Box 4087 Austin, TX 78773-0001 1-800-346-3243 (in-state only)/512-424-5074 <a href="http://www.txdps.state.tx.us/mpch">www.txdps.state.tx.us/mpch</a></p>
Compensation Program for Crime Victims	<p>Crime Victims Compensation Program Office of the Attorney General PO Box 12198 Austin, TX 78711-2198 1-800-983-9933/512-936-1200 <a href="http://www.oag.state.tx.us">www.oag.state.tx.us</a>, from the home page click on the "Crime Victims" link</p>
NPO	<p>Heidi Search Center, Inc. 4115 Naco Perrin Boulevard San Antonio, TX 78217-2505 1-800-547-4435/210-650-0428 <a href="http://www.heidisearchcenter.com">www.heidisearchcenter.com</a></p> <p>Laura Recovery Center 906 Anna Lane Friendswood, TX 77546-6301 1-866-898-LRCF (5723)/281-482-5723 <a href="http://www.lrcf.org">www.lrcf.org</a></p> <p>The Rachel Foundation for Family Reintegration PO Box 294810 Kerrville, TX 78029-4810 830-864-4460 <a href="http://www.rachelfoundation.org">www.rachelfoundation.org</a></p> <p>Texas Center for the Missing PO Box 420148 Houston, TX 77242-0148 713-599-0235 <a href="http://www.tcftm.org">www.tcftm.org</a></p>
UCCJEA	<p>Tex. Fam. Code §§ 152.001 to 152.317 Public Enforcement Sections: Yes Prosecutor or other appropriate public official (§ 12.315)</p>
Laws Regarding Custodial Interference	<p>Tex. Penal Code § 25.03 (Interference with child custody) Tex. Penal Code § 25.031 (Agreement to abduct from custody) Tex. Penal Code § 25.04 (Enticing a child)</p>
Laws Regarding Missing Children	<p>Tex. Crim. Proc. Code § 63.001 to 63.022 (Missing children and missing persons) Tex. Fam. Code § 262.007 (Possession and delivery of missing child) Tex. Govt. Code § 466.026 (AMBER Alert)</p>
Laws Regarding Abduction Prevention	<p>Tex. Fam. Code § 153.501 (Necessity of measures to prevent international parental child abduction) Tex. Fam. Code § 153.502 (Abduction risk factors) Tex. Fam. Code § 153.503 (Abduction prevention measures)</p>
Laws Regarding Bonds	<p>Tex. Fam. Code § 153.503 (2005)</p>

Relevant Case Law

Bonds

*Kogel v. Robertson*, 2005 Tex. App. LEXIS 10028 (Tex. App. 2005)

*Allison v. Allison*, 660 S.W.2d 134 (Tex. App. 1983)

*In re Marriage of Miller*, 600 S.W.2d 386 (Tex. Civ. App. 1980)

Passport Restrictions

*Micklethwait v. Micklethwait*, 2007 Tex. App. LEXIS (Tex. App. 2007)

Tort Actions

*A.H. Belo Corp. v. Corcoran*, 2001 Tex. App. LEXIS 4656

(Tex. App. opinion issued July 12, 2001)

*Jenkins v. Jenkins*, 2001 Tex. App. LEXIS 3116

(Tex. App. opinion issued May 15, 2001)

*Silcott v. Oglesby*, 721 S.W.2d 290 (Tex. 1986)

*Fenslage v. Dawkins*, 629 F.2d 1107 (5th Cir. 1980)

## U.S. VIRGIN ISLANDS

Locator Service	Child Support Enforcement Department of Justice Nisky Center, 2nd Floor, Suite 500 St. Thomas, VI 00802-5843 340-777-3070 <a href="http://www.vid.uscourts.gov">www.vid.uscourts.gov</a>
Clearinghouse	U.S. Virgin Islands Police Department Patrick Sweeney Police Headquarters RR 2 Kingshill VI St. Croix, VI 00850-9856 340-772-2211
Compensation Program for Crime Victims	Criminal Victims Compensation Commission Department of Human Services Knud Hanson Complex, Building A 1303 Hospital Ground Charlotte Annalie, VI 00802-6722 340-774-0930, extension 4104
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	16 V.I.C. §§ 115-140o Public Enforcement Sections: No
Laws Regarding Custodial Interference	
Laws Regarding Missing Children	34 V.I.C. § 422 (AMBER Alert Program)
Laws Regarding Bonds	
Relevant Case Law	



## UTAH

Locator Service	Office of Recovery Services Child Support Services Utah Department of Human Services PO Box 45033 Salt Lake City, UT 84145-0033 1-800-662-8525 (in-state only)/801-536-8901 www.ors.utah.gov
Clearinghouse	Utah Missing Persons Clearinghouse Bureau of Criminal Identification Utah Department of Public Safety PO Box 148280 Salt Lake City, UT 84114-8280 1-888-770-6477/801-965-4686
Compensation Program for Crime Victims	Office of Crime Victim Reparations 350 East 500 South, Suite 200 Salt Lake City, UT 84111-3347 1-800-621-7444/801-238-2360 www.crimevictim.utah.gov
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCAPA	Utah Code Ann. §§ 78-62-101 to 78-62-110
UCCJEA	Utah Code §§ 78-45c-101 to 78-45c-318 Public Enforcement Sections: Yes Prosecutor or the Attorney General (Utah Code § 78-45c-315)
Laws Regarding Custodial Interference	Utah Code § 76-5-301.1 (Child kidnapping) Utah Code § 76-5-303 (Custodial interference) Utah Code § 76-5-305 (Defenses)
Laws Regarding Missing Children	Utah Code §§ 53A-11-501 to 53A-11-503 (Students in public schools; identification of missing children) Utah Code §§ 53A-10-202 to 53A-10-204 (Criminal identification; missing-persons reports) Utah Code § 26-2-27 (Identifying birth certificate of missing persons; procedure)
Laws Regarding Bonds	
Relevant Case Law	Visitation and Passport Restrictions <i>Johnson v. Rodrigues</i> , 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000) <i>Soltanieh v. King</i> , 826 P.2d 1076 (Utah Ct. App. 1992)

## VERMONT

Locator Service	Office of Child Support Agency of Human Services Department of Children and Families 103 South Main Street Waterbury, VT 05671-1901 1-800-786-3214 <a href="http://www.dcf.vermont.gov/ocs">www.dcf.vermont.gov/ocs</a>
Clearinghouse	Vermont State Police 103 South Main Street Waterbury, VT 05671-2101 802-872-6110
Compensation Program for Crime Victims	Victims Compensation Program 58 South Main Street, Suite 1 Waterbury, VT 05676-1599 1-800-750-1213 (in-state only)/802-241-1250 <a href="http://www.ccvs.state.vt.us">www.ccvs.state.vt.us</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJA	Vt. Stat. Ann. tit. 15, §§ 1031 to 1051
Laws Regarding Custodial Interference	Vt. Stat. Ann. tit. 13, § 2451 (Custodial interference)
Laws Regarding Missing Children	Vt. Stat. Ann. tit. 20, § 1820 to 1828 Vt. Stat. Ann. tit. 20, § 1820 (Definitions) Vt. Stat. Ann. tit. 20, § 1821 (Missing-person complaint) Vt. Stat. Ann. tit. 20, § 1822 (Missing-person report) Vt. Stat. Ann. tit. 20, § 1823 (Dissemination of missing-person report) Vt. Stat. Ann. tit. 20, § 1824 (Searches for missing persons) Vt. Stat. Ann. tit. 20, § 1825 (Missing-person complaints regarding unemancipated minors) Vt. Stat. Ann. tit. 20, § 1826 (False information about missing person) Vt. Stat. Ann. tit. 20, § 1827 (Commissioner of public safety; cooperation) Vt. Stat. Ann. tit. 20, § 1828 (Vermont AMBER Alert program)
Laws Regarding Bonds	
Relevant Case Law	Bonds <i>Ohland v. Ohland</i> , 141 Vt. 34, 442 A.2d 1306 (1982)  Tort Actions <i>Sheltra v. Smith</i> , 136 Vt. 472, 392 A.2d 431 (1978)

## VIRGINIA

Locator Service	<p>Division of Child Support Enforcement          Virginia Department of Social Services          7 North Eighth Street          Richmond, VA 23219-3301          1-800-468-8894  <a href="http://www.dss.state.va.us">www.dss.state.va.us</a>, from the home page respectively click on the "Children" and "Child Support Enforcement" links</p>
Clearinghouse	<p>Missing Children's Clearinghouse          Virginia State Police Department          PO Box 27472          Richmond, VA 23261-7472          1-800-822-4453/804-674-2026</p>
Compensation Program for Crime Victims	<p>Criminal Injuries Compensation Fund          PO Box 26927          Richmond, VA 23261-6900          1-800-552-4007  <a href="http://www.cicf.state.va.us">www.cicf.state.va.us</a></p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	<p>Va. Code Ann. §§ 20-146.1 to 20-146.38          Public Enforcement Sections: No</p>
Laws Regarding Custodial Interference	<p>Va. Code Ann. § 18.2-47 (Abduction)          Va. Code Ann. § 18.2-49.1 (Violation of custody order regarding custody and visitation)          Va. Code Ann. § 18.2-50 (Disclosure of information and assistance to law-enforcement officers required)</p>
Laws Regarding Missing Children	<p>Va. Code Ann. § 15.2-1718 (Receipt of missing-child reports)          Va. Code Ann. § 22.1-288.1 (Notation in school records of missing children; local law-enforcement cooperation)          Va. Code Ann. § 32.1-275.2 (Notation on birth records of missing children)          Va. Code Ann. § 52-31 (Missing Children Information Clearinghouse established)          Va. Code Ann. § 52-31.1 (Superintendent to establish network)          Va. Code Ann. § 52-32 (Definitions)          Va. Code Ann. § 52-33 (Powers and duties of Clearinghouse)          Va. Code Ann. § 52-34.1 to .3 (AMBER Alert Program)          Va. Code Ann. § 63.2-1809 (Regulated child day programs to require proof of child identity and age; report)</p>
Laws Regarding Bonds	
Relevant Case Law	<p>Bonds  <i>Samman v. Steber</i>, 2005 Va. App. LEXIS 104 (Va. Ct. App. 2005)</p> <p>Restricting Visitation  <i>Mubarak v. Mubarak</i>, 420 S.E.2d 225 (Va. Ct. App. 1992)</p> <p>Tort Actions  <i>Rafty v. Scott</i>, 756 F.2d 335 (4th Cir. 1985)  <i>Acord v. Parsons</i>, 551 F. Supp. 115 (W.D. Va. 1982)</p>

## WASHINGTON

Locator Service	Division of Child Support Washington State Department of Social and Health Services PO Box 11520 Tacoma, WA 98411-5520 1-800-922-4306/360-664-5321 <a href="http://www.dshs.wa.gov/dcs">www.dshs.wa.gov/dcs</a>
Clearinghouse	Missing Persons Unit Washington State Patrol PO Box 2347 Olympia, WA 98507-2347 1-800-543-5678
Compensation Program for Crime Victims	Crime Victim Compensation Program PO Box 44520 Olympia, WA 98504-4520 1-800-762-3716/360-902-5355 <a href="http://www.access.wa.gov">www.access.wa.gov</a> , in the "Search" field on the home page type "Crime Victim Compensation Board"
NPO	Operation Lookout/National Center for Missing Youth 6320 Evergreen Way, Suite 201 Everett, WA 98203-4560 1-800-LOOKOUT (566-5688)/1-800-782-SEEK (7335)/425-771-7335 <a href="http://www.operationlookout.org">www.operationlookout.org</a>
UCCJEA	Wash. Rev. Code §§ 26.27.011 to 26.27.931 Public Enforcement Sections: Yes Prosecutor or the Attorney General (Wash. Rev. Code § 26.27.541)
Laws Regarding Custodial Interference	Wash. Rev. Code § 9A.40.010 (Definitions) Wash. Rev. Code § 9A.40.060 (Custodial interference in the first degree) Wash. Rev. Code § 9A.40.070 (Custodial interference in the second degree) Wash. Rev. Code § 9A.40.080 (Custodial interference; assessment of costs, defense; consent defense; restrictions) Wash. Rev. Code § 13.34.055 (Custody by law-enforcement officer; release from liability)
Laws Regarding Missing Children	Wash. Rev. Code §§ 13.60.010 to 13.60.120 (Missing Children Clearinghouse; Task Force on Missing & Exploited Children) Wash. Rev. Code §§ 13.60.020 (Entry of information on missing children into missing person computer network) Wash. Rev. Code §§ 13.60.040 (Children receiving services from department of social and health services; reporting by the department; notification of child's whereabouts)
Laws Regarding Bonds	
Relevant Case Law	Attorney Disclosure <i>Dike v. Dike</i> , 75 Wash 2d 1, 448 P.2d 490 (1968)  Bonds <i>Swyers v. Halland (In re Swyers)</i> , 2001 Wash. App. LEXIS 121 (Wash. Ct. App. 2001) <i>Bouault v. Myers</i> , 1997 Wash. App. LEXIS 252 (Wash. Ct. App. 1997)  Supervised Visitation <i>Swyers v. Halland (In re Swyers)</i> , 2001 Wash. App. LEXIS 121 (Wash. Ct. App. 2001)  Tort Actions <i>McIntyre v. McIntyre</i> , 771 F.2d 1316 (9th Cir. 1985)

## WEST VIRGINIA

Locator Service	West Virginia Bureau for Child Support Enforcement West Virginia Department of Health and Human Resources 350 Capitol Street, Room 147 Charleston, WV 25301-1757 1-800-249-3778 www.wvdhhr.org/bcse
Clearinghouse	Missing Children Clearinghouse West Virginia State Police 725 Jefferson Road South Charleston, WV 25309-1698 1-800-352-0927/304-558-1467
Compensation Program for Crime Victims	Crime Victims Compensation Fund West Virginia Court of Claims 1900 Kanawha Boulevard, East, Room W-334 Charleston, WV 25305-0610 1-800-562-6878 (in-state only)/304-347-4850 www.wv.gov, from the home page respectively click on the "Agency Directory" and "Crime Victims Compensation Fund" links
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	W. Va. Code §§ 48-20-101 to 48-20-404 Public Enforcement Sections: Yes Prosecutor or other appropriate public official (W. Va. Code § 48-20-315)
Laws Regarding Custodial Interference	W. Va. Code § 61-2-14d (Concealment or removal of minor child from custodian or person entitled to visitation; penalties; defenses) W. Va. Code § 61-2-14e (One aiding or abetting in offense under §61-2-14, §61-2-14a, §61-2-14c, or §61-2-14d guilty as principal; venue)
Laws Regarding Missing Children	W. Va. Code §§ 49-9-1 to 49-9-14 (Missing Children Information Act) W. Va. Code § 49-9-4 (State department of education; missing-children program) W. Va. Code § 49-9-8 (Law-enforcement requirements; missing-child reports) W. Va. Code § 15-2-12j (Mission of state police; missing children) W. Va. Code §§ 15-3A-1 to 15-3A-5 (AMBER's Plan) W. Va. Code § 18-2-5c (Birth certificate required upon admission to public school; required notice to local law-enforcement agency of missing children)
Laws Regarding Bonds	
Relevant Case Law	Bonds <i>Arbogast v. Arbogast</i> , 174 W. Va. 498 (W. Va. 1984) <i>J.A.S. v. D.A.S.</i> , 170 W.Va. 189, 292 S.E.2d 48 (1982)  Tort Actions <i>Kessel v. Leavitt</i> , 511 S.E.2d 720 (W. Va. 1998), cert. denied, 119 S. Ct. 1035 (1999)

## WISCONSIN

Locator Service	Bureau of Child Support Department of Children and Families PO Box 8916 Madison, WI 53708-8916 608-267-3905 <a href="http://www.dcf.wisconsin.gov/bcs">www.dcf.wisconsin.gov/bcs</a>
Clearinghouse	Wisconsin Missing and Exploited Children PO Box 7857 Madison, WI 53707-7857 1-800-THE-HOPE (843-4673) (in-state only)/608-266-1671
Compensation Program for Crime Victims	Office of Crime Victim Services PO Box 7951 Madison, WI 53707-7951 1-800-446-6564 <a href="http://www.doj.state.wi.us/cvs">www.doj.state.wi.us/cvs</a>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	Wis. Stat. §§ 822.01 to 822.47 Public Enforcement Sections: Yes Prosecutor (Wis. Stat. § 822.45)
Laws Regarding Custodial Interference	Wis. Stat. § 948.31 (Interference with custody by parent or others; felony)
Laws Regarding Missing Children	
Laws Regarding Bonds	Wis. Stat. § 767.41(6)(g)(8)
Relevant Case Law	Propriety of Joint Custody <i>Marzouki v. Marzouki</i> , 572 N.W.2d 902 (Wis. Ct. App. 1997)  Restricting Visitation <i>Long v. Ardestani</i> , 624 N.W.2d 405 (Wis. Ct. App. 2001) <i>Marzouki v. Marzouki</i> , 572 N.W.2d 902 (Wis. Ct. App. 1997)  Tort Actions <i>Gleiss v. Newman</i> , 141 Wis. 2d 379, 415 N.W.2d 845 (Ct. App. 1987) <i>Lloyd v. Loeffler</i> , 694 F.2d 489 (7th Cir. 1982)

## WYOMING

Locator Service	<p>Child Support Enforcement            Department of Family Services            Hathaway Building, 3rd Floor            2300 Capitol Avenue            Cheyenne, WY 82002-0001            307-777-6948  <a href="http://www.wyoming.gov">www.wyoming.gov</a>, from the home page respectively click on the "Government," "List of State Government Services by Topic," "Child Support," "Programs and Services," and "Child Support Enforcement" links</p>
Clearinghouse	<p>Division of Criminal Investigation            Wyoming Office of the Attorney General            316 West 22nd Street            Cheyenne, WY 82001-3641            307-777-7537</p>
Compensation Program for Crime Victims	<p>Division of Victim Services            Office of the Attorney General            122 West 25th Street            Herschler Building, 1st Floor, West            Cheyenne, WY 82001-3004            307-777-7200  <a href="http://vssi.state.wy.us">vssi.state.wy.us</a></p>
NPO	Contact AMECO toll-free at 1-877-263-2620 for a referral
UCCJEA	<p>Wyo. Stat. Ann. §§ 20-5-201 to 20-5-502            Public Enforcement Sections: Yes            Prosecutor or other appropriate public official (Wyo. Stat. Ann. § 20-5-415)</p>
Laws Regarding Custodial Interference	Wyo. Stat. Ann. § 6-2-204 (Interference with custody; presumption of knowledge of child's age; affirmative defenses; penalties)
Laws Regarding Missing Children	
Laws Regarding Bonds	
Relevant Case Law	<p>Bond  <i>Stonham v. Widiastuti</i>, 2003 WY 157 (Wyo. 2003)</p> <p>Tort Actions  <i>Johnson v. Rodrigues</i>, 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000)  <i>Cosner v. Ridinger</i>, 882 P.2d 1243 (Wyo. 1994)</p>

## Key Contacts in Parental-Kidnapping Cases

**Law-Enforcement Agency** in your community

Name of officer assigned to case

Badge number

Telephone number

Address

Report/case number

**Prosecutor**

(District Attorney, State Attorney, Commonwealth Attorney, Assistant Attorney General, Solicitor)

Name

Telephone number

Address

**Assistant Prosecutor** assigned to your case

Name

Telephone number

Address

**Your Lawyer(s)**

Name

Telephone number

Address

Name

Telephone number

Address



**FBI**

Special Agent(s) spoken to

Telephone number(s)

Address

**U.S. Attorney** for your district

Name

Telephone number

Address

**Assistant U.S. Attorney** assigned to your case

Name

Telephone number

Address

**Support Groups**

Name

Telephone number

Address

Name

Telephone number

Address

## Missing-Person Report for an Abducted Child

Complete both pages of this worksheet and make a copy. Take the copy to your law-enforcement agency when you report your child missing. This will speed up the process of entering a missing-person report about your child into the Federal Bureau of Investigation's National Crime Information Center (NCIC-MPF) database. If you cannot make a copy, take this guide with you and ask the officer to do so.

### INFORMATION ABOUT YOUR CHILD

Child's name

Sex

Race

Date of birth

Social Security number

Mother's full name and aliases

Father's full name and aliases

Date of abduction

Place of abduction such as home, school, or other

Age at time of abduction

Height

Weight

Hair color

Eye color

Glasses

Birthmarks

Unique characteristics such as scars, limp, stutter, tattoo, jewelry, or other similar items

Grade in school

Medical or dental problems

Circumstances of abduction

Relatives including names, addresses, telephone numbers, and relationship to child

(Attach photograph of child.)

## **INFORMATION ABOUT THE ABDUCTOR**

Abductor's full name and aliases

Sex

Race

Date of birth

Social Security number

Age at the time of abduction

Height

Weight

Hair color

Glasses

Birthmarks

Unique characteristics such as scars, limp, stutter, tattoo, jewelry, or other similar items

Medical or dental problems

Occupation

Vehicle Make

Model Year

Color

License Plate

Driver's License including state and number

Person/People traveling with abductor

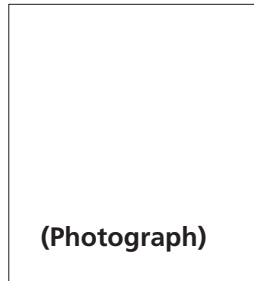
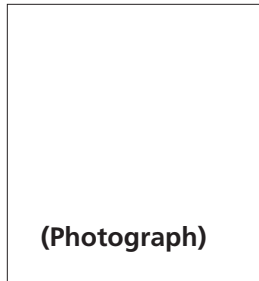
Description of people traveling with abductor

Relatives including names, addresses, telephone numbers, relationship to abductor

(Attach photograph of abductor.)

## Missing-Child Poster

### Family Abduction



Name of Missing Child  
Date of Birth  
Date Missing  
Age Now  
Sex  
Race  
Hair  
Eyes  
Height  
Weight  
Missing From

(Optional)  
Name of Abductor  
Date of Birth  
Sex  
Race  
Hair  
Eyes  
Height  
Weight

Circumstances, including any relevant descriptive information about when the child was last seen, and, if issued, warrant information about the abductor.

**ANYONE HAVING INFORMATION SHOULD CONTACT**

**Law-Enforcement Agency/Officer/Department**

**Telephone Number**

**Case Number**



## Sample Request to Use the Federal Parent Locator Service to Locate a Parent or Child

### Official Letterhead

State Parent Locator Service

[Insert address; see "Nationwide Directory of Family-Abduction Laws and Resources" beginning on page 199.]

Date

To Whom It May Concern:

I request the [insert **Name of State**] Parent Locator Service to submit to the Federal Parent Locator Service (FPLS), the names and Social Security numbers\* of the parent and child set forth immediately below for purposes of determining their whereabouts,

Abductor's Name and SSN

Child's Name and SSN

This request is being made [in connection with a parental kidnapping investigation/prosecution] or [for purposes of making or enforcing a child custody determination]. I am authorized to make this request pursuant to 42 U.S.C. 663 and 45 C.F.R. 303.15.

Name and Title

[Insert name of **Judge, Law-Enforcement Officer, Prosecuting Attorney, or Other "Authorized Person"**]

Signature

\*If SSN is not known include

Abductor's Name

Abductor's Date of Birth

Abductor's Place of Birth

City, State, and Country (if other than U.S.A.)

Abductor's Father's Name (first and last)

Abductor's Mother's Name (first and maiden)

Searching Parent's Social Security Number



## Sample Request Regarding School Records

*[insert Your Address]*

**Date**

***[Name of Addressee  
Principal or Other Title  
School  
Street Address  
City, State, Zip]***

Dear *[insert Name of Addressee]*:

I am the *[insert word **Mother or Father**]* of *[insert your **Child's First, Middle, and Last Names**]*. My child attended your school from *[insert **actual dates or state your child is currently attending this school**]*. My child was abducted by *[insert word **his or her**]* other parent on *[insert **Date of Abduction**]*. Optional: I have/share custody of *[insert your **Child's Name**]*.

Please review your records for *[insert your **Child's Name**]* and send me the most recent address you have for my child. If my child no longer attends your school and you have received a request to transfer *[insert word **his or her**]* records to a new school, please send me the name, address, and telephone number of the school requesting the records. The federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) entitles me to this information about my child.

I would also appreciate it if you would "flag" my child's school records and notify me in the event you receive any information that would assist me in finding my child.

You can reach me, *[insert your **Name**]* at

*[insert your **Complete Address**]*

***Contact Number(s)***

**Please keep this inquiry confidential.**

Thank you for your assistance in this matter.

Sincerely,  
*[place your **Signature**]*

**Note:** If possible, attach a copy of your custody order and child's birth certificate.







U.S. Department of State  
**REQUEST FOR ENTRY INTO  
CHILDREN'S PASSPORT ISSUANCE ALERT PROGRAM**

**REQUEST FORM** An alert request may be filed as to an unmarried child under the age of 18. This request can be filed by concerned parents of U.S. children (other than parents whose parental rights have been terminated by court order), their appointed agents, or other persons having legal custody of the child. Complete one form for each child, and submit the completed request along with proper documents to the Office of Children's Issues by fax or mail.

**1. Please provide information about the child in order to make the alert system effective.  
Please print clearly or type the information.**

Child's Name (Last, First, Middle) \_\_\_\_\_  
Date of Birth (mm-dd-yyyy) \_\_\_\_\_ Place of Birth \_\_\_\_\_  
Sex:  Female  Male Social Security Number \_\_\_\_\_  
U.S. Passport Number(s), if any \_\_\_\_\_

**2. Please provide the following information about yourself so that we can acknowledge your request, and alert you in the future.**

Your Name (Last, First, Middle) \_\_\_\_\_  
Documentation of Identify Provided:  Driver's License  Other Form of Photo Identification  
with Signature

Relationship to the Child Shown Above \_\_\_\_\_

Documentation of Parentage, Guardianship Legal Custody, Authority to Act on Behalf of Parent or Legal Guardian, as applicable:  Birth Certificate  Adoption Decree  OR  Consular Report of Birth Abroad (CRBA)  Court Order  Evidence of Authority to Act on Behalf of Parent or Legal Custodian  Other \_\_\_\_\_

Mailing Address \_\_\_\_\_

**NOTE:** Since the Department will need to contact you, it is very important that you keep us informed in writing or by telephone of any changes to your contact information. Failure to notify this office of your correct address and phone number may result in passport issuance for your child without your consent.

Telephone Number(s) \_\_\_\_\_ Fax Number(s) \_\_\_\_\_

E-Mail Address \_\_\_\_\_

**3. I request that the U.S. Department of State notify me if it receives a U.S. passport application for the above-mentioned child, or if an application is currently pending, or if there is any U.S. passport still valid for the child's travel.**

Signature \_\_\_\_\_

*Please read the Dual Nationality for Children information accompanying this form. It is about a child who may have a foreign nationality in addition to U.S. nationality.*

*Please submit via fax or mail the completed form along with the proper documentation to the U.S. Department of State, Office of Children's Issues, 2201 C Street, N.W., CA/OCS/CI, Washington, DC 20520-2818; FAX: 202-736-9133. You will receive written acknowledgment and additional information.*

U.S. Department of State  
**DUAL NATIONALITY FOR CHILDREN**

Many children, born in the U.S. or born abroad to a U.S. citizen parent, are citizens of both the U.S. and another country. A child may acquire the citizenship of a foreign country, for example, through the child's birth abroad, or through a parent. There is no requirement that a U.S. citizen parent consent to a child's acquisition of another nationality. The inability of a person to obtain a U.S. passport for a child (*for example, because of the "dual-parent signature" requirement*) does not prevent a dual national child from obtaining and traveling on a passport issued by another country.

U.S. law and regulations concerning the issuance of U.S. passports do not apply to foreign governments when they issue passports to people (*including children*) who they consider to be citizens of their country, even if the foreign passport is issued in the United States and/or to a person the United States considers to be a U.S. citizen. If you think there is a possibility that your child may have another nationality, you are encouraged to contact the relevant country's embassy or consulate directly to inquire about the rules governing the issuance of that country's passport to your child, including the possible availability of mechanisms to prevent the issuance to your child of that country's passport without your consent. The addresses and telephone numbers for the embassies and consulates of foreign countries in the United States are listed on the Consular Affairs Internet web page at: >><http://travel.state.gov><< under Foreign Entry Requirements. The U.S. Department of State encourages you to send the Office of Children's issues a copy of any written inquiry in this respect you make to a foreign embassy or consulate.

**PRIVACY ACT STATEMENT**

The information solicited on this form is requested pursuant to provisions in Titles 8 and 22 of the U.S. Code, whether or not codified, as well as the corresponding federal regulations, including specifically 22 U.S.C. 211a and Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, Executive Order 11295 (*Aug. 5, 1966*), and the regulations contained in 22 C.F.R. 51.27.

The primary purpose for soliciting the information is to enable the U.S. Department of State to notify you of any pending U.S. passport applications for the child identified on the form and of any U.S. passport held by the child that is still valid for travel. The child's social security number is requested because that number is a unique identifier used to establish the identity of the passport holder. Filing a request through the Children's Passport Issuance Alert Program and providing the information requested on this form, including the child's social security number, is voluntary. Failure to complete the form may result in a passport being issued to your child without your knowledge.

The information solicited on this form may be made available as a routine use to other government agencies, to assist the U.S. Department of State in adjudicating passport applications and requests for related services, and for law enforcement and administrative purposes. It may also be disclosed pursuant to court order. The information may be made available to foreign government agencies to fulfill passport control and immigration duties. The information may also be provided to foreign government agencies, international organizations and, in limited cases, private persons and organizations to investigate, prosecute, or otherwise address potential violations of law or to further the Secretary's responsibility for the protection of U.S. nationals abroad. This would include, among other entities and agencies, disclosure to The National Center for Missing and Exploited Children, Central Authorities of countries party to the Hague Convention on the Civil Aspects of International Child Abduction (*"the Convention"*), attorneys of record and legal aid services to assist in facilitating operations under the Convention; local police in connection with notification of next-of-kin and child custody disputes; social services agencies; and parents involved in cases brought under the Convention. The information may also be made available to private U.S. citizen 'wardens' designated by U.S. embassies and consulates. For a more detailed listing of the routine uses to which this information may be put, see the Prefatory Statement of Routine Uses and the listing of routine users set forth in the system description for Overseas Citizens Services Records (*State-05*), found at <http://foia.state.gov/issuances/priviss.asp>.

**PAPER REDUCTION ACT STATEMENT**

Public reporting burden for this collection of information is estimated to average fifty (50) minutes per response. Responses to this package are voluntary. An Agency may not conduct or sponsor, and the respondent is not required to respond to, a collection of information unless it displays a valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: A/RPS/DIR, U.S. Department of State, Washington, D.C. 20520.



**APPLICATION UNDER THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION**

FILL OUT ALL SECTIONS ON BOTH SIDES

\*Provide Information Below to the extent that it is available.

This is an application for the Return Access to the child/children listed.

**I. FIRST CHILD SUBJECT OF APPLICATION**

Child's Name (Last, First, MI)		Date of Birth (mm-dd-yyyy)	Place of Birth
Address (At Time of Removal)		U.S. SSN*	Passport/Identity Card* Country
Address and Telephone Number of Child's Current Location (If Known)			Number Citizenship(s)
Height	Weight	Color of Hair	Color of Eyes
Name of Child's Father if not Listed in Section II or III.		Name of Child's Mother if not Listed in Section II or III.	

**II. APPLICANT (PERSON SEEKING RETURN OF/ACCESS TO CHILD/CHILDREN)**

Name (Last, First, MI)		Date of Birth (mm-dd-yyyy)	Place of Birth
Relationship to Child/ren	Citizenship(s)	U.S. SSN*	Passport/Identity Card* Country
Current Address, Telephone Number, and Email Address			Number Occupation
Name, Address, and Telephone Number of Legal Advisor*			

**III. PERSON ALLEGED TO HAVE WRONGFULLY REMOVED OR RETAINED THE CHILD/CHILDREN**

Name (Last, First, MI)		Date of Birth (mm-dd-yyyy)	Place of Birth
Relationship to Child/ren	Citizenship(s)	U.S. SSN*	Passport/Identity Card* Country
Occupation, Name, and Address of Employer (If Known)			Number Known Aliases
Address and Telephone Number of Current Location			
Height	Weight	Color of Hair	Color of Eyes

**IV. ADDITIONAL CHILD/CHILDREN Subject of Application**

Child's Name ( <i>Last, First, MI</i> )		Date of Birth ( <i>mm-dd-yyyy</i> )	Place of Birth
Address ( <i>At Time of Removal</i> )		U.S. SSN*	Passport/Identity Card* Country Number
Address and Telephone Number of Child's Current Location ( <i>If Known</i> )			Citizenship(s)
Height	Weight	Color of Hair	Color of Eyes
Name of Child's Father if not Listed in Section II or III.		Name of Child's Mother if not Listed in Section II or III.	
Child's Name ( <i>Last, First, MI</i> )		Date of Birth ( <i>mm-dd-yyyy</i> )	Place of Birth
Address ( <i>At Time of Removal</i> )		U.S. SSN*	Passport/Identity Card* Country Number
Address and Telephone Number of Child's Current Location ( <i>If Known</i> )			Citizenship(s)
Height	Weight	Color of Hair	Color of Eyes
Name of Child's Father if not Listed in Section II or III.		Name of Child's Mother if not Listed in Section II or III.	
Child's Name ( <i>Last, First, MI</i> )		Date of Birth ( <i>mm-dd-yyyy</i> )	Place of Birth
Address ( <i>At Time of Removal</i> )		U.S. SSN*	Passport/Identity Card* Country Number
Address and Telephone Number of Child's Current Location ( <i>If Known</i> )			Citizenship(s)
Height	Weight	Color of Hair	Color of Eyes
Name of Child's Father if not Listed in Section II or III.		Name of Child's Mother if not Listed in Section II or III.	
Child's Name ( <i>Last, First, MI</i> )		Date of Birth ( <i>mm-dd-yyyy</i> )	Place of Birth
Address ( <i>At Time of Removal</i> )		U.S. SSN*	Passport/Identity Card* Country Number
Address and Telephone Number of Child's Current Location ( <i>If Known</i> )			Citizenship(s)
Height	Weight	Color of Hair	Color of Eyes
Name of Child's Father if not Listed in Section II or III.		Name of Child's Mother if not Listed in Section II or III.	
Child's Name ( <i>Last, First, MI</i> )		Date of Birth ( <i>mm-dd-yyyy</i> )	Place of Birth
Address ( <i>At Time of Removal</i> )		U.S. SSN*	Passport/Identity Card* Country Number
Address and Telephone Number of Child's Current Location ( <i>If Known</i> )			Citizenship(s)
Height	Weight	Color of Hair	Color of Eyes
Name of Child's Father if not Listed in Section II or III.		Name of Child's Mother if not Listed in Section II or III.	

**V. TIME, PLACE, DATE, AND CIRCUMSTANCES OF THE WRONGFUL REMOVAL OR RETENTION**

Additional sheets may be attached.

**VI. FACTUAL and LEGAL JUSTIFICATION FOR THE REQUEST**

Habitual Residence *(Please provide details related to the child's place of habitual residence.)*

Basis of Applicant's Custody Rights

Supporting Documentation *(Please check applicable boxes and attach.)*

- Law/Statute of Child's Residence at Time of Alleged Removal or Retention
- Court Order in Effect at Time of Alleged Removal or Retention
- Legally Binding Agreement
- Marriage Certificate, If Applicable
- Child's Birth Certificate, Required
- Other \_\_\_\_\_

Are civil proceedings currently in progress? *(If yes, please provide details.)*

**VII. PROPOSED ARRANGEMENTS FOR RETURN TRAVEL OF CHILD/CHILDREN**

**VIII. OTHER PERSONS WITH ADDITIONAL INFORMATION RELATING TO THE WHEREABOUTS OF THE CHILDREN**

Preferably, in country of child's current location. Please include, name, address, telephone number, and/or email address.

**IX. OTHER RELEVANT INFORMATION**

Signature of Applicant (*Sign in Blue Ink*)

Date (*mm-dd-yyyy*)

**PRIVACY ACT AND PAPERWORK REDUCTION ACT STATEMENTS**

This information solicited on this form is requested under the authority of the International Child Abduction Remedies Act, Public Law No. 100-300. The primary purpose for soliciting the information is to evaluate applicants' claims under the Hague Convention on the Civil Aspects of International Child Abduction, advise applicants about available legal remedies, and locate abducted children. The principal users of this information are offices within the U.S. Department of State's Bureau of Consular Affairs. The information will be used to assist in facilitating operations under the Convention and may be provided to governments of member countries, bar associations and legal aid services, local police, social service agencies, and parents. This information may also be released on a need-to-know basis to other government agencies, including foreign agencies, having statutory or other lawful authority to gain access to such information. Furnishing your social security number, as well as the other information requested on this form, is voluntary. However, failure to submit this form or to provide all the requested information may result in delay in the processing of your application.

\*Public reporting burden for this collection of information is estimated to average 1 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information requested, and reviewing the final collection. You do not have to provide this information requested if the OMB approval has expired. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State (A.ISS/DIR), 1800 G Street, Washington, DC 20520.

## Instructions for Completing the Hague Convention Application

A Hague application is found beginning on page 271 and is also available online at [www.travel.state.gov](http://www.travel.state.gov). From the home page click the "Children & Family" link. Under the "International Parental Child Abduction" heading click on the "Guarding against & responding to parental child abduction" link. Then respectively click on the "Resources" and "Hague Application" links. Instructions for completing the Hague Convention application are below and may also be found at the same spot as the application as noted immediately above.

- To invoke the Hague Convention, submit TWO completed applications for EACH child. The application form may be photocopied.
- Type or print all information in black or blue ink.
- Furnish as much of the information called for as possible, using an additional sheet of paper if you need more space.
- If you have further questions about the form, you may wish to refer to the text of the Convention found beginning on page 163.
- You may also call the Office of Children's Issues (CA/OCS/CI) at 1-888-407-4747.
- Translation of the supporting documents into the official language of the requested country may be necessary. Translations can speed up the overall process. Foreign attorneys and judges tend to respond more favorably with such documents. Ask CA/OCS/CI for more information about supporting documents.
- You may fax your Hague application to CA/OCS/CI at 202-736-9132. Send originals and supporting documents by mail, express mail, or courier service to

Office of Children's Issues  
U. S. Department of State  
SA-29  
2201 C Street, Northwest  
Washington, DC 20520-2818

**Note:** Be sure to sign and date the application.

### Checklist and Instructions for Completing the Hague Application

#### I. First Child Subject of Application

This section is for information concerning the child for whom you are invoking the Hague Convention.

**Child's Name** - The child's full name: last name, first, middle

**Date of Birth** - Month/Day/Year

**Place of Birth** - City/State/Country

**Address** - Child's address in the country of habitual residence at the time of the abduction or removal

**United States Social Security Number** - A nine-digit number: 000-00-0000 (if known)

**Passport/Identity Card** - Issuing country and passport or I.D. number (if known)

**Address and Telephone Number of Child's Current location (if known)** - Please provide any address information or details that may help locate the child

**Citizenship** - Include all citizenships held by the child, (e.g., United States, Canadian)

**Height** - Feet and inches

**Weight** - Pounds

**Sex** - Male or female

**Color of Hair** - Child's hair color

**Color of Eyes** - Child's eye color (Include color photo, if available.)

**Name of Child's Father if not listed in Section II or III** - The father's full name (if not listed later in section II or III)

**Name of Child's Mother if not listed in Section II or III** - The mother's full name (if not listed later in section II or III)



## II. Applicant (Person Seeking Return of/Access to Child/Children)

This section is for information concerning the person or institution applying for access to or the return of the child to the United States.

**Name** - Full name of applicant: last name, first, middle

**Date of Birth** - Month/Day/Year

**Place of Birth** - City/State Country

**Relationship to Child/Children** - Relationship of the applicant requesting access to/return of the child (e.g., mother, father)

**Citizenship(s)** - List all citizenships held by the requester (e.g., United States, Canadian)

**United States Social Security Number** - A nine-digit number: 000-00-0000

**Passport/Identity Card** - Issuing country and passport or I.D. number

**Current Address, Telephone Number, and Email Address** - Include mailing address, home telephone, work telephone, fax number, and email address

**Occupation** - Occupation of the requester (if a person)

**Name, Address and Telephone Number of Legal Adviser, if any** - Include zip code as well as telephone and fax numbers. Some of this information may be the same as that already given

## III. Person Alleged to Have Wrongfully Removed or Retained the Child/Children

This section is for information concerning the person alleged to have abducted or retained the child/children. The information about the abducting parent is needed to assist in locating the child. Please provide all requested information and any additional facts that may help authorities locate the child.

**Name** - Full name of parent alleged to have abducted or wrongfully retained the child

**Date of Birth** - Month/Day/Year

**Place of Birth** - City/State/Country

**Relationship to Child/Children** - Relationship of the alleged abductor/retainer to the child (e.g., mother, father)

**Citizenship(s)** - List all citizenships held by the alleged abductor/retainer (e.g., United States, Canadian)

**United States Social Security Number** - A nine-digit number: 000-00-0000 (if known)

**Passport/Identity Card** - Issuing country and passport of I.D. number (if known)

**Occupation, Name and Address of Employer** - Provide any employment information that may be helpful in locating the alleged abductor/retainer, such as usual type of work, potential employers or employment agencies

**Known Aliases** - Any other names the alleged abductor/retainer may use

**Address and Telephone Number of Current Location** - Of the alleged abductor/retainer in the country where the child was taken

**Height** - Feet and inches

**Weight** - Pounds

**Color of Hair** - Alleged abductor/retainer's hair color

**Color of Eyes** - Alleged abductor/retainer's eye color (include color photo, if available)

## IV. Additional Child/Children Subject of Application

This section is for information concerning any additional child/children for whom you are invoking the Hague Convention. Provide the following information for EACH child.

**Child's Name** - The child's full name: last name, first, middle

**Date of Birth** - Month/Day/Year

**Place of Birth** - City/State/Country

**Address** - Child's address in the country of habitual residence at the time of the abduction or removal

**United States Social Security Number** - A nine-digit number: 000-00-0000 (if known)

**Passport/Identity Card** - Issuing country and passport or I.D. number (if known)

**Address and Telephone Number of Child's Current Location (if known)** - Please provide any address information or details that may help locate the child

**Citizenship** - Include all citizenships held by the child, (e.g., United States, Canadian)

**Height** - Feet and inches

**Weight** - Pounds

**Sex** - Male or female

**Color of Hair** - Child's hair color

**Color of Eyes** - Child's eye color (include color photo, if available)

**Name of Child's Father if not Listed in Section II or III** - The father's full name (if not listed in section II or III)

**Name of Child's Mother if not Listed in Section II or III** - The mother's full name (if not listed in section II or III)

#### **V. Time, Place, Date, and Circumstances of the Wrongful Removal or Retention**

This section is for the applicant to describe the circumstances under which the child/children were wrongfully removed or retained.

- Provide the date, to the best of your knowledge, that the child left the United States or when the wrongful retention began. Include the place from which the child was taken.
- Describe the legal relationship existing between you and the abducting parent when the child was removed.
- Describe the circumstances under which the child was removed/retained. What were the circumstances leading up to the removal/retention? How did you learn of the removal/retention? Did the other parent take the child during a scheduled visitation? Did the other parent take the child for what you believed would be a short visit and then inform you that they were staying? Did they purchase round-trip air tickets to show that they intended to return? Had you and your family moved to the other country, and then you decided to return to the United States?
- Take this opportunity to tell your story. Try to anticipate what claims the other parent may make and provide your explanation.
- Do not limit yourself to the space provided on the form. Additional pages may be attached to fully narrate the circumstances. However, please be concise.

#### **VI. Factual and Legal Justification for the Request**

This section is for the applicant to describe the legal basis for invoking the Hague Convention.

- Habitual Residence - Provide details that establish the child's place of habitual residence.
- Basis of Applicant's Custody Rights - Provide information and documentation establishing that you had, and were exercising, a right of custody at the time of the child's removal. Generally, a right of custody is created by a custody order when parents are divorced, or by operation of state law when parents are still married or were never married when the child was taken. - As stated, the Convention defines "rights of custody" as including "rights relating to the care of the child and, in particular, the right to determine the child's place of residence." Thus, you may have a "right of custody" as defined by the Convention even if you do not have court-ordered joint or sole custody of the child.

**\*IMPORTANT\*:** If there is no applicable court order, please provide a copy of the state statute, case law, or an affidavit of law prepared by an attorney that establishes your right of custody at the time of the child's removal. This provision of the law may sometimes be found in the estate and wills section of the state code. Remember, you are not attempting to show that you would have an equal right to obtain custody in a subsequent custody proceeding, but that you had and were exercising a right of custody *when the child was taken*. **SEND IN YOUR HAGUE APPLICATION IMMEDIATELY. Do NOT wait to get an order of custody. Orders issued after removal/retention are irrelevant in a Hague hearing.**

- **Are civil proceedings currently in progress?** - Indicate any civil action (in the United States or abroad) that may be pending (e.g., custody, divorce). List court and hearing dates.

#### **VII. Proposed Arrangements for Return Travel of Child/Children**

This section is for the applicant to describe how the return travel of the child/children will be arranged. Provide means by which you propose the child will return to the United States if this is ordered. **For example**, would you travel to pick up the child, or would someone go in your place? Is the child old enough to travel by him or herself? Is there someone in the foreign country who could return with the child? Would the child travel by car, train, airplane?

##### **Be specific. Include**

- Name of person to whom child will be returned.
- Date of Birth of person to whom child will be returned.
- Place of Birth - of person to whom child will be returned.
- Address of person to whom child will be returned.
- Telephone Number of person to whom child will be returned.

#### **VIII. Other Persons with Additional Information Relating to the Whereabouts of the Child/Children**

This section is for the applicant to provide information concerning anyone else who may be able to provide information helpful in locating the child/children. These persons would preferably be in the country of the child/children's current location.

- Provide names, addresses, telephone numbers, and email addresses of anyone who could potentially give the Central Authority in the country of the child/children's current location information on the child's whereabouts.

#### **IX. Other Relevant Information**

This section is for the applicant to provide any other information that may be pertinent to the Hague application.

- State here whether you are applying for return or access under the Convention
- You should include here any additional information that you believe may be pertinent to the Hague application
- Sign and date the application in BLUE ink

## Hague Application Checklist

**Note:** Be certain to check with the officer for your country for any additional or specific requirements.

- Application form** – one signed original for EACH child. NOTE: Some countries may require use of a special application form.
- Marriage Certificate** (if applicable). May need to be certified copy.
- Birth Certificate for EACH child.** May need to be certified copy.
- Divorce Decree (if applicable).** May need to be certified copy.
- Evidence of Custodial Right. Example**
  - Custody order, or
  - Copy of state statute, or
  - Affidavit of law regarding presumption of custody order under state law, or
  - Article 15 determination by a state court
- Other relevant court documents**
- Photographs of taking parent and child**
- Statement regarding the circumstances of removal or detention**
- Other documents specifically required by receiving country. Example**
  - Article 28 statement
  - Power of Attorney to foreign Central Authority
- Translations (if applicable)**
- Application for legal assistance (if applicable)**



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## National Center for Missing & Exploited Children

The National Center for Missing & Exploited Children® (NCMEC), was established in 1984 as a private, nonprofit organization. Per 42 U.S.C. § 5773 NCMEC fulfills 19 core federal mandates including the operation of a national, 24-hour, toll-free telephone line by which individuals may report information regarding the location of a missing child and request information about the procedures necessary to reunite a child with his or her legal custodian; operation of a national resource center and information clearinghouse for missing and sexually exploited children; coordination of programs to locate, recover, or reunite missing children with their families; provision of technical assistance and training in the prevention, investigation, prosecution, and treatment of cases involving missing and sexually exploited children; and operation of a CyberTipline® for reporting Internet-related, child-sexual exploitation.

A 24-hour, toll-free telephone line, **1-800-THE-LOST**® (1-800-843-5678), is available in Canada and the United States for those who have information regarding missing and sexually exploited children. The “phone free” number is 001-800-843-5678 when dialing from Mexico and 00-800-0843-5678 when dialing from many other countries. For a list of other toll-free numbers available when dialing from specific countries visit [www.missingkids.com](http://www.missingkids.com), and from the home page respectively click on the “More Services” and “24-Hour Hotline” links. The CyberTipline is available worldwide for online reporting of these crimes at [www.cybertipline.com](http://www.cybertipline.com). The TTY line is 1-800-826-7653.

For information about the services offered by NCMEC’s other offices, please call them directly in California at 714-508-0150, Florida at 561-848-1900, Florida/Collier County at 239-566-5801, Kansas City at 913-469-5437, New York/Buffalo at 716-842-6333, New York/Mohawk Valley at 315-732-7233, New York/Rochester at 585-242-0900, South Carolina at 803-254-2326, and Texas at 512-465-2156.

A number of publications, addressing various aspects of the missing-and sexually exploited-child issue, are available free-of-charge in single copies by contacting the



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