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American Bar Association



Family Abduction

Prevention and Response



Family Abduction Prevention and Response

**March 2002
Fifth Edition**

Revised by Patricia M. Hoff, Esquire

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The first three editions of this book 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 in 1994 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.

This fifth edition updates and revises the fourth edition. It contains information about new laws and tools that address family-abduction cases. It identifies relevant web sites on the Internet that were only beginning to become available when the previous edition was published. Each major chapter begins with an overview and contains a checklist to help parents organize their efforts to help prevent or resolve family abductions. The “State Directory” gives a snapshot of each state’s response to family-abduction cases to better inform parents about the laws and resources in their states. A section titled “Laws Applicable to Family Abduction” can be found beginning on page 139. It is included for the convenience of those who might have difficulty accessing them.

The National Center for Missing & Exploited Children acknowledges the many people who contributed to the previous editions of this book, whose efforts paved the way for the current volume. The individuals listed below are acknowledged for sharing their expertise to help ensure the presentation of accurate and useful information in this edition. They include Charlie Bond, Second Lieutenant, Supervisor, Child Services Unit, Fairfax County Police Department, Fairfax, Virginia; Susan Kreston, Senior Attorney, American Prosecutors Research Institute, Alexandria, Virginia; David L. Peery, Retired Investigator, formerly with the Kern County (California) District Attorney’s Office, Oshkosh, Wisconsin; and Dave Wagner, Deputy District Attorney, Office of the District Attorney, Orange County, California.

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Artwork by John Katsu

A Message to the Reader

Many child kidnappings that take place in the United States (U.S.) are committed by a parent or other family member. An estimated 354,100 children were abducted by parents or family members in the U.S. in 1988, according to the *National Incidence Studies: Missing, Abducted, Runaway, and Thrownaway Children in America (NISMA)*, a study published by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, in 1990.

When a child is wrongfully taken or retained by a parent, the term **parental kidnapping** is appropriate. Because child kidnappings are also frequently committed by other family members, however, the term **family abduction** more accurately describes the 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 violation has occurred. Law enforcement, prosecutors, and the Federal Bureau of Investigation (FBI) are part of the criminal-justice system. The left-behind parent's lawyer and family court are part of the civil-justice system. The left-behind parent, with or without the help of a lawyer, may use the civil-justice system to prevent an abduction or recover an abducted or wrongfully retained child. It is important to understand that both criminal and civil remedies can be sought at the **same** time; however, each parental-kidnapping case is unique, and strategic decisions need to be made, based on the facts and personalities of all concerned, about whether and when criminal process should be used along with civil remedies.

This book guides parents and their attorneys through the criminal- and civil-justice systems' responses to parental kidnapping. It describes actions parents can take and laws that may be of help when their children are the victims of domestic or international family abduction. It covers civil and criminal remedies. It also explains how to prevent abductions. The suggestions in the book are appropriate regardless of the abductor's intentions, because the child suffers. In addition to being uprooted from home and deprived of the other parent and sometimes being told the other parent no longer loves the child or is dead, too often the child lives a life of deception, sometimes under a false name, moving frequently and lacking the stability needed for healthy emotional development.

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 on parental-kidnapping cases are available to law enforcement, prosecutors, and judges handling these cases. Law enforcement may contact the National Center for Missing & Exploited Children for free copies of *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management* and *Recovery and Reunification of Missing Children: A Team Approach*. Prosecutors may contact the American Prosecutors Research Institute at 703-739-0321 to request a copy of *Investigation and Prosecution of Parental Abduction*. Judges will find two bench books on the civil and criminal aspects of parental kidnapping in the Spring 1997 volume of the *Juvenile and Family Court Journal*, published by the National Association of Juvenile and Family Court Judges. Other publications for parents and concerned professionals are listed in the "Bibliography" beginning on page 131.

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

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

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Glossary

Here are some key words that will help you use this book 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**. Most laws specify an age limit for the children they cover.

abductor a person who wrongfully takes, keeps, or conceals a child. The term includes married and unmarried parents, custodial and noncustodial parents; 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 tort suit 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 child 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 book the term custody determination includes visitation determination.

ex-parte order a court order that is obtained without notice. An ex-parte order is always temporary and followed by notice to the other parent 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 state from which he or she has fled.

family abduction – also called **parental kidnapping**, **child abduction**, **child snatching** – 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 family member that deprives another individual of his or her custody or visitation rights. Family abductions can occur before or after a court issues a custody determination. The term **custodial interference** is frequently used in criminal statutes, and the definition of the offense varies from state-to-state.

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

interstate between two states.

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 as defined above.

missing child the federal Missing Children's Assistance Act defines this term to mean any individual younger than 18 years of age whose whereabouts are unknown to such individual's legal custodian if the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent or the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited 42 USC 5772(1). Check state law for the state definition of "missing child."

modify change.

noncustodial parent a parent who has been awarded visitation rights, sometimes called **access rights**, by a court.

parental kidnapping *see* **family abduction**

parole release of a convicted criminal from state prison with less than a full term of incarceration but with restrictions and conditions. A parolee is usually required to report to a parole officer.

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

pick-up order a court order, usually obtained in the state in which the child is located, which directs local law-enforcement officials to pick-up a child from his or her abductor.

probation release of a convicted criminal with no incarceration in jail or with less than a full term of incarceration but with restrictions and conditions. A probationer may be required to report to a probation officer.

prosecutor person in the criminal-justice system who files criminal charges against and prosecutes an abductor for violating the law. May also be called **district attorney, state's attorney, commonwealth attorney, solicitor**. Federal prosecutors are **U.S. Attorneys** and **Assistant U.S. Attorneys**.

search warrant special legal order issued by a court that allows law enforcement and prosecutors to locate and take private records, evidence, and information from a specific location for a criminal investigation.

state clearinghouse a state agency that keeps records of missing children and may assist law-enforcement agencies in trying to locate and recover missing children.

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

substitute service a substitute for personal service. Both parties to a lawsuit must receive notice of all court actions. If parties cannot be found or they deliberately conceal their whereabouts, most states allow **publication** as an alternative to personal service.

temporary custody legal custody for a limited time. A judge may issue a temporary custody order before he or she has had the benefit of 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 ordinarily issued in emergency cases.

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

Family-Abduction Prevention and Action Checklist

The checklist in this chapter summarizes steps a parent can take to help prevent an abduction or recover a child who has been abducted. Each step is explained in the chapters that follow. As the checklist illustrates, a parent can seek relief, roughly simultaneously, from the civil courts, state and federal agencies, and the criminal-justice system.

A parent has responsibility for getting and enforcing a custody determination through the courts and typically hires a private attorney to help with the process. A parent may also go to court for measures to prevent abduction or hold the abductor and accomplices civilly liable for damages resulting from the abduction. A parent may also seek assistance relating to the civil aspects of the case from various state and federal agencies such as a state missing children's clearing-house and, in an international-abduction case, the Office of Children's Issues (OCI) in the U.S. Department of State.

Law enforcement and prosecutors in local, state, and federal governments have responsibility for investigating and prosecuting parental-kidnapping crimes. Typically a parent's role in the process is to bring the case to the attention of criminal-justice-system authorities who then have mandatory duties and discretionary authority. For example there is a mandatory federal duty to enter each missing-child case into the National Crime Information Center's (NCIC) Missing Person File (MPF). In contrast decisions to prosecute a parent for abduction lie within the discretion of state and federal prosecutors. Each parental-kidnapping case is unique, and strategic decisions are made based on the facts of the case and personalities of all concerned 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 on the case and law-enforcement authorities may oblige, but they will not release sensitive information that might jeopardize an ongoing investigation.

Preventing an Abduction

- go to court and get a custody determination that defines custody and visitation rights with specificity.
- if there is a risk of abduction, ask the court to include prevention measures in the custody determination.
- take practical steps on your own to prevent an abduction.

If Your Child Is Abducted

- once you are sure that your child has been abducted, call or go to your local law-enforcement agency and file a missing person's report. Fill in the report on page 219, and bring it with you.
- ask law enforcement to enter information about your child into the FBI's NCIC-MPF. NCIC entries on missing children are required by the National Child Search Assistance Act and Missing Children Act reprinted respectively beginning on pages 143 and 139. Bring copies of these laws with you when you meet with law-enforcement authorities.
- report your child missing to the toll-free Hotline of the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678). Visit NCMEC's web site at www.missingkids.com.
- verify with law enforcement that the NCIC entry has been made. If you can't get this information from your local law-enforcement agency, call NCMEC at 1-800-THE-LOST (1-800-843-5678) and ask them to check NCIC-MPF to see if your child is listed. NCMEC can confirm entries but is not authorized to make them.
- if law enforcement does not enter information about your child into NCIC-MPF, your state missing children's clearinghouse, listed in the "State Directory" beginning on page 163, or NCMEC may be able to help by contacting law enforcement about the case. You can also contact the local office of the FBI, listed in your local telephone book, and request that they enter information about your child into NCIC. The Missing Children Act authorizes the FBI to make the entry.
- if you suspect your child has been taken out of the country, call the U.S. Department of State, Office of Children's Issues at 1-888-407-4747 for advice on what to do. Find out if the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention) remedy is available to you. If it is, consider filing an application under the Hague Convention for your child's return. If you do not already have a passport, apply for one now in case you need to travel abroad. Visit the U.S. Department of State's web site at www.travel.state.gov.
- if the child has been taken out of the country, consider reporting the abduction to your local FBI office. The FBI has jurisdiction to investigate alleged 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 at 1-800-743-5630 for help in intercepting the abductor. **Note:** INTERPOL does not respond to requests from parents.

- contact your state missing children's clearinghouse and nonprofit organizations (NPOs) in your state that handle parental-kidnapping cases for whatever assistance they can provide. Consult the "State Directory," beginning on page 163, for information on your state clearinghouse and NPOs in your area. Referrals to other NPOs are available from the Association of Missing and Exploited Children's Organizations Inc. (AMECO) at 901-405-8441 or www.amecoinc.org.
- if you have not obtained a custody determination already, get one now. Consider hiring a lawyer to help you. A **temporary custody order** or legal custody for a limited time will usually be enough to get help from law-enforcement authorities at least until the child is located. A court can issue a custody determination even if your child has already been abducted from the state and you were never legally married to the abductor. If the abductor's whereabouts are unknown, making it impossible for you to personally serve him or her with notice of the lawsuit, the law allows you to give notice by publication. The sooner you act, the more likely it is that you can prevent the abductor from getting a custody determination that is entitled to enforcement in another state. This in turn will make it easier for you to enforce your custody order and recover your child.
- if you already have a custody determination, you can get additional copies from the court that issued the decree. It is helpful to have at least one **certified** copy but preferably two or three available to show or give to law-enforcement and other agencies that are working on the case.
- consider asking law enforcement or the prosecutor to file criminal charges against the abductor if you intend to press charges after your child is returned. Meet personally with the local prosecutor to discuss prosecution. Be aware that in some international-abduction cases, foreign judges applying the Hague Convention will not return a child to the U.S. if criminal charges are pending in this country against the abductor. Check the criminal law in your state to see what conduct is punishable. Also check the criminal law in the state where the child is located because prosecutors there may have an interest in charging the case. The "State Directory," beginning on page 163, provides citations to state criminal parental-kidnapping laws. In many states criminal charges cannot be brought unless the abductor has violated a custody order that was in existence at the time the child was taken and there is proof that the abductor was aware of the custody order he or she is accused of violating. Even if the abductor is criminally charged and the government is proceeding against the abductor, you should be prepared to bring a civil action in court to enforce your custody determination when the child is located.
- if the prosecutor charges the abductor with a felony, law-enforcement authorities should promptly enter the state felony warrant into the NCIC computer. NCIC files for the child and abductor should be cross-referenced. Ask law enforcement to verify that NCIC entries have been made.
- if there is evidence that the abductor has fled the state to avoid felony prosecution, also ask the prosecutor to apply to the local U.S. Attorney for a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant, which may be obtained pursuant to the Fugitive Felon Act. If a UFAP warrant is issued, the FBI conducts an investigation to find the fugitive.

- if the child has been abducted from the U.S. 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 the child's return. Discuss this possible pitfall with the federal prosecutor.
- carry on your own search for your child while law enforcement is conducting its investigation. You will find many search tips in "Searching for Your Child" beginning on page 57. If you have any 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 state, as well as the Office for Victims of Crime (OVC) in the federal government, to find out if any assistance, financial or otherwise, is available to help you locate and recover your child. OVC can be reached at 1-800-627-6872 or www.ojp.usdoj.gov/ovc. This web site lists contact information for state crime-victim programs.

After Your Child is Located

- promptly file your custody determination with the local family court in the state where your child is found. Follow the procedures set forth in the law of the state where your child is located. If the Uniform Child Custody Jurisdiction Act (UCCJA) is in effect, send a certified copy of your custody determination for filing to the clerk of the court. Under the UCCJA, once filed, an out-of-state order is entitled to be enforced as if it were a local order. If the state in which your child is found 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 determination. Registration is designed to simplify enforcement proceedings at a later date.
- ask local law-enforcement authorities to help with the recovery. In some jurisdictions law enforcement has statutory authority to help enforce custody determinations. For example the UCCJEA in some states authorizes prosecutors and law enforcement to assist with civil enforcement. In other 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.
- in that case you must petition the court where the child is located to enforce your custody determination. A lawyer can help you do this. When notice of an enforcement proceeding is likely to cause the abductor to flee with or endanger the child, you can ask the court to issue a special pick-up order for your child. See "Recovering Your Child" beginning on page 85.
- 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 the attorney copies of your custody order and any criminal warrants for the abductor.

- take steps to prevent a repeat abduction. Consider going back to court after your child is returned to limit the abductor's visitation rights. Also ask the judge to add prevention provisions to your custody decree to reduce the risk of another abduction. See "Preventing Abductions" beginning on page 7.
- consider seeking psychological help for you, your child, and your entire family to help with the reunification process. See "Psychological Issues in Recovery and Family Reunification" beginning on page 115.
- consider a child-snatching tort suit against the abductor and any accomplices. See "Civil-Court Remedies If Your Child Is Abducted" beginning on page 21.
- be responsive to prosecutors' requests as they prepare and present the government's criminal case against the abductor.
- notify all entities from which you have requested help, and tell them that your child has been recovered.

Preventing Abductions

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 determinations 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 the potential harm to the 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 an abduction. Below is a **summary list of prevention tips** that are more fully discussed in this chapter.

1. You need a custody determination that specifies the rights of both parents with respect to the child. Most states call these rights “custody and visitation,” although some states use different terminology. Consider hiring a lawyer to help you.
2. Be sure the custody determination 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 interstate enforcement of custody and visitation rights and the recovery of an abducted child.
3. If you are concerned about abduction, ask the judge to include prevention provisions in the custody determination.
4. To decide which prevention measures to request, evaluate the risk of abduction, obstacles you will encounter trying to recover your child, and the potential harm the child is likely to suffer if abducted. More restrictive preventive measures will be needed when the risk of abduction is high, obstacles to recovering the child would be difficult to overcome, and abduction is likely to be harmful to the 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. The absence of these indicators does not mean that an abduction will not occur nor does their presence guarantee that an abduction will occur. There may be an increased likelihood of an abduction if a parent has
 - previously abducted the child
 - threatened to abduct the child
 - no strong ties to the child’s home state
 - friends or family living out of state or in another 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, birth certificates, school or medical records; or undergoing plastic surgery

- a history of marital instability, lack of cooperation with the other parent, domestic violence or child abuse or
 - a criminal record
6. While there may be no way to know for sure that a specific parent will abduct his or her child, six personality profiles have been identified by social scientists that may be helpful in predicting which parents may pose a risk of abduction. They are
- | | |
|-----------|---|
| Profile 1 | Parents who have threatened to abduct or abducted previously |
| Profile 2 | Parents who are suspicious or distrustful due to the belief that abuse has occurred and have social support for these beliefs |
| Profile 3 | Parents who are paranoid delusional |
| Profile 4 | Parents who are severely sociopathic |
| Profile 5 | Parents who have strong ties to another country and are ending a mixed-culture marriage |
| Profile 6 | Parents who feel alienated from the legal system for reasons such as they are poor, members of a minority group, victims of abuse and have family/social support in another community |
7. Prevention provisions you may ask the court to include in a custody determination include
- specific statement of custody and visitation rights; avoid “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 abducted child
 - relocation restrictions on custodial parent’s move with child
 - restrictions on interstate and/or international removal of the child such as surrender passports; prohibit passport applications; notify foreign consulate of passport restrictions; mirror-image orders; require assurances of return from foreign visits; define terms in the custody determination with the Hague Convention in mind
8. Practical steps parents can take to reduce the risk of abduction
- take pictures of your child
 - keep a complete written description of your child
 - make record of your child’s Social Security Number (SSN)
 - have your child fingerprinted
 - teach your child to use the telephone
 - seek counseling
 - ask law enforcement or the prosecutor to intervene
 - notify schools, daycare centers, babysitters of custody orders
 - keep lists of information
 - file custody decree where the noncustodial parent lives
 - treat child support and visitation as separate issues
 - flag passport applications

Get a Valid, Enforceable Custody Determination

It is important for a parent who is trying to prevent an abduction to get a valid **custody determination** from a court with jurisdiction to make such an order. A well-written custody determination 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 determinations – both original and modification orders – to help prevent abduction.

To make or modify a custody determination, a court must have subject-matter jurisdiction under state law, the UCCJA or UCCJEA, over custody matters, and notice must be given to the parties. The state court's exercise of jurisdiction must also comply with federal law, the Parental Kidnapping Prevention Act, in order for its custody determination to be eligible for "full faith and credit" or enforcement nationwide. These laws and the process for getting and enforcing valid custody determinations are described in "Civil-Court Remedies If Your Child Is Abducted" beginning on page 21.

Most parents retain a lawyer to obtain a custody determination, whether it is an original order or a modification of an existing order. A lawyer can also assist in getting the custody determination enforced and child returned. Your local attorney may associate with a lawyer in another state 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 encourage law enforcement and the prosecutor to investigate and prosecute.

Prevention Provisions in the Custody Determination

Specific provisions can be included in custody determinations to 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 the court that has modification jurisdiction to order specific preventive measures. Under the federal PKPA, the original decree state has exclusive continuing modification jurisdiction so long as specified conditions are met. Often the risk of abduction arises before there is a custody determination. In many jurisdictions a lawyer can ask the court for 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 determination that incorporates safeguards on a more permanent basis.

Be careful what you ask for because too many restrictions may work against you. 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 the child was previously abducted, the child may have a close, caring relationship with the abductor despite the emotional pain and distress you experienced. Counseling may help you and/or your child arrive at an acceptable compromise.

Making the Case for Prevention Provisions

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

Risk of Abduction Several risk factors may increase the chances of a child being abducted including if a parent has

- abducted or threatened to abduct the child on previous occasions
- no strong ties to the child's home state
- friends or family living out of state or in another country
- a strong support network
- no financial reason to stay in the area such as the parent is unemployed, able to work anywhere, or is financially independent
- 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, birth certificates, school or medical records; or undergoing plastic surgery
- a history of marital instability, lack of cooperation with the other parent, domestic violence or child abuse or
- a criminal record

Caveat: The absence of these factors does not guarantee that an abduction will not occur, nor does their presence make an abduction certain.

While there may be no way to know for sure that a specific parent will abduct his or her child, social scientists have identified six personality profiles that may be helpful in predicting which parents may pose a risk of abduction. They are

Profile	Characteristics
1	Parents who have threatened to abduct or abducted previously
2	Parents who are suspicious or distrustful due to the belief that abuse has occurred and have social support for these beliefs
3	Parents who are paranoid delusional
4	Parents who are severely sociopathic
5	Parents who have strong ties to another country and are ending a mixed-culture marriage
6	Parents who feel alienated from the legal system for reasons such as they are members of a minority group, victims of abuse, 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, and they cannot see how or why they should share parenting with the other parent. They are likely to have very young children who are easy to transport and conceal and who are

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 of a network of family, friends, and/or cultural community or underground groups. Many abductors do not consider their actions illegal or morally wrong. Mothers and fathers are equally likely to abduct, although at different times – fathers before a court order and mothers after an order has been made.

The profiles of parents at risk for abducting their children, and the common characteristics of abducting parents, outlined on page 10 are described in detail in two American Bar Association reports titled *Early Identification of Risk Factors for Parental Abduction* (NCJ 185026) and *Family Abductors: Descriptive Profiles and Preventive Interventions* (NCJ 182788). To order a free copy from the National Criminal Justice Reference Service (NCJRS), use the automated telephone ordering system at 1-800-851-3420 or 1-800-638-8736, or visit the NCJRS web site at www.ncjrs.org/puborder. Also both are available online at that web site. Refer to the “Bibliography,” beginning on page 131, for additional ordering information.

Obstacles to the Location, Recovery, and Return of Parentally Abducted Children Obstacles can be legal, procedural, cultural, or practical. In interstate abduction cases, lack of funds is a common barrier to hiring lawyers and financing searches. State statutes may not provide adequate remedies, making it harder to recover the child. Law-enforcement agencies that fail to take missing children’s reports, make NCIC entries, nor actively investigate family abductions can be major obstacles to locating abducted children.

International abductions to countries that have not ratified the Hague Convention may present insurmountable obstacles if the “abducted-to” country does not recognize U.S. court orders; favors its own nationals; or awards custody based on religious, cultural, or gender grounds. In contrast, abductions to most countries that are party to the Hague Convention present fewer obstacles because a legal remedy exists to seek the child’s return.

Potential Harm to the Child Family abduction has been characterized as a form of child abuse because of the effects it has on children. “Searching for Your Child,” beginning on page 57, gives an overview of some of the problems abducted children may experience. The “Bibliography,” beginning on page 131, lists other references on this subject. In addition to possible long-term psychological harm, children may be physically harmed at the time of the abduction as well as during the period of restraint. 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 the child.

Weighing the Factors Taking into account all three 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. When the risk of abduction is low, the likelihood of location and recovery high, and little or no projected harm to the child, less restrictive measures may suffice.

Sample Prevention Provisions

To simplify interstate custody and visitation enforcement and facilitate recovery after an abduction, **every** well-written custody determination should clearly state the

- **basis for the court's exercise of jurisdiction**
- **manner in which notice and opportunity to be heard was given**

In addition to these provisions, which belong in **every** custody determination, 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 on 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 dates and times. If different terminology is used such as parenting time, specify with whom the child is to be at all times. The order should identify the parent with whom the child will spend birthdays and major holidays.

State the Penalties for Violating the Order Include a provision, prominently placed on the first page of the order, stating unambiguously that violation of the order may subject the party in violation to civil and/or criminal penalties. 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 that 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 place(s), such as the custodial parent's home or a supervised visitation center, 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 web site of the Supervised Visitation Network at www.svnetwork.net.

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 states have enacted laws governing issuance of bonds in child-custody cases. These laws are listed in the “State Directory” beginning on page 163. Bonds may also be available in other states to protect the integrity of court orders; however, they may not be available in all jurisdictions.

A parent can request the court to order the other parent to post a bond in an initial custody proceeding or, if circumstances arise after the court has issued its initial order, such as abduction threats or new plans to exercise visitation in another country, by filing a motion with the court that has continuing jurisdiction over the case. The parent requesting the bond should be prepared to present persuasive evidence that 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 obligor or parent who must post it. 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 title to real or personal property, to something such as a car, with the court. 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 on 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 left-behind parent 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 bond remains in effect for no longer than the period of criminal punishment.

The Professional Bail Agents of the United States (PBUS) has created a child-custody and visitation bond to be used by parents in high-risk situations. PBUS offers its agents and insurance agencies training on the use of these bonds. PBUS and NCMEC strive to make child-custody and visitation bonds more accessible to parents and attorneys.

For information on obtaining child-custody and visitation bonds in your area, contact PBUS at 1-800-883-7287, 202-783-4120, or www.pbush.com.

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

Whenever joint custody is ordered, the custody determination should clearly specify the child's residential arrangements at all times. It 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 to you. One useful provision would direct law enforcement to “accompany and assist” the victim parent in recovering the 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 State or Country Include a provision in the custody order prohibiting the noncustodial parent from removing the child from the state, 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 U.S. will enable a parent to prevent issuance of a U.S. passport for the child. Be advised, however, that it will not prevent another country from issuing a passport for a child who is also a national of that country.

Restrict the Custodial Parent’s Right to Relocate with the Child A noncustodial parent may desire a provision in the custody determination that requires the custodial parent to get consent from the noncustodial parent or court before moving away with the child. The restriction may be on intrastate, interstate, or international moves. The noncustodial parent may have concerns that the child will be moved so far as to obstruct meaningful access to the child or that the child will be relocated to a country that will not honor a U.S. custody order. A provision giving a noncustodial parent the right to be consulted on where the child lives may also be interpreted as a right of custody within the meaning of the Hague Convention, which would give a noncustodial parent the right to seek the child’s return under the Hague Convention.

Before seeking restrictions on the custodial parent’s right to relocate with the child out of the state or country, noncustodial parents and their lawyers should review state law to find out what standards, tests, and/or presumptions apply. There is a growing body of case law concerning the right of a custodial parent to relocate with the child. The trend is in favor of allowing relocation. See the “State Directory,” beginning on page 163, for relevant case law.

If the custodial parent plans to move, ideally both parents should discuss what effect this will have on visitation. You may be able to avoid litigation if you 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 also is 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 abroad. Some are geared toward preventing removal of a child from this country. Others are intended to help ensure a child's return to this country following a lawful visit to another country.

The web site of the U.S. Department of State at www.travel.state.gov provides information on international parental child abduction including materials relevant to preventing abductions such as country-specific custody fliers, a flier on Islamic family law, and a flier on passport issuance in child-custody cases.

- **restrict child's removal from U.S.** See above.
- **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.
- **prohibit issuance of new or replacement passport for the child.** A new requirement took effect in July 2001 to reduce the possibility that a U.S. passport might be obtained to further an abduction. Under the new law and accompanying regulations, any person applying for a U.S. passport for a child younger than 14 must demonstrate that both parents consent to its issuance or the applicant-parent has sole authority to obtain a passport for the child. To prevent issuance of a new or replacement passport for your 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. Then send a copy of your court order to the Office of Children's Issues, U.S. Department of State, 2201 C Street, Northwest, SA-22, Room 2100, Washington, DC 20520-4818, 1-888-407-4747, fax 202-312-9743.

Be aware that foreign governments are not bound by custody orders made by U.S. courts and may issue passports to children who are their nationals. For more information on restricting issuance of passports, see "International Child Abduction" beginning on page 97.
- **notify foreign consulate of passport restrictions.** The court order may require the foreign parent to notify his or her embassy or consulate office of the order prohibiting the issuance of a new or replacement passport for the 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.
- **mirror-image orders.** Before allowing visits to take place in another country, the court may require the noncustodial parent to obtain an order, from a court in the country where visits are 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 that a foreign court is not legally obligated to issue such an order. Moreover, seeking a mirror-image order may be counterproductive in some countries. Before seeking this type of prevention measure, it is advisable to consult an attorney in the foreign country about any “downside” risks. Some foreign courts may change the U.S. order or ignore provisions that conflict with religious or other internal law. For example Islamic countries may not honor a U.S. order awarding custody to a mother.

- **assurances of return from foreign visits.** When international visits are to occur, the parent in the U.S. may ask the court to order the other parent to give assurances that the child will be returned. Examples 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 parent in case the child is not returned, addresses of places the child will be, and telephone numbers of people with whom the child will be staying.
- **define terms in the custody determination to facilitate use of the Hague Convention.** The right of return under the Hague Convention belongs to persons with “custody rights.” The right to determine the child’s residence is considered to be 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 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 the custody determination requiring consultation and consent before the child is removed from the country. This was discussed under “Restrict the Custodial Parent’s Right to Relocate with the Child” on page 14.

Under the Hague Convention, custody rights are defined by the law of the child’s country of habitual residence. The child must be removed from, or retained outside of, his or her country of habitual residence in order for the misconduct to be actionable under the Hague Convention. To simplify application of the Hague Convention, either or both parties may ask the court to include a provision declaring the U.S. to be the child’s country of habitual residence. The Hague Convention is silent on doing this. It is neither expressly allowed nor prohibited. As a result there is no assurance that a foreign court will treat a declaration of “habitual residence” made by a court in this country as binding.

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. Buy your child's school portraits every year, and take videos if you can.
- **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, pierced ears, and tattoos.
- **make a record of your child's 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. They do not keep the child's prints on file, and 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 telephone number **and** area code. If your child is old enough to remember more than one number, teach the child your office, cellular, and/or any other relevant telephone numbers as well. Tell your child that you will accept a collect call. Show the child how to dial the operator and "911" for help.
- **consider counseling.** Some abductors may take the child when they feel, rightly or wrongly, that 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 the start of a new romantic relationship.

Consider seeking assistance from Child Find of America, Inc.[®] 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. This program can be reached at 1-800-A-WAY-OUT, PO Box 277, New Paltz, New York 12561-0277, www.childfindofamerica.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. Such threats may indicate a growing frustration that could motivate him or her to disappear with the child. Ask law enforcement or the prosecutor to contact the would-be abductor. They

should advise him or her that taking a child is a crime and the offender could be imprisoned, fined, or both. If the potential abductor has threatened you, your child, or another family member, notify your local law-enforcement 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 decree should be placed in your child's school files and copies given to teachers, daycare personnel, and babysitters. Inform them if there is a risk of abduction by the noncustodial parent, and give them a photograph of the noncustodial parent if you have one. Ask to be alerted immediately if the noncustodial parent makes any unscheduled visits, and instruct them not to allow the child to leave the grounds with the noncustodial parent without your permission.

The best protection is to include in your custody order a provision prohibiting unauthorized pick-up of the 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 that if the noncustodial parent has a tendency towards violence, school and daycare officials as well as babysitters may have no alternative but to release the child to the parent in order to prevent immediate injury to the child or other children in the area. Ask these officials to **immediately** notify law enforcement in the event of an abduction. A copy of the custody order should be made immediately available to law enforcement responding to the call.

The custodial parent should notify school officials, daycare personnel, and babysitters if the child is going to be absent, and ask to be notified immediately if the child does not arrive on schedule. A few states require school officials to verify student absences, but the custodial parent needs to be sure his or her situation and the possible abduction of the child are known to all persons who normally care for the child. Time is critical in abduction cases. If a child is abducted on the way to school, daycare, or the babysitter, it is extremely important that the custodial parent be immediately notified so that a search for the child and abductor can begin.

- **keep lists of information.** Make a list of the noncustodial parent's address, telephone numbers, Social Security or citizen identification numbers, driver's license number, credit cards, bank accounts, 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.**

File a certified copy of the custody decree with the clerk of the court in the county where the noncustodial parent lives. This is especially important if the child will be visiting in another state. Filing the decree puts the court on notice that a custody determination has already been made by a sister state. A valid order is entitled to enforcement and cannot be modified except as specified in the PKPA and consistent state law. In states that have enacted the UCCJEA, a new process is available for registering out-of-state custody orders. More information on filing and registration is found in “Recovering Your Child” beginning on page 85.

■ **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, nor is the denial of visitation a legal excuse for not paying child support. And child abduction does not relieve the duty to support.

Caveat: It has been noted that some parents 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 that a child may be taken to another country without his or her consent can request that the child’s name be placed in the U.S. passport namecheck system through the U.S. Department of State’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 court orders to the Office of Children’s Issues, U.S. Department of State, 2201 C Street, Northwest, SA-22, Room 2100, Washington, DC 20520-4818, 1-888-407-4747, fax 202-312-9743.

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

Civil-Court Remedies If Your Child Is Abducted

Chapter Overview

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

The information presented in this chapter is important for married parents going through a separation or divorce as well as unwed parents who may need a custody order to get help in case of abduction. Noncustodial parents will find a section explaining their rights and remedies in custody and visitation disputes, and parents in abusive relationships will find a section dealing with domestic violence. Special issues in custody cases involving Native-American children and military dependents are also addressed. Below is a **summary list of civil-court remedies if your child is abducted by a family member** that is more fully discussed in this chapter.

1. If you do not already have a custody determination, you will need to immediately get one.
2. File for custody in a court with jurisdiction over custody matters. The child's "home state" is the preferred place to file for an original custody order under federal law. Courts in every state are required to enforce "home state" custody orders.
3. If you already have a custody determination and want to have it changed, the original decree state has exclusive modification jurisdiction if federal law criteria are met. A court may have modification jurisdiction even if the child has established a new home state elsewhere.
4. Consider hiring a lawyer to help you. Try to find one who is knowledgeable about parental-kidnapping issues and whose services you can afford. Use the list in this chapter to find a lawyer in your area.
5. You must give the abductor notice of your custody lawsuit. If you can't give actual notice, for example, because the abductor has gone into hiding, the law allows you to publish notice. To protect against later challenges to the custody order by the abductor, ask the court's permission to give notice by publication. Your request should be granted if you document the efforts you made to give actual notice.

6. You can file for custody on “home state” grounds even if your child is no longer in the state. 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 a prosecutor to consider prosecution. It should also facilitate your own search.
8. Parents who are not married should consult a lawyer about getting a custody determination.
9. If domestic violence or child abuse is a factor in your decision to leave the state, consult a lawyer **before you go** about getting a temporary custody order and/or a protection order. If you left 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. 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 be willing to decline jurisdiction in favor of your new state. You may wish to call the National Domestic Violence Hotline for referral and information at 1-800-799-SAFE (1-800-799-7233).
10. Suing a person who is in active military duty is possible but you may encounter delays in the proceeding based on the Soldier’s and Sailor’s Relief Act.
11. Issues arise about whether tribal or state law applies when a child is abducted to or from a reservation. There are no simple answers. You will need the help of a lawyer who is familiar with state and tribal law.
12. You may have a cause of action against the abductor and others who helped with the abduction. If your state law – both statutes and common law – allows a tort action based on the abduction, 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 have endured. Tort actions are not appropriate in every case. You may wish to consult an attorney to discuss the pros and cons of filing a tort action in your case.
13. Noncustodial parents have many of the remedies available to custodial parents in the event the child is wrongfully taken by the custodial parent.

Getting a Custody Determination

If you do not already have a custody determination, you need to get one as soon as possible from a court that has jurisdiction over child-custody matters. 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. There are basically three ways that custody issues are resolved. They are amicably, through mediation, and by litigation.

You do not need a custody determination to report your child missing to local law enforcement or have your child entered in the National Crime Information Center's Missing Person File of the Federal Bureau of Investigation. These are steps you should promptly take. See "Criminal Remedies In Family-Abduction Cases" beginning on page 37.

Amicable Resolution

Some parents agree between themselves on custody and visitation matters and file their agreement with the court. Many states provide forms for uncontested proceedings so parents can handle the matter themselves; however, both parties 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 mediation. Custody mediation involves both parties meeting with a professional mediator to reach agreement on child-custody issues. The main advantage of a mediated custody agreement is that both parents are usually willing to abide by the terms of their agreement; however, mediation is not for everyone. It may be unsuitable or ineffective in high-conflict families where there is a history of actual or threatened abduction and in cases involving domestic violence. Some jurisdictions require custody mediation except in certain circumstances such as those mentioned above. Both parties may retain counsel, either separately or together, to review their agreement and/or file it with the court. The court reviews the agreement and typically issues a custody determination with its terms.

Litigation

Custody issues that are not resolved voluntarily or through mediation are resolved by litigation. This entails filing a lawsuit and having a hearing before a judge. In some jurisdictions the case is referred for hearing to a special master who makes a recommendation that is then adopted 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.

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 of the laws are not easy to understand without legal training. The relationships between federal laws and the laws of different states are complicated. Second you may be too caught up in your own case to approach the legal problems objectively. Third, like many parents, you may be uncomfortable dealing with lawyers and judges. Your nervousness and inexperience may hurt your 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 determination and assist you in getting the order enforced and your child returned. You may hire a second lawyer to help you enforce your order in another state or country, or your attorney may associate with local counsel to assist with enforcement proceedings. Your custody lawyer, or a different attorney who specializes in litigation, may sue the abductor on your behalf for money damages. Your lawyer can also help you evaluate whether to pursue criminal charges against an abductor and encourage law enforcement and the prosecutor to investigate and prosecute if such action is desirable.

What to Look For In a Lawyer

Ideally you want to find a lawyer who is both knowledgeable and affordable. Use the list beginning on the next page to identify lawyers who have experience with family-abduction cases. If you cannot find a lawyer with expertise in parental-kidnapping law, look for a family lawyer who has handled interstate 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. Others will set up an appointment for you at the office. Your conversation will be kept 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 state and federal laws and remedies that may apply to your case such as the Uniform Child Custody Jurisdiction Act, Uniform Child Custody Jurisdiction and Enforcement Act, Parental Kidnapping Prevention Act, 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, International Child Abduction Remedies Act (ICARA), and International Parental Kidnapping Crime Act.

Find out 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 may 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 that you may be able to recover legal expenses from the abductor at the end of the proceeding. The UCCJA, UCCJEA, PKPA, and ICARA all have provisions dealing with attorney fees. These are discussed in "Recovering Your Child" beginning on

page 85. If you are comfortable with the lawyer, hire him or her. If not, interview another.

For advice on what to look for in an attorney, contact the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678), for a free copy of the brochure titled *Just in case...Parental guidelines in finding professional help in case your child is missing or the victim of sexual exploitation*.

Finding a Knowledgeable Lawyer

You may be able to get referrals to attorneys with experience handling family-abduction cases from the sources listed below. With the exception of lawyer-referral services maintained by bar associations, legal **organizations** do not make referrals to lawyers. Individual lawyers **can** make referrals to other lawyers. Accordingly, when you call one of these organizations, ask them to identify a member of the organization, and then contact that person and ask for a referral.

- **the Association of Missing and Exploited Children's Organizations Inc.** at 901-405-8441 or www.amecoinc.org. AMECO can refer you to local nonprofit groups that help parents of parentally abducted children. Members of local nonprofit groups may be able to recommend local attorneys who have experience handling parental-kidnapping cases.
- **local and state bar associations/lawyer referral services.** Contact the local bar association. That number should be listed in the local telephone book. Ask if the bar association operates a lawyer referral service. 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. 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. If you cannot identify an attorney through local sources of information, contact the state bar association, which is usually located in the state capital, and ask for lawyer referrals as above. A directory of state and local bar associations is available from the American Bar Association (ABA) at 312-988-5000 and online at www.abanet.org/barserv/stlobar.html.
- **the American Bar Association, Section of Family Law** at 312-988-5603 and www.abanet.org/family/home.html. Ask for the names and telephone numbers of the chairpersons of the Section on Family Law, 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 parental-kidnapping or child-custody cases.
- **American Academy of Matrimonial Lawyers (AAML)** at 312-263-6477 and www.aaml.org/index.htm. Contact the AAML, and ask for the name and telephone number of the chairperson of your state chapter. Call that person, and ask for the names of several attorneys in your area who have handled parental-kidnapping or child-custody cases.

- **telephone directory, under “attorneys.”** You can obtain the names of family lawyers by checking in the yellow pages of the telephone book. 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 entities 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” for the number of the closest legal-aid office. Call and ask if the office takes cases like yours. If so, make an appointment. If not, because many legal-aid offices do not take family-law cases, ask for a referral to the closest office that does.
- **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. Call your local, county, or state bar association to find out if there are any programs in your area for low-income individuals. See “local and state bar associations/lawyer referral services,” on page 25 for contact information.
- **law school legal clinics.** An area law school may operate a family-law clinic that may be 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 area law schools.
- **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 can help find affordable legal counsel. The National Domestic Violence Hotline may also be able to help in this regard at 1-800-799-SAFE (1-800-799-7233).
- **parents’ rights organizations.** Fathers’ organizations, grandparent-rights organizations, mothers-without-custody organizations, and similar groups may recommend lawyers to their constituents.
- **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.

Finding Lawyers In Other Countries

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

- **U.S. Department of State, Office of Children's Issues** at 1-888-407-4747 or www.travel.state.gov. OCI can help in two ways. First it maintains lists of English-speaking lawyers in other countries who are available to represent parents in the U.S. Second, 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.
- **International Child Abduction Attorney Network (ICAAN)**, maintained by NCMEC at 1-800-THE-LOST (1-800-843-5678), seeks to find attorneys in the U.S. to represent foreign parents – on a *pro-bono* or reduced-fee basis – in Hague-Convention cases brought in U.S. courts.
- **International Academy of Matrimonial Lawyers (IAML)** comprises lawyers in the U.S. and other countries with expertise in family-law matters. Visit the IMAL web site for referrals to lawyers in the U.S. and other countries at www.iaml.org.
- **Team H.O.P.E.**, a program funded by OJJDP within the U.S. Department of Justice, trains parents to provide crisis assistance and support to left-behind parents in the U.S. whose children are the victims of international abduction. Parents who have experienced the abduction of a child to a particular country may be good sources of referrals to lawyers and other helping professionals in the foreign country. For referral to a parent-volunteer, call 1-800-306-6311. For information on Team H.O.P.E. and similar resources in this area, contact OJJDP's Missing and Exploited Children's Program at 202-616-3637 or www.ojjdp.ncjrs.org/missing/.
- **International Legal Defense Counsel** at 215-977-9982.
- **foreign bar associations** through the Internet and/or embassies.

Filing for Custody

“Filing for custody” involves filing legal papers, generally called **pleadings**, in which you ask the court to grant specified 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 regulate a court's jurisdiction to make or modify a custody determination and require courts to enforce sister-state orders. They are Parental Kidnapping Prevention Act, Uniform Child Custody Jurisdiction Act, and Uniform Child Custody Jurisdiction and Enforcement Act. They are summarized on the next page.

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, PKPA, and federal Violence Against Women Act (VAWA).

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

The PKPA requires courts to enforce and not modify sister-state custody and visitation determinations if the court that made the order exercised jurisdiction consistent with federal criteria. Under the PKPA, home-state jurisdiction 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 state, and state law provides any basis for custody jurisdiction.

The UCCJA or UCCJEA, whichever law is in effect in the state, applies in interstate and international child-custody, visitation, and abduction cases. The laws regulate which state has jurisdiction to make or modify a custody or visitation order and require sister states to enforce and not modify custody and visitation orders made by other states and, in most cases, other countries.

The jurisdictional rules in the UCCJA are not entirely consistent with the PKPA, and, as a result, some custody orders made under the UCCJA are not entitled under the PKPA to “full faith and credit” in other states. In case of a conflict, the federal law preempts or takes precedence over inconsistent state law. The UCCJEA was expressly written to remove the inconsistencies between the UCCJA and PKPA so that custody 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 interstate enforcement of custody and visitation.

The UCCJA was drafted in 1968. The UCCJEA was drafted in 1997 as a replacement for the UCCJA. As of April 28, 2002, 27 states and the District of Columbia have enacted the UCCJEA, while the UCCJA remains the law in 23 states. It is likely that most if not all states will replace the UCCJA with the UCCJEA in the near future.

Consult the “State Directory,” beginning on page 163, for the laws in effect in your state and the state where enforcement is sought.

Caveat: Even though both laws use the word “uniform” in their titles, states tend to make changes in 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 in which your child is located. The “State Directory,” beginning on page 163, lists the citation for each state's version of the UCCJA or UCCJEA as of April 28, 2002.

File In the Child's "Home State"

As a general rule, in order to get an initial custody determination that will be enforceable nationwide, you must file for custody in the child's **home state**. The home state is the state where the child lived for at least six months just before the custody action. The child need not be physically present in the state 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 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 that emergencies require prompt judicial action. In both statutes the child must be present in the state 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. This is discussed on page 31 in "Getting Custody in Special Circumstances." Courts are supposed to enter temporary orders in emergency cases, so that 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 interstate enforcement.

Notice to the Abductor

Under the U.S. Constitution, all parties to a lawsuit are entitled to "notice and opportunity to be heard." In child-custody and family-abduction cases to which the UCCJA/UCCJEA and PKPA apply, parties, including abductors, must be given notice of court proceedings and an opportunity to present their side of the case.

Although 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 an order that is binding on the party.

When an abductor cannot be found notice must be given in a manner “reasonably calculated to give actual notice;” however, the UCCJA and UCCJEA have special notice provisions that may be particularly helpful when **the abductor’s location is unknown** such as in pre-decree abduction cases. Recognizing that 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, both statutes allow notice by publication if other means are not effective. It is advisable, and in many states required, to ask the court for permission to use publication as a means of service when other methods have failed. Support your request by documenting all efforts you have made to give actual notice.

Caveat: If you are advised that 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 law – either the UCCJA or UCCJEA. You may also want to consult an attorney with more parental-kidnapping-case experience.

It is important that you and your lawyer make a clear distinction between the criminal and civil violations of the abductor. In states in which “knowing violation of a court order” is an element of the crime of custodial interference, there **must** be proof that the abductor **actually** knew of the court order he or she is accused of violating. If custody had not been determined prior to the abductor fleeing with the child, it may not be possible to charge the abductor with a crime. It may, however, still be possible to utilize law enforcement to locate and obtain the return of the child.

Service of Civil Process

In some states local law-enforcement agencies may serve **civil process**, the legal paperwork telling a person that 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 that 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, not a law-enforcement agency in your own area.

In the event that the local law-enforcement agency in the area in which the abductor is living does not, or cannot, serve the abductor with civil process, it is possible to obtain 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 in the state in which the abductor is living.

Temporary Custody Orders

After the custody proceeding is filed, 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 the proceedings in 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 that final custody orders are not necessarily permanent or final. Custody orders are subject to change or modification when circumstances change and the child’s best interests so require. The PKPA, UCCJA, and UCCJEA set forth rules governing modification jurisdiction.

Although 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 NCIC-MPF, you will usually need one to get additional investigative assistance. A temporary custody order is usually sufficient.

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 in the state 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 early on page 29 in “Notice to the Abductor.”

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 state**. Time permitting, you should be able to get a temporary custody order. Temporary custody orders entered in accordance with UCCJA/UCCJEA/PKPA notice requirements are entitled to enforcement in sister states.

Victims of domestic violence can call the National Domestic Violence Hotline at 1-800-799-SAFE (1-800-799-7233) for crisis intervention and referrals to shelters, legal services, and counseling.

In urgent situations you should be able to obtain a protection order under local law. Protection orders may include temporary custody provisions. Whereas protection orders are enforceable interstate under the federal Violence Against Women Act, the custody provisions they contain may or may not be enforceable in sister states depending on whether the alleged abuser was given notice and an opportunity to be heard in accordance with the UCCJA/UCCJEA. If notice was given in accordance with the applicable law, the custody provisions should be enforceable nationwide.

When filing for a protection order and/or custody order, the victim parent should ask the court to prevent disclosure-of-address information to the alleged abuser.

Getting a custody order before leaving the state has two benefits. First the victim parent can ask a judge to include specific visitation schedules 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 law of some states gives domestic-violence victims a defense to prosecution for parental kidnapping if they promptly notify criminal-justice authorities of the reason for their flight and seek custody within a specified period of time.

If it is too dangerous to remain in state, the parent should promptly consult an attorney upon arrival in the new state. If the state 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. 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 states 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 states 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 state may be able to recover an abducted child without having first obtained a custody order, it is still a good idea to go to court and obtain a custody order prior to experiencing any problems. 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 state 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 state 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 that the father is not named on the child's birth certificate may not provide the mother with adequate legal protection in the event that the father takes the child. Laws presuming that a man is the father, paternity presumption laws, 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 that 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 that he is the father if his state law recognizes such presumptions. In states where no presumptions are utilized, he may need to use blood or deoxyribonucleic acid (DNA) testing to prove that 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

When filing for custody against a parent who is in the military, be aware that the Soldier's and Sailor's Civil Relief Act of 1940, beginning at Section 501 of Title 50 Appendix of the U.S. Code, provides some protection against lawsuits for active-duty military personnel whose duty assignments seriously hinder their ability to represent their interests in lawsuits. The protection afforded active-duty military personnel, however, is not necessarily enough to **prevent** the court from acting. The judge will decide whether to postpone the lawsuit based on the circumstances and facts of the particular case. Your attorney will have to take some extra procedural steps in order to obtain and enforce your custody order if the abductor is on active duty. Other issues arise in enforcement cases when the parent in the military is stationed in another country. See "International Child Abduction" beginning on page 97.

Information on available military resources may be obtained from the Military Family Resource Center, Crystal Square 4, Suite 302, Room 309, 1745 Jefferson Davis Highway, Arlington, Virginia 22202-3424, 703-602-4964.

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 of a child are members of the same tribe, their individual reservation's laws 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; Bureau of Indian Affairs (BIA), Office of Tribal Services, Branch of Social Services, U.S. Department of the Interior, 1849 C Street, Northwest, MS-4660-MIB, Washington, DC 20240-0001, 202-208-2536; National Congress of American Indians, 1301 Connecticut Avenue, Northwest, Suite 200, Washington, DC, 20036-1865, 202-466-7767, www.ncai.org; or your state government.

When Native-American children do not live on a reservation, state law will usually apply to settle custody disputes that arise 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 typically arise when a Native-American child living on the reservation is abducted from the reservation, and, conversely, when a Native-American 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 state court custody proceedings? Are state courts bound to enforce tribal custody orders or defer to tribal court jurisdiction? These are tricky legal questions that need careful attention from lawyers with special knowledge of tribal law and state family law.

While a few states have dealt with the question of state-court custody jurisdiction over Native-American children in their UCCJA statutes, most states have not. Nor does the PKPA expressly apply to tribal-state, child-custody-jurisdiction disputes. 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 have an opportunity to clear up this ambiguity. They may adopt provisions requiring state courts to treat tribes as if they were states, treating tribal-court custody proceedings as if they were sister-state court proceedings, and enforcing tribal custody orders.

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 their state's criminal laws.

Child-Snatching Lawsuits

In addition to going to court for a custody determination, child-snatching tort suits may provide another avenue of relief for parents of abducted children. Victim parents may file these lawsuits, for themselves and/or their children, against the abductor and others who assist the abductor, such as grandparents, siblings, and friends, for their tortious or wrongful conduct. The lawsuits seek money damages from the defendant(s) to compensate the plaintiff(s) for the expenses, pain, and suffering resulting from the abduction.

Child-snatching lawsuits encompass 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 states have enacted laws expressly allowing lawsuits of this kind. In a number of states, courts have allowed child-snatching lawsuits based on common law. Courts in a few states have declined to recognize a new cause of action in child-snatching cases, leaving victims to seek relief in other ways.

The “State Directory,” beginning on page 163, lists child-snatching tort cases for each state.

Your family lawyer may be able to file a tort suit 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 tort suits are not the only way to recover some or all of your costs such as attorneys' fees, private investigators, and counseling. The UCCJA, UCCJEA, PKPA, Hague Convention on the Civil Aspects of International Child Abduction, and ICARA all include cost-recovery provisions. In addition victim-assistance laws in many states allow the court to order the abductor, or those who provided assistance, to repay the searching parent for some or all costs incurred in the location, recovery, and post-recovery treatment.

Noncustodial Parents' Civil Remedies When Custodial Parents Disappear With the Child

When a custodial parent goes into hiding with the 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's investigation and request entry of information about the child into the NCIC-MPF. These steps are discussed in "Criminal Remedies In Family-Abduction Cases" beginning on page 37.

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 court that made the original order. The PKPA grants exclusive continuing modification jurisdiction to the original decree state if a parent or child continues to live in the state and state law 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 court typically requires evidence of a major and significant change in circumstances that makes it in the child's best interest to change custody. State law requirements vary. 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 publication to find your child including those offered by NCMEC.

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 as well as compensate the noncustodial parent for the costs incurred in enforcing visitation rights. Child-snatching lawsuits were discussed beginning on the prior page.

If state law permits, clearinghouses may also provide services to noncustodial parents seeking to enforce their visitation rights. See the "State Directory," beginning on page 163, for the clearinghouse in your state. Some missing children's organizations and several advocacy groups will also assist noncustodial parents in maintaining a relationship with their child.

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). The FPLS and FERPA are discussed in “Searching for Your Child” beginning on page 57.

All books and brochures published by NCMEC are available to noncustodial parents. Many of the resources listed in the “Bibliography,” beginning on page 131, may be helpful to a noncustodial parent in the event a custodial parent disappears with the child. A noncustodial parent, however, must be prepared to be an **active participant** in the search for the child. 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 that 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. State clearinghouses, missing children’s organizations, and victim-advocacy organizations can also be helpful.

Criminal Remedies in Family-Abduction Cases

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 can expect from law enforcement and prosecutors at all levels and how to request their intervention.

Parents should pursue all appropriate remedies simultaneously, both civil and criminal. Below is a **summary of the available criminal remedies** that are 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 National Crime Information Center-Missing Person File without delay. Law enforcement is required to enter every case of a missing child into the NCIC-MPF.
3. If you have trouble getting law enforcement to take a missing person's report or enter information about your child into NCIC, contact your state missing children's clearinghouse or National Center for Missing & Exploited Children for help. 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 state prosecutors 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.
6. If the abductor is charged with a state felony and has fled 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. Suggest to law enforcement that they contact NCMEC at 1-800-THE-LOST (1-800-843-5678) to request two publications, available free of charge, titled *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management* and *Recovery and Reunification of Missing Children: A Team Approach*.

8. Suggest to prosecutors that they contact the American Prosecutors Research Institute at 703-739-0321, for their manual titled *Investigation and Prosecution of Parental Abduction*.
9. Ask the prosecutor and/or law enforcement if you will need a local court order to recover your child once the child is located. In some states 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 you locate the abductor. The legal authority for doing this is found in state law, either the Uniform Child Custody Jurisdiction Act or Uniform Child Custody Jurisdiction and Enforcement Act.
11. Go back to court to modify your custody order to include provisions to prevent a reabduction.
12. Contact state and federal crime-victim programs to find out if you are eligible for assistance.

Left-Behind Parent's Role

While pursuing criminal remedies described in this chapter that are appropriate to the situation, a left-behind parent should actively pursue all available civil remedies to locate and recover the 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 but 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 the child, the court or recovering agency may not release the 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 while pursuing civil remedies against the abductor. 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 civil custody rights. The prosecutor is not your private lawyer. He or she represents the public interest in having the state or federal criminal laws enforced. 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 for a modification of 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 or incarceration. 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 victim parent should understand how the criminal-justice system – local law enforcement, prosecutors, and the FBI – can help in locating and recovering an abducted child and bringing the abductor to justice.

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 the NCIC computer. They investigate missing-person 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 crime committed by the abductor depending on the circumstances of the abduction and scope of the criminal laws in effect in your state. In appropriate cases they may request federal investigative assistance under the federal Fugitive Felon Act. In some states law enforcement and prosecutors also have statutory authority to assist with the civil enforcement of custody determinations.

Federal prosecutors, such as U.S. Attorneys and their assistants, and the FBI respond to parental-kidnapping cases pursuant to federal law. U.S. Attorneys have jurisdiction to prosecute international-abduction cases pursuant to the federal IPKCA. In addition they may charge a fugitive from state justice with violating the federal Fugitive Felon Act, pursuant to which a UFAP warrant may be issued for the fugitive's arrest. The FBI investigates interstate- 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 the NCIC, an important tool in locating abducted children and their abductors. The FBI is authorized by federal law to confirm entries of missing children into the NCIC-MPF 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 that prosecutors have discretion to decide whether and how to pursue possible criminal-law violations. Some statutes also give them discretionary authority to assist in civil-custody matters. Another possible explanation is that some criminal-justice-system professionals believe that family-abduction cases are private matters best left to the family courts to resolve.

This once prevalent view is changing in response to state and federal laws enacted in recent years to combat parental kidnapping and find missing children and a heightened public awareness of the need to protect children from the harmful effects of abduction. Today criminal-justice personnel in many jurisdictions 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 this passage, excerpted from *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*, Stephen E. Steidel, Editor (Alexandria, Virginia: NCMEC, 2000).

Research has also begun to demonstrate what therapists and left-behind parents have known for some time, that children are deeply and permanently affected by family abduction.... The emotional scarring caused by these events requires that officers 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 that 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....(p. 63)

Parents do have a 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...can avert potential domestic violence and snatch-back incidents. (p. 81)

Missing-Person Investigation

Report the Child Missing to Local Law Enforcement

Because the first few hours of an investigation are crucial, you must act quickly when you discover that your child is missing. After checking with friends and relatives to ensure that the other parent is not legitimately delayed in returning the child, immediately contact law enforcement to file a missing-person report. Use the “Missing Person’s Report for an Abducted Child” on page 219 to organize the information you will need to give law enforcement.

State laws and policies differ on taking missing person’s reports in family-abduction cases. If you have trouble getting local law enforcement to take a report, contact your state missing children’s clearinghouse or NCMEC at 1-800-THE-LOST (1-800-843-5678) for help. The telephone numbers for state clearinghouses are listed in the “State Directory” beginning on page 163.

Ask Law Enforcement to Enter Your Child’s Description In the NCIC-MPF

Be sure to specify the nationwide NCIC, as law-enforcement agencies may mistake area “Be On the Lookout” bulletins, also known as BOLOs, or teletypes, for the national computer. The NCIC entry is critical because information placed in the state system alone cannot be accessed nationwide.

The National Child Search Assistance Act, 42 USC §§ 5779 and 5780, requires every federal, state, and local law-enforcement agency to report **each case of a missing child younger than the age of 18** to the NCIC. The law prohibits state law-enforcement agencies from maintaining any waiting period before accepting a missing-child report and requires immediate entry of missing-child reports into both the state law-enforcement system and NCIC-MPF. A copy of the law is reprinted beginning on page 143.

You do not need a custody determination to report a child missing or for the child to be entered into NCIC; however, if you have one, bring 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.

The National Crime Information Center is a nationwide, computerized information system maintained by the FBI to help all criminal-justice agencies – local, state, and federal – perform their duties. NCIC stores vast amounts of criminal-justice information that can be instantly retrieved and furnished through an NCIC terminal to any authorized agency 24 hours a day, 365 days a year. More than 80,000 law-enforcement and criminal-justice agencies have direct online access to more than 20 million records. Data is stored in 16 different files, including the MPF, Vehicle File, License Plate File, Wanted Person File, and Protection Order File.

In family-abduction cases, local, state, and federal criminal-justice agencies throughout the U.S. can use the NCIC database to help apprehend an abductor and locate an abducted child. The missing person’s section of the computer database is primarily designed to provide law-enforcement officers with easy access to

basic information about persons whose whereabouts are unknown. Official agencies around the country may also use the NCIC-MPF 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 MPF. 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 a traffic stop or other offense.

TROUBLE SHOOTING

What if Local Law Enforcement Does Not Make the NCIC Entry?

State and local authorities have the primary responsibility for entering information into the NCIC computer system. If local law enforcement fails to enter a valid case into NCIC, parents should seek assistance from the state missing children's clearinghouse and/or NCMEC. These entities can contact local law enforcement about the case. NCMEC can also confirm, but cannot make, an entry in NCIC-MPF. Another option is to contact the local FBI office for help. The Missing Children Act, reprinted beginning on page 139, gives the FBI a concurrent mandate to make the entry. If NCIC entry criteria are met, the FBI should enter information about the child into the NCIC-MPF.

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

- call your local law-enforcement agency or state missing children's clearinghouse to find out what documentation you must present to file a missing person's report on your child.
- immediately go to your local law-enforcement agency with the necessary documentation and report your child missing. Give a complete description of the child including a physical description, date of birth, age, grade in school, dental records, and circumstances of disappearance. Also provide law enforcement with complete descriptions of the abductor, the abductor's vehicle, and any accomplices. Provide recent photographs of the child, the abductor, and any accomplices. Use the "Missing Person's Report for an Abducted Child" worksheet on page 219 to compile information. Bring it with you to the law-enforcement agency. Bring a certified copy of your custody order, if you have one, and the child's birth certificate with you. If some of this documentation cannot be obtained easily, do not wait to gather all of it. You can make arrangements to send it later. Take a copy of the National Child Search Assistance Act with you.
- if you have trouble getting law enforcement to take a missing person's report, contact your state missing children's clearinghouse or NCMEC for help.
- record the name, badge or ID number, and telephone number of the officer who takes the missing person's report, the name of the department, and the date.
- request a copy of the missing person's report. If you cannot get a copy, ask for the case number. Give this information to NCMEC and any other missing children's organizations with which you are working.
- ask that all data regarding your missing child be entered into the NCIC-MPF. 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 or with the assistance of a missing children's organization.

- 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 24 hours after making your report to confirm that information about your child has been entered into the NCIC-MPF.
- if you cannot get confirmation of the entry from local law enforcement, or if the NCIC entry has not been made, contact NCMEC or your state clearinghouse for help. Some missing children's 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 copies of the Missing Children Act and National Child Search Assistance Act with you. These laws require the FBI to make the entry.
- check back 24 hours later and request confirmation that the FBI entered information about your child into NCIC-MPF. You may find it necessary to request help from NCMEC or your state clearinghouse.

Ask Law Enforcement to Pursue a Missing Person's Investigation

Once your child's description is entered in NCIC-MPF, ask law enforcement to pursue a missing person's investigation to locate your child. The Missing Children Assistance Act, 42 USC 5780(3)(B), requires law-enforcement agencies that enter 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 that significant resources be expended 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 1-800-THE-LOST (1-800-843-5678) for a copy of *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management*.

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

Bear in mind that 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-enforcement 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 that there is a law-enforcement commitment to find the child.” (p. 69)

After a Missing Child Is Found

Even after a missing child is located, law enforcement may not release the child to the parent without a court order. Be prepared to enforce your court order wherever the child is found. See “Recovering Your Child” beginning on page 85.

Criminal Charges

State Criminal Charges

All 50 states and the District of Columbia have enacted criminal parental-kidnapping statutes both to deter parental kidnapping and punish abductors. Criminal parental-kidnapping laws vary from state-to-state. 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 that treat parental kidnapping as less serious crimes, called **misdemeanors**. Misdemeanors are punishable by incarceration in jail for up to one year, or by payment of a fine, or both.

Nearly every state expressly treats interstate or between-states parental kidnapping as a felony. Extradition, the return of the defendant to the state where the crime was committed, is permitted for felony crimes. Extradition is not usually possible for misdemeanors. A warrant for the federal crime of Unlawful Flight to Avoid Prosecution can be obtained only if the underlying state crime is a felony. UFAP warrants are more fully discussed on pages 45-46.

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

Defenses are available in some statutes. Flight to protect the child may be a defense, as may be flight from domestic violence. To take advantage of the defense, 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 the case of both misdemeanors and felonies, the judge may, but does not have to, incarcerate a convicted offender. The judge may place an offender on probation 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 state to which the child was taken as well as the state from which the child was abducted. If the local prosecutor in your state does not or cannot prosecute the case, for instance, if the facts of the case do not constitute a crime under your state's law, a prosecutor in another state may be able to prosecute if a crime has occurred under the laws of that state.

Review the parental-kidnapping laws of your state as well as the state to which the child was abducted. Statutory citations for parental-kidnapping laws are listed in the "State Directory" beginning on page 163. Note the various titles given these laws including custodial interference, child abduction, and parental kidnapping. You may be able to obtain copies of the laws from state missing children's clearinghouses, local missing children's organizations, your lawyer, law enforcement, the prosecutor, NCMEC at 1-800-THE-LOST (1-800-843-5678), or the American Prosecutors Research Institute at 703-739-0321.

Also check the general kidnapping law and other state 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 that they can evaluate whether these other statutes apply.

If an abductor is receiving assistance from friends or relatives in the concealment of the child, and if 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.

Fugitive Felon Act The Parental Kidnapping Prevention Act, 18 USC 1073 note, states 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 state felony statutes. The Fugitive Felon Act, 18 USC 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, those charges are dropped and the fugitive is prosecuted under state law upon return to the state.

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 state or local prosecutor to apply for the warrant.

The local or state prosecutor applies in writing to the U.S. Attorney or FBI for a UFAP warrant under the Fugitive Felon Act. The state prosecutor must give assurances that the offender will be extradited for prosecution. There must also be evidence that the abductor has left the state. A federal UFAP warrant usually 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. Exceptions are made in international-abduction cases. 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 U.S., the FBI makes the arrest and turns the abductor over to state authorities for extradition and prosecution under state law. If the abductor is located abroad, 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. Once the fugitive is arrested, federal criminal charges under the Fugitive Felon Act are normally dropped.

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 of the abductor, 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 state authorities. If the abductor is located but the child is not, left-behind parents must continue to search for the child on their own.

The International Parental Kidnapping Crime Act IPKCA makes it a federal felony to remove a child younger than 16 from the U.S. or retain a child outside the U.S. 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, 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, up to 3 years' imprisonment, or both.

IPKCA expresses the sense of the U.S. Congress that the Hague Convention on the Civil Aspects of International Child Abduction should be the first option for a parent seeking a child's return from a country party to that convention.

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. 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. Some offenses cannot be charged under state law such as pre-decree abductions in states that require violation of an order as an element of the offense and abductions that interfere with visitation rights in states that do not punish visitation interference. If the abduction is to a Hague-Convention country, the U.S. Attorney will consider whether a civil remedy has been sought under the Hague Convention and criminal prosecution would adversely 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 because of their belief that some victimized parents press charges initially in order to barter for the return of the child only to drop them later when the child is located. When law enforcement does not feel that parental kidnapping is a serious crime, they are reluctant to commit the law-enforcement resources necessary to fully investigate.

You must give serious consideration to whether you want the abductor prosecuted. Think about how your child will react to a parent being arrested, tried, and possibly sent to jail. Realize that if you have a change of heart, you may not be able to stop a prosecution later on. You and your child, 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 investigating and prosecuting the case and may make psychological recovery more difficult for both you and your child. Also be aware that 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 some Hague-Convention cases. See "Pursuing Federal Criminal Charges in Cases of International Abductions" beginning on page 49.

For helpful information if your child is called to testify as a witness, call NCMEC at 1-800-THE-LOST (1-800-843-5678) to request a copy of *Just in case...Parental guidelines in case your child is testifying in court*.

On the positive side, a felony warrant may be the determining factor in the success of 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 the child is located. Use the "State Directory," beginning on page 163, to find statutory citations. Make copies of the 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, state missing children's clearinghouse officials, or a missing children's organization before you talk to law enforcement or the prosecutor.
- be aware that 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 that criminal-custodial-interference laws apply to joint-custody orders. In states that do not have such laws, successful legal arguments can be

made to the same effect that a joint custodial parent who unilaterally takes a child without consent violates the other 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 the child is located.

- there may be confusion about which state can charge the crime. Generally speaking the state from which the child was taken charges the abductor with a crime. In cases in which the initial taking was lawful, such as during visitation, it is usually the state in which the unlawful acts such as retaining or concealing the child occurred. Although the failure to return the child may also be covered by the law of the state from which the child was taken. It should not matter if the court order that was violated was obtained in another state provided the order is valid.
- law enforcement may be faced with conflicting custody orders – yours, and one obtained by the abductor in another state. Law enforcement is understandably reluctant to act in this situation. The best way to avoid this legally ambiguous situation is to promptly file your custody determination with a civil court in the state to which the abductor has taken the child. The UCCJA authorizes filing out-of-state custody orders, 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 an emergency or other temporary 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 state where the crime occurred. Is it law enforcement? Is it the prosecutor? Is it the local magistrate? Then make an appointment to speak to the person who makes the decision. You may want to have your lawyer or a representative of a missing children's 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 or other court official.
- if law enforcement, the prosecutor, or a magistrate has questions about the operation of the criminal laws, they can call NCMEC's Legal Resource Division at 1-800-THE-LOST (1-800-843-5678) or the American Prosecutors Research Institute (APRI), Child Abduction/Sexual Exploitation Unit, at 703-739-0321. APRI provides prosecutors and law enforcement with comprehensive technical assistance on the investigation and prosecution of parental-kidnapping cases.
- make sure to ask law enforcement, the prosecutor, or magistrate to file **felony** charges rather than **misdemeanor** charges, if appropriate under the state law. Felony charges are more serious charges and more law-enforcement resources can be assigned to resolve them including some that make it easier to search outside your state if necessary. Felony charges will enable the prosecutor to issue a nationwide warrant for arrest of the abductor through the Wanted Person File of the FBI's NCIC computer. Felony charges will also enable the prosecutor to seek a federal UFAP warrant so that 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 law enforcement or the prosecutor the use of subpoenas or search warrants and other special investigative tools to obtain private records in the search for the abductor and child. These are discussed in “Searching for Your Child” beginning on page 57.
- if the prosecutor issues an arrest warrant, 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. The NCIC Wanted Person File number should be cross-referenced to the NCIC-MPF number for your child and vice versa.
- 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 U.S. to other countries, or wrongfully kept abroad, should follow the steps noted below to pursue **federal criminal charges** against the abductor.

- contact the FBI field office nearest your home to request an investigation. Check your local telephone directory for the number. Arrange a meeting with an FBI agent to discuss what the FBI can do and what you should do. The FBI agent can get technical assistance from the FBI’s Office of Crimes Against Children in Washington, DC, at 202-324-3666.
- contact the U.S. Attorney’s Office. Arrange a meeting, in person or by telephone, usually with an Assistant U.S. Attorney, to discuss the possibility of the federal government charging the abductor under the IPKCA. Have a copy of IPKCA, found beginning on page 152, handy for your reference and to familiarize the federal prosecutor with the law. The U.S. Attorney can get technical assistance on IPKCA prosecutions from the U.S. Department of Justice, Criminal Division, Child Exploitation and Obscenity Section at 202-514-5780 and on international extradition from the Office of International Affairs at 202-514-0000.

Convincing the Prosecutor to Prosecute The decision to prosecute a case is discretionary with the prosecutor. 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, state, and/or federal politicians to contact the prosecutor in regard to the abduction.

**TROUBLE
SHOOTING**

- obtain help from your state missing children's clearinghouse or missing children's 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 "Searching for Your Child" beginning on page 57.
- 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 on parental-kidnapping and missing-child cases.
 - request local law-enforcement officers and prosecutors to participate in training courses, offered by APRI and NCMEC, on handling parental-kidnapping and missing-children cases.
 - state missing children's clearinghouses and missing children's organizations may also be of assistance.
 - do not overlook the influence of your local political parties and their election platforms.

Report Card to the Nation, a publication that highlights effective missing children's legislation, is available from NCMEC at 1-800-THE-LOST (1-800-843-5678) or www.missingkids.com.

The Criminal Investigation

Law-enforcement investigates 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 that law enforcement may use are outlined in "Searching for Your Child" beginning on page 57.

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 1-800-THE-LOST (1-800-843-5678) or www.missingkids.com.

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. This is not the same as entering the missing child's description into the NCIC-MPF of the computer, since information on wanted and missing persons is contained in different computer databases. If a missing person's report has been entered into the NCIC computer, the entries in both the MPF and Wanted Person File should be cross-referenced.

INTERPOL

In international parental-kidnapping cases, law enforcement should contact the USNCB-INTERPOL at 202-616-9000 for assistance.

“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 the abductor’s vehicle. They 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 only to law-enforcement authorities and can be used only when a felony has been charged. 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 mail is **not** opened. A mail cover can be used on individuals other than the actual abductor and someone who lives in another state. Mail covers can last for only 30 days at a time unless an application for additional time is approved. Information obtained in this manner can be given only to law-enforcement officials for use in an official investigation. You can help by giving the investigating officer a list of important dates that might trigger a communication from the abductor to relatives or friends such as birthdays, weddings, anniversaries, births, and deaths.

Use SSN, DMV, NLETS

Law enforcement in some states can run an abductor’s name and Social Security Number in a computer-match program against the Department of Motor Vehicles (DMV) records of all 50 states and the District of Columbia. Information about new or additional driver’s licenses held by the abductor or motor vehicle violations received in another state may be useful in locating the abductor. And law enforcement in most states is able to run a similar computer-match program through the National Law Enforcement Telecommunications System (NLETS) 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 to gain access to the abductor’s former residence to determine if the abductor left behind any clues and 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 “Sources of Information,” beginning on page 61, for the types of documents law enforcement may try to obtain.

Outstanding Warrants

Law-enforcement investigators can check with the local law-enforcement agency to see if the abductor has prior convictions for other crimes and periodically check for outstanding warrants.

State Missing Children's Clearinghouses

Every state has a missing children's clearinghouse. Many clearinghouses are within law-enforcement agencies with statewide law-enforcement authority and have the ability to assist law-enforcement agencies with missing-child investigations. Investigating officers may contact their state missing children's clearinghouse listed in the "State Directory," beginning on page 163, for assistance.

Parent Locator Service

The Federal Parent Locator Service is a computerized national location network operated by the Office of Child Support Enforcement (OCSE). It was originally established to provide address information to state and local child-support agencies to locate absent parents for child-support purposes. The PKPA expanded access to the system to "authorized persons" in criminal parental-kidnapping and civil child-custody cases. Law-enforcement officers and prosecutors are authorized to access FPLS information. See "Searching for Your Child," beginning on page 57, 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 on Project ALERT toll-free at 1-877-446-2632 extension 6219.

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 concerning 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 on making arrests in family abduction cases is contained in NCMEC's publication titled *Recovery and Reunification of Missing Children: A Team Approach*. Law enforcement can request a free copy at 1-800-THE-LOST (1-800-843-5678) or www.missingkids.com.

What happens to the child when the abductor is arrested? In a few states law enforcement is directed by law to return a child to a lawful custodian when the abductor is arrested. While most states' laws 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 may require the left-behind parent to file or register their custody order in a local court. Local law may allow the prosecutor to obtain a pick-up order directing law enforcement to bring the child to court for further action or turn the child over to the lawful custodian.

If law enforcement will not turn the child over to you without a local court order, you will have to go to court to enforce your custody order. See "Recovering Your Child" beginning on page 85. Your lawyer should coordinate with law enforcement so that you have an enforcement order when the abductor is arrested or as soon thereafter as possible. It helps to have the court include language in the enforcement order directing law enforcement to pick-up the child or 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 the 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 at 1-800-THE-LOST (1-800-843-5678), your state missing children's clearinghouse, your nearest missing children's organization, or a victim-assistance program in the jurisdiction where your child is located. Check the "State Directory," beginning on page 163, for contact information.

If you are unable to pick-up your child yourself at the time of the arrest, it may be possible to ask a friend or relative to do so. **Make arrangements with the law-enforcement agency in advance** to ensure that they will be able to 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 states for you to place your child temporarily with a state or county child-protective-services agency. If this occurs, an additional court hearing may be required before the 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 state in which the criminal charges are pending. Otherwise the state prosecutor will have to **extradite** or legally force the return of 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 the state. Family-abduction cases compete with all the 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 means to return the abductor to the U.S. for prosecution under state or federal law. State and federal prosecutors coordinate extradition through the U.S. Department of Justice, Office of International Affairs. International extradition depends on whether the U.S. has an extradition treaty with the country of refuge, treaty partner will extradite for international parental kidnapping, and country of refuge will extradite its own nationals. The U.S. has more than 100 extradition treaties in effect. The Extradition Treaties Interpretation Act of 1998 authorizes the U.S. to interpret “kidnapping” in list treaties to include parental kidnapping. The law and a policy statement regarding its interpretation are reprinted beginning on page 158. The U.S. 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 state or country and translating documents in international cases. Although the government should bear these costs, some parents have reported being asked to pay. A different solution may be available in international parental-kidnapping cases if an abductor is charged with violating the federal IPKCA statute. This is because the federal government may have more resources available in support of extradition. You or the local prosecutor can discuss this with the federal prosecutor.

It is critical to understand that the child is not subject to extradition. When an abductor is arrested, authorities will inform the left-behind parent so that 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

If the abductor is convicted of or pleads guilty to parental kidnapping, it is important for the victim parent to ask the prosecutor to seek an appropriately strict sentence. Try to attend the sentencing hearing. Some states give the victim the right to be heard at sentencing. Consult with the prosecutor or probation officer about submitting a “Victim-Impact Statement” to the court prior to sentencing.

Incarceration, in the form of a jail or prison term, may be ordered. Be aware that a judge may be unwilling to impose jail time, or you may not want it. A judge

also may fine the abductor and/or order the abductor to make restitution to you for the costs of locating and recovering your child. Additionally, a good precaution against another abduction is to have the prosecutor ask the judge to order the abductor to report regularly to a probation officer and prohibit out-of-state travel without prior written approval. A court might 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 “Preventing Abductions” beginning on page 7.

If the abductor is incarcerated, the victim parent should request the judge or probation or parole officer to set reporting requirements and restrictions on out-of-state travel before the abductor is released.

Victim Assistance

All states have enacted laws that give specified rights and assistance to crime victims, but these laws vary. Although most of these programs were designed to aid victims of violent crimes, a few may apply to nonviolent crimes including parental kidnapping. Some specifically address the needs of the families of missing children. Some **victim-assistance laws** may help you obtain financial and other assistance such as counseling.

For information on your state’s crime-victim program, contact any of the organizations noted below.

- National Organization of Victim Assistance, 1730 Park Road, Northwest, Washington, DC 20010-2105, 202-232-6682, www.try-nova.org
- National Center for Victims of Crime, 2000 M Street, Northwest, Suite 480, Washington, DC 20036-3307, 202-467-8700, www.ncvc.org
- your prosecutor’s office may also be able to tell you about crime-victim programs in your state

For information on federal assistance programs for victims of federal crimes, contact the U.S. Department of Justice, Office for Victims of Crime at 202-307-5983 or www.ojp.usdoj.gov/ovc.

For information on special programs to help the families of missing children, contact NCMEC’s Legal Resource Division at 1-800-THE-LOST (1-800-843-5678).

Searching for Your Child

Chapter Overview

It is essential that you actively participate in the search for your child. No investigator knows the case as well as you do, and no one else has as much at stake. 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. After you file a missing person's report on your child with law enforcement and request NCIC entry, contact the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678), your state missing children's clearinghouse, and the nearest nonprofit missing children's organization as listed in the "State Directory," beginning on page 163, for information and assistance. Seek their advice about publicizing pictures of your child. Then continue investigating the whereabouts of your child and the abductor by contacting sources listed in this chapter and developing leads on your own.
2. Stay in communication with law enforcement and missing children's organizations that are investigating your case. Coordinate with them to the extent feasible.
3. Try to remain calm. This will help you think more clearly as you organize and conduct your search.
4. Be persistent but polite, and be prepared to present assurances of your right to the information you are seeking.
5. Because the abductor may not be using his or her real name, try different names such as the abductor's maiden name, variations of the name like first and middle names only, or a former or new married name.
6. Consider buying a fax machine to facilitate quick, inexpensive communication between you and law enforcement, missing children's organizations, clearinghouses, the media, and others.
7. Consider carrying a cellular telephone or pager with caller ID so that law enforcement, missing children's organizations, and even the abductor can contact you wherever you are.
8. Install an answering machine with caller ID on your regular telephone line(s). This will give you a record of callers and their telephone numbers. Some local telephone companies offer this service for a monthly fee.

9. Start a notebook. Keep a record of everything you do and every person and agency you contact including addresses and telephone numbers. Follow up periodically with each contact, and notify all of them once you have recovered your child. Keep a copy of all your correspondence concerning the abduction and search, and make notes of all actions taken on your behalf.
10. Use the chart at the end of this chapter, and the worksheet titled “Key Contacts in Parental-Kidnapping Cases” on page 217 to help organize your search.
11. It may help to keep a file of articles on other parental-kidnapping cases as a source of ideas to aid in your search.
12. If the search continues beyond six months, repeat your efforts because the abductor may have moved.
13. When your child is located, notify every person, agency, and organization that helped you. This will allow them to focus their energies on other cases. Thank them for their help.

Missing Children's Organizations

The National Center for Missing & Exploited Children

The National Center for Missing & Exploited Children is a national clearinghouse and resource center created to provide technical assistance in cases of child abduction, missing children, and child sexual exploitation. It is a private, non-profit organization funded under a cooperative agreement with the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice. NCMEC can be reached at

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

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; a national computer network linked to 50 state clearinghouses plus the District of Columbia, Puerto Rico and Canada, and various federal and international agencies; photograph and poster distribution; photograph age enhancement; recovery, reunification, and international case assistance.

NCMEC operates a toll-free Hotline – 1-800-THE-LOST (1-800-843-5678) – around the clock every day of the year available throughout the U.S. and Canada. The toll-free number when calling from Mexico is 001-800-843-5678, and the “phone-free” number when calling from Europe is 00-800-0843-5678. It 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.

Services provided by NCMEC are directed to parents and families of missing and exploited children; local, state, and federal law-enforcement investigators and agencies handling cases of missing and exploited children; criminal-justice professionals and legal practitioners who work with missing and exploited children and their families; and nonprofit organizations that seek access to a national network of resources and information. Services are provided free of charge.

NCMEC has intake criteria for domestic and international cases. NCMEC takes cases of abducted children through the Hotline upon determining that the child was younger than 18 at the time of disappearance; the parent or other person reporting the case has court-awarded custody, either temporary or permanent, of the child; and a missing-child report has been filed with law enforcement.

If the caller is not sure about the custody status, is the noncustodial parent, or custody has not been determined, NCMEC does not intake the case, but offers technical assistance to help the person get temporary or full custody or whatever else is needed to meet intake criteria.

NCMEC intakes **incoming** international-abduction cases for which NCMEC receives a written Hague-Convention application. The child concerned must be younger than 16. The caller 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 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, the NCMEC communications specialist determines if the caller has contacted law enforcement to file a missing person's report. If not, callers are advised to contact law enforcement to make a report. Trained case managers can assist individuals and law-enforcement officials in filing missing person's reports and verify data concerning missing children who had information on them entered into the FBI's NCIC computer system.

NCMEC maintains an up-to-date library of missing children's posters at its web site www.missingkids.com, on CompuServe®, and on the state clearinghouse bulletin-board computer network. NCMEC can target poster dissemination to 26,000 law-enforcement agencies, 3.8 million commercial entities, and 13,000 media contacts throughout the country through a broadcast fax service. NCMEC coordinates national media exposure of missing-children cases and distributes millions of photographs through a network of private-sector partners. Using electronic tools to age-enhance photographs of long-term missing children, NCMEC can create 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 information about their missing child.

NCMEC can arrange transportation for custodial parents who are recovering their missing children. This service is available to parents or guardians who cannot afford such expenses provided they meet eligibility criteria and guidelines. Parents can contact NCMEC's toll-free Hotline to determine if they are eligible for assistance. In federal, criminal, international-parental-kidnapping cases, NCMEC is able to provide financial assistance to parents who meet needs-based criteria so that they can attend court hearings in foreign countries and pay for a child's transportation back to the U.S. 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 International Division provides assistance to parents of children abducted to and from the U.S. The International Division helps supply the Voice of America with appropriate cases for multi-country broadcast; networks 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 from another country.

State Missing Children's Clearinghouses

Every state has established a missing children's clearinghouse to assist parents in locating and recovering their missing children. The scope of services provided by these clearinghouses varies, but may include statewide photo dissemination, assistance in obtaining information from state-agency records, assistance in having information about a child entered into the FBI's NCIC-MPF, law-enforcement training programs, and technical assistance on case investigations. Many clearinghouses are part of statewide law-enforcement agencies and as such can coordinate with law-enforcement investigations. Contact your state missing

children's clearinghouse, listed in the "State Directory" beginning on page 163, to find out what services are available to you.

Nonprofit Missing Children's Organizations

Missing children's organizations are usually small, local groups of victimized parents and other concerned individuals dedicated to the issues of missing and exploited children. They vary widely in the services they provide including 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 out-of-state missing children's organizations. These organizations become familiar with local law and procedures and typically have contact with local law enforcement, lawyers, and social-service agencies. Most missing children's organizations are nonprofit organizations (NPOs) that offer services free-of-charge.

Check the "State Directory," beginning on page 163, for missing children's organizations in or near your area. Or contact the Association of Missing and Exploited Children's Organizations Inc. at 901-405-8441 or www.amecoinc.org for a referral to a missing children's organization. AMECO is a national association of missing and exploited children's organizations that work 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 that serve missing and exploited children and their families and certify organizations meeting those standards.

If you are interested in starting a nonprofit missing children's organization, contact NCMEC at 1-800-THE-LOST (1-800-843-5678) to request a copy of the *Nonprofit Service Provider's Handbook*.

Other Sources of Help

Contact state or local crime-victim-assistance programs to inquire about your eligibility for help. These are described in "Criminal Remedies In Family-Abduction Cases" beginning on page 37. 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 Missing and Exploited Children's Caucus**, which has 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.firstgov.com and clicking on the appropriate links.

TROUBLE
SHOOTING

Sources of Information

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

Use the checklist beginning on page 81 to record your efforts. Other helpful worksheets include "Key Contacts in Parental-Kidnapping Cases," "Missing Person's Report for an Abducted Child," "Sample Request for Authorization to Use the FPLS," "Missing-Child Poster," and "Sample Request for FERPA Records" beginning on page 217.

Caveat: Privacy laws and policies may make it difficult or impossible for you to obtain some information voluntarily, in which case a subpoena or court order for 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 left the area recently, show pictures of the abductor and child to employees at local airline terminals. 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 that the abductor has left the area. A parking stub can help narrow the time of his or her departure and let you focus on particular flights the abductor may have taken. Likewise, check local bus and train terminals to find out if the abductor and child used either of these modes of transportation to leave the area.

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.

“America's Most Wanted Searchlight”

The “Searchlight” feature at “America's Most Wanted: America Fights Back's” web site posts pictures of parentally kidnapped children. To submit a case to AMW's Searchlight contact them at 1-800-CRIME-TV, amwtips@aol.com, or www.amw.com.

Banks and Other Financial Institutions

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 after 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, keep track of 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 out 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. Ask the Bureau of Vital Statistics, or whatever state agency maintains birth records, to flag your child's birth certificate. Depending on the flagging laws and policies in your area, the agency may notify you or law enforcement 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. For additional information on flagging laws, see "School Records" beginning on page 75.

Child-Protection Agencies

Check with the local and state 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 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. "Child-Snatching Lawsuits" are also discussed on page 34.

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 of address. Think of any hobbies and sports the abductor has pursued. Once you focus your search on a particular 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. Ask to be promptly alerted if the abductor requests these documents. Contact placement offices to see if the abductor has requested placement services or job references.

Compelling Address Disclosure by the Abductor's Lawyer

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 that the child's best interests took precedence over the lawyer-client confidentiality rule. Check the "State Directory," beginning on page 163, for attorney-disclosure cases.

Computerized Databases

Much information, such as real property records and telephone directories, can be accessed by computerized commercial database searches of public records. The advantage to these databases is that they may provide more current information than is available in telephone books, cross-directories, and other printed sources. The disadvantage is the cost, because commercial-database searches can be expensive. NCMEC has access to several commercial databases of public records, which may be used to locate missing children registered with NCMEC.

Court Records

Once you focus your search on a particular geographic area, check records of all local, state, and federal courts to find out if any criminal or civil actions have been filed by or against the abductor. Address information should be available from court records in most cases. Courts often protect address information from disclosure in domestic-violence cases.

Credit Bureaus

Several commercial companies, such as Equifax, Experian®, and TransUnion™ maintain national files on each individual's credit purchases. Contact these companies and ask for current address information on the abductor. Contact information for these companies can be found in most local telephone books or at the company's web site. 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 places purchases were made to see if any patterns emerge. Many purchases made in the same place over a period of time may mean that 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 **cross-directories** that cross-reference addresses with telephone numbers and provide additional information about the residents of an address if available. 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 your nearest missing children's organization. Cross-directories are also available on the Internet. See "Telephone Directories" on page 77.

Customs Service

The U.S. Customs Service and Immigration and Naturalization Service use the computerized Interagency Border Inspection System (IBIS) to check the status of people entering and sometimes leaving the country. 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," federal inspectors notify the law-enforcement agency that placed the record in NCIC. A parent cannot access IBIS; however, a parent can ensure that information on the abducted child is accessible to IBIS by asking law enforcement to enter information about the child in the NCIC-MPF.

Department of Motor Vehicles

Ask the state Department of Motor Vehicles to check on recent car registrations, title transfers, new licenses, and license renewals for the abductor. 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 address information on the abductor.

Warning: Some states 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 there is reason to believe that the abductor will flee once he or she finds out that 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 benefits are being sent. The employer may also tell you if the abductor has requested a job reference and, if so, where the request originated and references were sent. Ask to be alerted if the abductor contacts the company. Find out whom the abductor listed as the next-of-kin for emergencies and as a beneficiary for insurance policies, and consider checking with those individuals. But, before

you do, see “Friends and Relatives” below. Also interviews with coworkers may be productive.

Federal “Forward-a-Letter” 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.

If you would like the SSA to attempt to forward a letter to your child or the abductor, send a written request in a plain, unstamped, unsealed envelope to Social Security Administration, Wilkes-Barre Data Operations Center, 1150 East Mountain Drive, PO Box 3150, Wilkes-Barre, PA 18767-3150, 1-800-772-1213. Your request should include information for the child and abductor such as their full names, SSNs, dates and places of birth, father’s and mother’s full birth names, last known addresses, date of abduction, date the missing person’s report was filed, date of last contact, and information about other attempts you have made to contact them. The SSA web site is www.ssa.gov.

Requests to the Internal Revenue Service for letter forwarding should be sent to the local IRS district office. The IRS web site is www.irs.gov.

Firearm Registrations/Licenses

If the abductor owns a firearm, contact state- and local-government 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.

Friends and Relatives of the Abductor

Relatives, friends, and coworkers of the abductor may have useful leads on the abductor’s whereabouts, because abductors frequently receive assistance from others in taking or concealing the 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 postmarks can be 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 that you accept what the abductor has done. Do not reveal information about your search that could be used by the abductor to better conceal the 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 former

employers. If the abductor has a new spouse or partner, check all sources on the new companion as well as the abductor. 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

If you act quickly, you may be able to examine garbage left behind by the abductor for clues as to where he or she may have gone. Things 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, because some courts have extended privacy rights to garbage. If your state protects privacy rights to garbage, obtain a court order allowing you access to it. Be careful not to trespass on private property.

“Hangouts”

Check the kinds of places, such as bars, racetracks, and pool halls, the abductor would most likely frequent in the areas the abductor may have gone. Show people pictures of the abductor and child.

Hunting and Fishing Licenses

If the abductor hunts or fishes, contact state agencies that issue 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 state law to obtain a license in his or her own name, or the abductor may be using the child's name.

Immigration and Naturalization Service

Abductors who are foreign nationals may attempt to return to the U.S. after taking a child out of the country. Abductors and children may be detected by Immigration and Naturalization Service (INS) as a result of an IBIS inquiry of available computerized databases including NCIC. Parents should report the child missing and request law enforcement to enter information about the child into NCIC-MPF so that this information is accessible to IBIS. *See* “Customs Service,” on page 65.

Abductors who are foreign nationals may contact INS regarding their visa status. Upon request of a left-behind parent, INS may flag visa-related requests made by the abductor. If not, law enforcement may be able to have this information flagged. *See* “International Child Abduction” beginning on page 97.

Insurance

Contact life, health, and automobile insurance companies that insure the abductor. Ask if the abductor has contacted the company about a change of address, request to transfer coverage, or claim. If insurance coverage has been purchased for a new car, find out where the car was bought and is being 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. If the abductor has changed insurance companies, call around to other companies to find out if the abductor is a new policyholder. If so, try to get as much pertinent information as you can. Ask insurance companies to notify you if they hear from the abductor.

Internet Sites

NCMEC has access to a variety of Internet-based databases to locate missing children. See “Computerized Databases” on page 64. In addition the major “browsers,” such as Alta Vista®, Excite™, Google™, Lycos®, and Yahoo® have links to “people finders” and telephone directories. See “Telephone Directories” on page 77. Fees may be charged for some searches. Examples of useful Internet sites for finding people are www.whowhere.lycos.com and www.ussearch.com.

Libraries

Ask local libraries if cards have been issued for the abductor and/or child. Try to get address information.

Loans

If the abductor has any outstanding loans, contact the lender, such as his or her bank, finance company, or car 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 postmark information 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 car, 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. Collection agencies for car-leasing companies are also good candidates to approach. 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.

Marriage-License Applications

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

Media Coverage

Publicity about your missing child, via television, radio, newspaper, and magazine 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 "Photograph Dissemination," beginning on page 72.

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

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

If you cannot obtain the media's attention, seek assistance from your state missing children's clearinghouse or a missing children's organization. If a criminal warrant has been issued, either misdemeanor or felony, relating to the kidnapping, NCMEC can 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 such as doctors, dentists, pharmacies, and hospitals. Ask if they have received requests to transfer records to another provider in a different location, 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 find it more difficult to get information about the abductor's records because of privacy concerns.

Military Worldwide Locator Services

Each branch of the military has a worldwide locator service that can provide addresses of active-duty personnel and reservists. For the Air Force, Army, Marines, and Navy the locator service is free to immediate family members and government officials. All persons making a request to the Coast Guard must pay a fee of \$5.20.

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 the Worldwide Locator Service is available at www.defenselink.mil/faq/pis/PC04MLTR.html.

Below are the addresses and telephone numbers of the military locator services.

Air Force

U.S. Air Force Worldwide Locator
HQ/AFMPC/RMIQL
550 C Street, West, Suite 50
Randolph AFB, Texas 78150-4752
210-652-5774 or 5775

Army

U.S. Army Worldwide Locator
Commander, U.S. Army Enlisted Records and Evaluation Center
Attn: Locator
Fort Benjamin Harrison, Indiana 46249-5301
703-325-3732 (recorded message)

Coast Guard

Coast Guard Worldwide Locator
Coast Guard Personnel Command
2100 Second Street, Southwest
Washington, DC 20593-0001
202-267-1340

Marine Corps

U.S. Marine Corps Worldwide Locator Service
Commandant of the Marine Corps
Headquarters, USMC
Code MMSB-10
Quantico, Virginia 22134-5030
703-640-3942 or 3943

Navy

U.S. Navy Worldwide Locator
Bureau of Naval Personnel
PERS 312F
5720 Integrity Drive
Millington, Tennessee 38055-3120
901-874-3388

For law-enforcement emergencies, federal operators at 1-800-688-9889 may be able to provide a contact telephone or after-hours number for these offices.

Missing and Exploited Children's Program Web Site

OJJDP's Missing and Exploited Children's Program web site at www.ojjdp.ncjrs.org/missing provides parents with useful information on finding a missing child. The Missing and Exploited Children's Program can be reached at 202-616-3637.

Office of Personnel Management

If the abductor is a retired military or civil servant receiving a retirement check, or is currently employed in the federal civil service, contact the U.S. Office of Personnel Management, 1900 E Street, Northwest, Washington, DC 20415-0001, 202-606-2424, for address information. You may need a subpoena.

Parent Locator Services

The Federal Parent Locator Service 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 on the abductor and child. Participating agencies include the Social Security Administration, Internal Revenue Service, Department of Defense, 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 state and local child-support agencies to locate absent parents for child-support-enforcement purposes. The Parental Kidnapping Prevention Act of 1980, 42 USC 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
- any courts, or agent thereof, with jurisdiction to make or enforce a child-custody or visitation determination
- any agent or attorney of the U.S. or state who has 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 a left-behind parent may ask the court to request an FPLS search to locate an abductor and child. There is no set procedure for a parent to make such 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. Parents can use the form titled “Sample Request for Authorization to Use the FPLS” on page 221 to request an FPLS search.

Requests are submitted to the State Parent Locator Service (SPLS), which sends them to the FPLS. The FBI has direct access to the FPLS. 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 SPLS, which then communicates the information to the authorized person who made the request. Federal privacy laws require that 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 SPLS a nominal fee to process a parental-kidnapping search. The state may pass along this processing fee to parents.

Each state maintains a State Parent Locator Service that searches for information about absent parents among the records of the state government. Check with your SPLS to find out if it can be used to search for an abductor and abducted child. The “State Directory,” beginning on page 163, lists the SPLS for every state. The FPLS can be contacted at Federal Parent Locator Service, Office of Child Support Enforcement, 370 L’Enfant Promenade, Southwest, 4th Floor, East, Washington, DC 20447-0001, 202-401-9267, www.acf.dhhs.gov/programs/cse.

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 1-800-THE-LOST (1-800-843-5678).

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 Passport Issuance Alert Program, which enables the Department to notify you if a passport application for your child is received anywhere in the U.S. or at any U.S. embassy or consulate in another country.

Contact information for this program is available from the Office of Children’s Issues, Passport Issuance Alert Program, 2201 C Street, Northwest, SA-22, Room 2100, Washington, DC 20520-4818, 1-888-407-4747, fax 202-312-9743; www.travel.state.gov. For more information, see “Prevention Provisions in the Custody Determination” beginning on page 9.

Also contact the embassies and consulates of any foreign countries that the abductor would be likely to visit to find out if the abductor has applied for visas or foreign work permits. Try to find out address information on the application.

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 license domestic animals to see if the abductor has obtained whatever licenses are required. 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 and child and give copies to those who may be willing to help.

Photograph Dissemination

It is important that parents have at least one clear recent photograph of their child. 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 at 1-800-THE-LOST (1-800-843-5678).

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 telephone number of the law-enforcement agency investigating the case being sure to obtain the department's permission first. If there is a warrant 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 that results in the child's safe return. A sample poster is on page 223.

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 areas you believe your child may be living. 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.

Schools Searching parents can write to the state superintendent of schools or secretary of education in every state for 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 warrant number of any criminal warrant issued against the abductor. Provide your name and telephone number at home and work. Ask that the child's photograph and description be circulated throughout the state's school system.

If the superintendent of schools is unwilling to circulate your child's picture, ask for a list of all the public schools in the state so that you can write to them yourself. Also find out if the state superintendent of schools maintains information about students in-home education programs and, if not, where you can get that information.

Send your child's photograph to private schools as well. The state may maintain enrollment records for private schools. If not, the state education commissioner may have a list of private schools operating in the state. 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 statewide listing of private schools, contact the superintendent of each public school district for information about private schools operating in that district. Missing children's organizations and telephone directories may also have this information.

Preschools and Daycare 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 state or county child-care licensing agency.

Extracurricular Programs Send a poster or press release and photograph of your child with a letter to child-care, recreation, park, and before- and after-school programs; public libraries; scouts; Campfire Girls; YMCA/YWCA, youth-activity programs, and homeless shelters. Scouting organizations and state 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 civic child-care 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 at 1-800-THE-LOST (1-800-843-5678).

Places of Worship

Check with the church, synagogue, mosque, or other place of worship the abductor attended to find out if the abductor has been in contact for any reason. Ask for a current address. Also check with places of worship in the location where you think the abductor may be.

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 only to law enforcement.

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's organizations that employ private investigators as consultants, victimized parents, and other trusted sources.

Make sure the private investigator has a business license if your state requires one. Check with the state attorney general's office, the better business bureau, and/or consumer protection office to help ensure that the investigator is reputable and find out if there are any complaints on file 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 states and countries 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. You may be able to recover these costs from the abductor at the end of a custody or child-snatching tort case.

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 nor 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 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.

Professional Licenses

If the abductor is in a profession or trade that requires a state or county license, contact licensing boards in places the abductor is likely to 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 the state.

Rental Cars

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

School Records

The federal Family Educational Rights and Privacy Act 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 for the child's current address and telephone number. If a school is reluctant to disclose this information, explain that you are entitled to it under FERPA, 20 USC §1232g. The law is reprinted on page 161. Ask school officials **not** to notify the other parent of your inquiry. You may use the sample letter on page 225 to request records under FERPA.

For more information about FERPA contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Southwest, Washington, DC 20202-4605, 202-260-3887, www.ed.gov/offices/OM/fpc/ferpa1.html.

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 that his or her location is known to the left-behind parent. 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 the child.

Several states 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 state missing children's clearinghouse or missing children's organization should be able to provide you with information about how your state law, if any, works and which agencies are required to participate. Usually the state laws require the government agencies to flag the records only if they are requested to do so by a law-enforcement agency, which may include your state clearinghouse. Many agencies and organizations that are 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 the abductor. Information about state flagging laws can be found in the "State Directory" beginning on page 163.

School Reunions

Contact the abductor's high school and college for referral to the person(s) 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. Web sites that may be helpful along these lines include www.classmates.com and www.highschoolalumni.com.

Secretary of State

Prior to opening a business, an abductor may have to register the company with the secretary of state or similar state agency. Contact the state government to find out what paperwork must be filed, such as fictitious-name statements or articles of incorporation, and which state agency handles the paperwork. Then contact the appropriate agency in states where the abductor may be doing business to find out if the abductor has filed any business-related paperwork. If so, request address information.

Skip Traces

Several companies in the U.S. 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 that are 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 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 the 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.

Team H.O.P.E.

This national support network matches trained parent volunteers who have experienced an abduction in their family with victim parents, in order to provide support and assistance. Team H.O.P.E. was established by the Missing and Exploited Children's Program in the Office of Juvenile Justice and Delinquency Prevention. For referrals call 1-800-306-6311.

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 country. Look in telephone books, available in most public libraries, or use the numerous databases available on the Internet, including www.teldir.com, www.anywho.com, www.whitepages.com, www.yahoo.com, www.bigfoot.com, www.infospace.com, www.infousa.com, www.lycos.com.

Telephone Records

By using a subpoena or search warrant, the prosecutor or your attorney may be able to obtain copies of the telephone company's records of toll or collect calls made or received by the abductor prior to departure. You may also be able to obtain copies of the telephone company's records of toll or collect calls made or received by friends and relatives of the abductor before and after the abduction. Do some research before you seek these records. Try to identify the events that would most likely trigger a call from or to the abductor such as birthdays, anniversaries, 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. If it has been, the abductor's current address may be on file in items such as the escrow instructions pertaining to the transaction. Alternatively, it may be available from the escrow company, title company, or settlement attorney.

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 that 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. Contact state and local taxing authorities to find out if they are sending real-property tax bills to the abductor and, if so, the address to which they are mailed.

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 abductor’s friends or relatives, if they will agree. A trap is a mechanical device that allows 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 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 traveler’s check companies to determine if and where the abductor bought traveler’s checks. Ask to be kept informed of the dates and places traveler’s checks are cashed.

Underground Organizations

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

Unemployment Compensation and Other Income-Security Programs

Ask state 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, and the abductor’s name with the child’s SSN, against their records. Confidentiality provisions, especially with respect to welfare and AFDC, may make access to this information difficult. You may, however, have success if you contact the security or fraud sections of these agencies. If you cannot get this information directly from the program, contact your State Parent Locator Service to see if they can run a check of these databases. If you still cannot obtain this information, you may have to seek a court order. Alternatively, law enforcement investigating the case may be able to obtain it.

Note: If the abductor has lodged a report of domestic violence or child abuse against you with these agencies, state law 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 that dues would normally be paid. Contact union locals in places the abductor may have gone for information. 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 locale, telephone, electric, and gas 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.

Veterans Administration

If there is a possibility that the abductor may be receiving benefits or medical treatment through the Veterans Administration (VA), check with the VA for the abductor's current address. Also try to get information on VA facilities the abductor has recently visited, and check with them for address information.

Voice of America Alert

NCMEC helps supply this worldwide radio network with appropriate cases for multi-country broadcast. If your child has been abducted to another country, consider contacting NCMEC about a Voice of America (VoA) Alert for your child.

Voter Registration

Check voter registration records in states where the abductor is likely to have established residence. These records may be kept by state or local agencies.

Web Site

Create a web site for your child. Use your child's name in the web address, and include an E-mail address, for example, www.johndoejanedoe.jr, johndoejanedoejr@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! Remember to remove all of these web sites and E-mail addresses when your child is located.

Western Union

Check to see if any money has been wired to the abductor. If so, try to find out who sent it and where it was sent.

Women's Shelters

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

Pursue All Legal Means Available

There are many avenues to pursue in developing information on the possible location of an abductor and missing child. The searching parent should work with his or her attorney, the prosecutor, and the investigating officer as information and leads are developed. Using legal means to obtain information will prevent improper actions from later hurting the searching parent's chances of recovering the child. The searching parent should notify and thank agencies for their assistance after the child is recovered.

Checklist of Information Sources

Use this checklist to organize your search, along with the “Key Contacts in Parental-Kidnapping Cases,” “Missing Person’s Report for an Abducted Child,” “Sample Request for Authorization to Use the FPLS,” “Missing-Child Poster,” and “Sample Request for FERPA Records” worksheets beginning on page 217.

Information Source	Telephone or Address	Name of Contact Person	Date Contacted	Date Received	Court Order Required
Airlines, Buses, Trains					
Alcohol and Drug Rehabilitation Centers					
Association of Missing and Exploited Children’s Organizations					
“America’s Most Wanted Searchlight”					
Babysitters					
Banks and Other Financial Institutions					
Birth Records					
Child-Protection Agencies					
Child-Snatching Lawsuits					
Clubs and Organizations					
College and Trade-School Transcripts					
Compelling Attorneys to Disclose Address Information					
Computerized Databases					
Congress (Missing and Exploited Children’s Caucus)					
Court Records					
Credit Bureaus					
Credit Cards					
Cross-Directories					
Customs Service, U.S.					
Daycare Centers					
Department of Motor Vehicles					
Employers					
Federal “Forward-a-Letter” Programs					
Firearm Registrations					
Friends and Relatives					
Garbage					
Hangouts					

Information Source	Telephone or Address	Name of Contact Person	Date Contacted	Date Received	Court Order Required
Hunting and Fishing Licenses					
Immigration and Naturalization Service					
Insurance					
Internet Sites					
Libraries					
Loans					
Magazine and Newspaper Subscriptions					
Marriage-License Application					
Media Coverage					
Medical and Dental Records					
Military Worldwide Locator Services					
Missing and Exploited Children's Program Web Site					
National Center for Missing & Exploited Children					
Office of Personnel Management					
Parent Locator Service					
Passports and Visas					
Pets					
Photograph Dissemination					
Places of Worship					
Postal Service					
Private Investigators					
Probation and Parole Officers					
Professional Licenses					
Rental Cars					
School Records					
School Reunions					
Secretary of State					
Skip Traces					
Social Security Number					
Team H.O.P.E.					
Telephone Directories					
Telephone Records					
Title Searches					
Tracing Calls					

Recovering Your Child

Chapter Overview

This chapter covers legal methods of child recovery in the U.S. after an abduction. The applicable laws and procedures are discussed including the Parental Kidnapping Prevention Act, Uniform Child Custody Jurisdiction and Enforcement Act, Uniform Child Custody Jurisdiction Act, and Hague Convention on the Civil Aspects of International Child Abduction. 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 “International Child Abduction” beginning on page 97. Below is a **summary of the key points** that are more fully discussed in this chapter.

1. Abductors looking for a way out of an abduction can contact Child Find of America, Inc., at 1-800-A-WAY-OUT. Mediation services are provided to help resolve family-abduction cases.
2. Contact law enforcement to see if they can help you recover your child. 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 that is in effect, prosecutors and law enforcement acting at their request may have 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 determination to give to authorities.
4. Consider filing or registering your custody order in the state where the 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 state where the child is located. The PKPA requires states 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 the 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 on the Civil Aspects of International Child Abduction may be available to secure the child’s prompt return. A federal law, the International Child Abduction Remedies Act, 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 the 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 NCMEC 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 interstate enforcement.
11. Seek appropriate prevention measures to avoid a reabduction.

Do you have a custody determination? In almost every case you will need a custody order to recover your child. If you do not have one, you should promptly obtain one. See “Civil-Court Remedies If Your Child Is Abducted” beginning on page 21. 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 shown 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 house and snatch the 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, Inc., offers professional mediation services, via telephone, to parents who have abducted their own children and are seeking “a way out.” *Pro-bono* mediators offer a parent the opportunity to work out differences with the other parent at no cost. They also act as a go-between for the in-flight and left-behind parent in an effort to return the child to a legal environment. Once both parents agree to mediate and sign a commitment to do so, a voluntary professional mediator is assigned and the process begins utilizing the toll-free telephone number 1-800-A-WAY-OUT. Child Find has found that telephone mediation may be effective when face-to-face mediation is impractical.

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 that court and law-enforcement agencies have generally been willing to 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 decree will provide the framework for custody and visitation rights once the child is back with you. You should not rely on any oral or written agreement with the abductor. You should have a court order that sets forth the agreement you reach.

Public Enforcement: Help from Law Enforcement and Prosecutors

In states that enact 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 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 that a crime has been committed or violation of the Hague Convention has occurred.

Check the “State Directory,” beginning on page 163, to see if the UCCJEA is in effect in the state where the child is located and recovery will occur. If the state

law is listed as “UCCJA,” check the state code because the UCCJEA may have been passed after this book was published. Then get a copy of the law to see if the sections described on page 87 were enacted. **Note:** The section numbers may be different. If so, contact the prosecutor where the child is located and ask for help in recovering your child. Go through the same steps to find out if criminal-justice-system personnel in your own state can help with an out-of-state child recovery.

Don’t be surprised if the prosecutor is unfamiliar with this relatively new law. Bring a copy with you, and be prepared to make a strong case for their intervention. You also need to know that 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. The law in some states directs law enforcement to return a child to the lawful custodian when the abductor is arrested. While most state laws 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 state for local requirements. Law enforcement may also have you file or register your custody order with the local court in that state before they act. These procedures are described below. It is also a good idea to have a copy of the child’s birth certificate and photograph of you with the child. Normally the custodial parent must actually be present in the state when law enforcement picks up the 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 state 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 Out-of-State Custody Orders

Section 15 of the UCCJA allows you to file a certified copy of a custody determination in the state where enforcement is sought. 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 an out-of-state order is filed with the local court; however, others require a local court order. Filing also puts courts on notice of the out-of-state custody order, which alerts the court to the possibility of continuing jurisdiction in the issuing state. 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 county, district, or parish where the

child is located. Call the clerk of the court first to find out what documents and fees to send. In your cover letter, indicate that you are filing the custody order pursuant to the UCCJA.

Registering an Order Under the UCCJEA

The UCCJEA creates a process that allows, but does not require, parents and other parties to register out-of-state, child-custody and visitation determinations. Once an order is registered, 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 that a parent can at least start it 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 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 persons 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 that resulted 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 that can be raised 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 either cannot or will not help you recover your child and voluntary return is out of the question, you will have to bring an action in civil court, in the state where the child is located, to enforce the custody determination. The UCCJA or UCCJEA, whichever is in effect in the enforcement state, and the federal PKPA require the state court 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 that govern custody enforcement.

Generally speaking the PKPA will be cited in the enforcement petition as the legal grounds for interstate enforcement. This is because the PKPA requires states to give "full faith and credit" to custody determinations made in compliance with its terms. State-law grounds may 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 that continue 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 that 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 state’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 state law.

In addition to asking the court to enforce your order and return your child to you, 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 beginning on page 92.

It is important to understand that all three statutes – the UCCJA, UCCJEA, and PKPA – assume that the courts of the enforcement state might hold a hearing solely to determine whether your custody order is valid. *See* “Civil-Court Remedies If Your Child Is Abducted” beginning on page 21. The enforcement hearing should not, however, reopen the underlying custody case.

Enforcing Foreign Custody Determinations in the U.S.

Custody decrees made by courts in other countries may be enforced in this country. Section 23 of the **UCCJA**, in effect in nearly every UCCJA state, 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 the general policies of the Act 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 jurisdictional standards of the UCCJEA. The UCCJEA also requires state courts to treat foreign courts as if they were sister-state courts under the law for purposes of determining jurisdiction to make or modify a custody determination. State courts are not required to apply the UCCJEA if the child-custody laws of the foreign country violate fundamental principles of human rights.

Recovery Under the Hague Convention

When There Is No Custody Determination to Enforce

The UCCJA and UCCJEA deal with international recognition and enforcement of judgments. Quite often children are abducted before custody has been determined. If there is no custody determination to enforce, the UCCJA and UCCJEA enforcement remedies are not available. The Hague Convention, in effect between the U.S. and numerous countries, provides a remedy for pre-decree, international-abduction cases as well as for abductions carried out in violation of custody orders. *See* page 104 for a list of these countries. Its goal is to restore abducted children promptly to their pre-abduction circumstances so that 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 it 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 victim obligation are available. Procedures for invoking the Hague-Convention remedy in the U.S. are found in the International Child Abduction Remedies Act, 42 USC 11601 *et seq.* See this text beginning on page 148. See "International Child Abduction," beginning on page 97, for a more thorough description of the Hague-Convention remedy.

Enforcement Procedures

The PKPA mandates interstate custody enforcement but leaves enforcement procedures up to state law. Follow the procedures in the state 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 on 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 93, 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. The enforcing court is authorized to order a specific visitation schedule if the out-of-state order provides for "reasonable visitation," and 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 within 24 hours, which will result in an order allowing the petitioner to take immediate physical custody of the 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 that 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 "Temporary Care for the Child" on page 94.

Hiring a Lawyer in the Enforcement State

You should seriously consider hiring a lawyer in the state where the child is located to help you enforce your custody decree. Experienced counsel may be crucial to getting your child back. Your original lawyer may be able to represent

you if he or she has a law license in the enforcement state or obtains permission to appear on your behalf from a court in that state. The advantage to using your original lawyer in the enforcement action is his or her familiarity with the case. The drawback is that your lawyer may be unfamiliar with practices and procedures in the enforcement 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 enforcement state. Other sources of lawyer referrals can be found in “Finding A Knowledgeable Lawyer” beginning on page 25.

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.

The American Bar Association supports 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. The Legal Resource Division at the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678) monitors federal legislation and may be able to provide updates.

Attorney's Fees

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.

Under **UCCJA**, courts may order the party who violated an out-of-state 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**, courts must award necessary and reasonable expenses to parties who prevail in enforcement actions unless the party who would be required to pay establishes that 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 child care during the course of the proceeding.

Section 8 [c] of Public Law 96-611, part of the **PKPA**, encourages, but does not require, state 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 that implements the Hague Convention on the Civil Aspects of International Child Abduction in the United States. Under ICARA, 42 USC 11607, upon ordering return of a child under the Hague Convention, courts are required to order the wrongdoer to pay the left-behind parent's necessary expenses unless the wrongdoer can show that such 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.

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 state 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 *writ of habeas corpus*, a *writ of enforcement*, a *writ of attachment*, or a *warrant in lieu of a writ of habeas corpus*, among other terms.

The UCCJEA authorizes a court to issue a **warrant to take physical custody of child** upon a finding that "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 states will allow you to obtain an *ex-parte*, pick-up order for law enforcement to pick-up the child if you can show convincing evidence that the abductor is likely to flee with the child prior to trial.

Examples include prior abductions, threats of abduction, and evidence that the abductor has quit a job, sold a home, terminated a lease, or closed a bank account. Other abduction risk factors are listed in "Preventing Abductions" beginning on page 7.

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 court that issued the order. Law enforcement usually serves the abductor with notice of the enforcement hearing when the child is picked up.

Warrants How do you 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. If the court finds that 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 served with the enforcement petition immediately after the child is taken into physical custody. The hearing on the enforcement petition must be on the next judicial docket after the warrant is executed and/or the child is picked up unless such timing is impossible.

Restrictions on Modifying the Custody Order Another risk associated with enforcement actions is the possibility that 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 frequently is 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 the local equivalent of that procedure. This may slow things down, but it should not affect the outcome of the enforcement action.

Temporary Care for the Child

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

You may be able to have the county child-protective-services agency take temporary custody of your child, if state law permits. The role you are asking the child-protective-services agency, which ordinarily cares for abused, abandoned, or neglected children, to play is to transport and temporarily house the 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 abduction. Be sure that 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 state missing children's clearinghouse or missing children's 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 the child is located.

Transporting the Child Home

Some companies, such as American Airlines®, AMTRAK, Continental Airlines, and the Greyhound® bus system, have programs that provide assistance to parents who must travel to recover their missing children. Contact NCMEC at 1-800-THE-LOST (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. See “International Child Abduction” beginning on page 97.

Self-Help Recovery: Is It Advisable?

In some places, once you have filed your custody decree, you may be allowed to go and get your child as long as you do not commit any criminal acts in the process such as disturbing the peace and breaking and entering. 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, you should file a petition with the local court to enforce your out-of-state custody decree. When the judge rules in your favor, he or she will issue an order directing the abductor to return the child to you. The order can also direct law enforcement to accompany and assist you in the recovery.

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 that 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 the child is returned, but, more likely, you will do this after the child is home. Be prepared so that you can act quickly.

International Child Abduction

Chapter Overview

International abductions are among the most complicated and frustrating of parental-abduction cases. The information in this chapter is intended to help a parent in the U.S. organize a comprehensive response to an actual or threatened international abduction. The primary focus is on “outgoing cases,” or children who are wrongfully removed from the U.S. and taken to or wrongfully retained in a foreign country. “Incoming cases,” or children who are wrongfully removed from other countries and taken to or wrongfully retained in the U.S., receive a more abbreviated treatment.

Much of the information a parent needs in an international-abduction case is discussed in the first five chapters of this book. This chapter supplements those materials. Below is a **summary list of sources of help in international family-abduction cases** that are more fully discussed in this chapter.

Assistance is available in international-abduction cases from various sources. 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's reports and enter them in the National Crime Information Center's Missing Person File. Local or state prosecutors may criminally charge the abductor and seek an Unlawful Flight to Avoid Prosecution warrant.
2. National Center for Missing & Exploited Children, International Division, 1-800-THE-LOST (1-800-843-5678), www.missingkids.com. NCMEC processes incoming applications to the Hague Convention on the Civil Aspects of International Child Abduction on behalf of the U.S. Department of State and helps parents gather the information they need to invoke the Hague Convention in outgoing abduction cases. The International Division provides a range of additional services to parents, attorneys, law enforcement, nonprofit missing children's organizations, and other concerned individuals in preventing and resolving international-abduction cases.
3. U.S. Department of State, Office of Children's Issues, U.S. Central Authority for the Hague Convention, 2201 C Street, Northwest, SA-22, Room 2100, Washington, DC 20520-4818; 1-888-407-4747; fax 202-312-9743; www.travel.state.gov. Parents should request a free copy of the U.S. Department of State's publication titled *International Parental Child Abduction* and all appropriate assistance. This publication is available online at www.travel.state.gov.
4. The local field office of the Federal Bureau of Investigation. That contact information can be found in the local telephone directory. Parents may contact the FBI to report an international abduction and request an investigation in connection with a possible International Parental Kidnapping Crime Act violation. Prosecutors and law enforcement can also contact the FBI and/or the U.S. Attorney for help in securing a UFAP warrant and to discuss a possible IPKCA violation.
5. U.S. Attorney's office. That contact information can be found in the local telephone directory under “Federal Prosecutor's Office.” Parents or state prosecutors can contact the U.S. Attorney's Office to discuss the possibility of charging an abductor with a federal IPKCA violation.

6. The FBI's Office of Crimes Against Children at 202-324-3666. FBI special agents can call this office for technical assistance in responding to international and interstate abduction cases. This office may also be able to answer parents' questions.
7. U.S. Department of Justice, Criminal Division, Child Exploitation and Obscenity Section at 202-514-5780. U.S. Attorneys may obtain advice about IPKCA prosecutions from this office.
8. U.S. Department of Justice, Criminal Division, Office of International Affairs at 202-514-0015. State and federal prosecutors must contact this office to discuss international extradition.
9. U.S. National Central Bureau-INTERPOL at 202-616-9000 or NLETS: DCINTER00. Local, state, and federal law enforcement can contact USNCB-INTERPOL for assistance in stopping an international abduction in progress and communicating requests for foreign investigative assistance in abductions that have already occurred.
10. U.S. Department of Justice, Office for Victims of Crime, at 202-307-5983 or www.ojp.usdoj.gov/ovc. Parents can call this office to learn about their rights and remedies if a federal crime is charged in connection with the abduction.
11. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Missing and Exploited Children's Program (MECP) at 202-616-3637 or www.ojjdp.ncjrs.org/missing. MECP's web site provides parents with useful information on finding a missing child. MECP conducts research, demonstration, and service programs pertaining to missing and exploited children; provides training and technical assistance; and coordinates various activities. MECP also supports NCMEC.
12. U.S. Congressional Missing and Exploited Children's Caucus and other elected officials. Your congressional delegation and/or members of the Congressional Caucus may be able to raise the profile of your case internationally. For telephone numbers of the Caucus or its members call 202-224-3121. NCMEC at 1-800-THE-LOST (1-800-843-5678) can also provide contact information for members of the Congressional Caucus. 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.firstgov.com.
13. American Prosecutors Research Institute, Child Abduction/Sexual Exploitation Unit at 703-739-0321. Prosecutors and law enforcement may contact APRI for technical assistance on investigating and prosecuting parental kidnapping.
14. Hague Conference on Private International Law at www.hcch.net. Visit this web site for a current list of all countries party to the Hague Convention on the Civil Aspects of International Child Abduction. Hague-Convention case law is available at www.incadat.com.
15. *Federal Register*, Volume 51, No. 58, March 26, 1989, pp. 10498 *et seq.* At this cite you will find a copy of the Hague Convention and the U.S. Department of State's Legal Analysis of it.
16. Foreign embassies or consulates. Check the local telephone directory or call operator assistance for information on the foreign embassy or consulate of a particular country. Parents may request assistance from a foreign embassy or consulate to prevent passport or visa issuance. The foreign government is under no legal obligation to help but may be willing to cooperate.
17. Missing children's clearinghouses and nonprofit missing children's organizations. Consult the "State Directory," beginning on page 163, for these telephone numbers. These entities may be able to guide you through the search and recovery process.
18. Contact Team H.O.P.E. at 1-800-306-6311 to be matched with a similarly situated volunteer-parent.

The Problem

If you are a parent of a child abducted from this country, regrettably you are not alone. According to the U.S. Department of State's booklet on international parental child abduction, since the late 1970s the Department has been contacted in the cases of approximately 16,000 children who were either abducted from the U.S. or prevented from returning to the U.S. by one of their parents.

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 H.O.P.E., a network that matches trained parent volunteers who have experienced an international abduction in their family with other victim parents in order to provide support and assistance. For referrals call 1-800-306-6311.

Many, if not most, of the 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 that 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 – that is, 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 U.S. Foreign governments may therefore help the foreign parent obtain foreign passports and other visa and exit and entry permits for the children. Many foreign governments believe that children of their nationals should be raised in the home country.

A significant minority of international child-abduction cases, however, involves a child born to two parents who are citizens of the U.S. In those cases the abducting parent relies on the fact that it will be more difficult to find the abductor and child once in another country, and the searching parent will have great difficulty enforcing 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 abductions. The former serves to return the child, while the latter serves to pursue the abductor. The government uses criminal processes such as criminal charges, investigations, extradition, prosecution, and punishment, ultimately to hold the abductor responsible for criminal parental kidnapping. A parent may be criminally charged under state or federal law – the International Parental Kidnapping Crime Act. If charged under state law, the state prosecutor may apply for a UFAP warrant if the abductor has fled the country to avoid prosecution. Extradition may be sought for state and federal violations.

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 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

pursue civil means to locate and recover a child at the same time a prosecutor is pursuing the abductor's extradition and prosecution.

When children are wrongfully removed to or retained in countries party to the Hague Convention, 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 103.

Outgoing 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 foreign law, 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 U.S. or other countries.

Parents whose children have been abducted to or wrongfully retained in the U.S. may use the Hague Convention and the federal law that implements it, the International Child Abduction Remedies Act, to seek a child's return. This entails filing a lawsuit in state or federal court for the child's return or parent's access to the child. Alternatively parents may file civil lawsuits in state courts to enforce foreign custody determinations. The Uniform Child Custody Jurisdiction Act and Uniform Child Custody Jurisdiction and Enforcement Act both provide for enforcement of foreign custody orders.

A 1999 report to the Attorney General on the U.S. response to international parental kidnapping is available at www.ncjrs.org/html/ojjdp/ojjdp_report_ip_kidnapping/index.html.

Preventing International Abductions

This section expands on the information contained in "Preventing Abductions" beginning on page 7.

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. The answers you get may dictate the prevention measures you'll need. You will also know what to expect if your child is abducted to that country and can prepare accordingly. Information on foreign law and practice may be available from the country's embassy or consulate, the U.S. embassy in the foreign country, the Office of Children's Issues within the U.S. Department of State, and private attorneys in the U.S. and foreign country.

Foreign embassies are located in Washington, DC, and many countries maintain consulates in major cities within the U.S. Ask a representative of the foreign country

- will the foreign government or courts honor a custody order issued in the U.S.?
- will the foreign government assist in obtaining the return of a child unlawfully taken from the U.S.?
- what kind of assistance will the searching parent receive?
- how does a parent recover the child from the foreign country?

- are there any social, political, or religious attitudes or unrest in that society that may hinder efforts to recover the child?
- will the foreign government issue a foreign passport or other travel documents to the child at the request of the foreign spouse or partner?
- will the foreign government issue these travel documents if courts in the U.S. have forbidden the child's removal from the U.S. and a certified copy of the court order is sent to the embassy?
- will the foreign government, through its embassy or consulate, notify the searching parent if the foreign spouse or partner applies for travel documents for the child?
- what can the searching parent expect if he or she has visitation rights and the abducting parent has custody?
- is the child a dual citizen – a citizen of that foreign country and the U.S.?
- does the foreign spouse or partner retain citizenship in the foreign country – even after he or she has become a citizen of the U.S.?
- what are the policies of the foreign government toward extradition if the former spouse or partner is charged in the U.S. with the crime of custodial interference? Will it make a difference if the abducting parent is charged by the state but not by the federal authorities?
- will the foreign government cooperate less readily if you share custody with your former spouse or partner?

If the foreign embassy or consulate cannot answer these questions, you may pose them to the U.S. embassy located in that country. The U.S. Department of State's Office of Children's Issues in Washington, DC, at 1-888-407-4747, may also have answers. Ask OCI about the foreign country's track record honoring U.S. custody decrees and helping U.S. citizens recover their children. Country-specific information should be particularly helpful to judges considering requests for prevention measures. Find out if the country in question has ratified the Hague Convention. If so, OCI, in its capacity as U.S. Central Authority, can give you information on using the Hague Convention including whether the foreign country will provide you with a lawyer. OCI can also provide you with a list of English-speaking lawyers in the country in question. If a Hague-Convention country is involved, review the report titled *Hague Convention on International Child Abduction: Applicable Law and International Framework Within Certain Convention Countries* available online at www.travel.state.gov.abduct.html.

Judicial Safeguards and Practical Prevention Measures

"Preventing Abductions," beginning on page 7, covers prevention strategies in interstate and international family-abduction cases and should be read by anyone concerned about a possible international abduction. The information on flagging and preventing issuance of passports that was previously discussed on page 19 is repeated below.

By way of summary, a parent can ask the court to include in the custody order a variety of provisions, alone or in combination, to limit the risk of the child's removal from the U.S. Court-decreed prevention provisions include, but are not limited to, prohibitions on visitation beyond a specified geographical area; restrictions on removing a child from the U.S.; restrictions on applying for a 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; 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; entry of a foreign court order confirming the provisions of the U.S. order and agreeing to return the child if the order is violated, a "mirror-image order"; and the provision of names, addresses, and telephone numbers of all relatives living in the country where visits are to occur.

Practical things a parent can do to prevent an international abduction include working with international missing children's 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 as a way to refocus the attention of the parents on what is **best for the child** and develop a workable cross-cultural, child-rearing plan; and flagging and preventing issuance of passports.

Flagging Child's U.S. Passport Application

You may learn from the U.S. Department of State 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 U.S. Passport Issuance Alert Program. You or your attorney will be notified if an application for a U.S. passport for the child is received anywhere in the U.S. or at any U.S. embassy or consulate.

Prevent Issuance of Child's U.S. Passport

To reduce the possibility that a U.S. passport might be obtained to further an abduction, the law now requires any person applying for a U.S. passport for a child younger than 14 to demonstrate that both parents consent to its issuance or the applicant parent has sole authority to obtain a 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.

Inquiries concerning passports should be sent to the Office of Children's Issues, U.S. Department of State, 2201 C Street, Northwest, SA-22, Room 2100, Washington, DC 20520-4818, 1-888-407-4747, fax 202-312-9743.

Include the child's full name, date and place of birth, telephone number, and a copy of the relevant court orders.

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. Then take the steps outlined above to block issuance of a replacement passport.

The abductor's U.S. passport is subject to revocation by the U.S. Department of State, or the Department may deny the abductor a passport, 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 "Criminal Remedies in International Abductions" beginning on page 106.

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 these safeguards, because the child may be eligible to hold or included in a foreign passport in addition to holding a U.S. passport.

If your child is a dual national, you can request the cooperation of the foreign government. 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 the child, it may do so voluntarily. You can write to the foreign embassy or consulate and ask them not to issue a passport for your child. 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 that 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 U.S. citizen and not a dual national, you can request the foreign embassy not to issue a visa for the child to enter or visit that country.

Civil Remedies in International Abductions

This section expands on the information contained in "Civil-Court Remedies if Your Child Is Abducted" beginning on page 21.

The Hague Convention on the

Civil Aspects of International Child Abduction

The Hague Convention on the Civil Aspects of International Child Abduction 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 two countries involved are both parties to the Hague Convention. Courts may order a child returned even if there is a defense to return under the Hague Convention.

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, 42 USC §§ 11601-11610. ICARA establishes procedures for bringing legal action for the return of children who have been wrongfully removed to or retained in the U.S. If your child has been abducted to another country, you must follow procedures established by that country to invoke the Hague Convention.

What countries are treaty partners of the U.S.? As of February 2002, the Hague Convention is in force between the U.S. and the 50 countries of Argentina; Australia; Austria; Bahamas; Belgium; Belize; Bosnia and Herzegovina; Burkino Faso; Canada; Chile; China (Hong Kong and Macau); Colombia; Croatia; Cyprus; Czech Republic; Denmark except the Faroe Islands and Greenland; Ecuador; Finland; France; Germany; Greece; Honduras; Hungary; Iceland; Ireland; Israel; Italy; Luxembourg; Macedonia, Mauritius; Mexico; Monaco; the Netherlands; New Zealand; Norway; Panama; Poland; Portugal; Romania; Saint Kitts and Nevis; Slovak Republic; Slovenia; South Africa; Spain; Sweden; Switzerland; Turkey; the United Kingdom of Great Britain and Northern Ireland (Isle of Man, Cayman Islands, Falkland Islands, Montserrat, Bermuda); Venezuela; Yugoslavia; and Zimbabwe.

For country updates, check the Hague Conference on Private International Law's web site at www.hcch.net or contact OCI at 1-888-407-4747 or NCMEC at 1-800-THE-LOST (1-800-843-5678).

When is a removal or retention "wrongful" under the 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 and may be exercised jointly or alone. They may arise by operation of law, court order, or agreement.

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 that many abductions occur before there is a custody order. It also makes sense in light of the Hague Convention's goal, which is to restore a child swiftly to his or her pre-abduction/retention circumstances so that 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 to it? 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 later unless the abductor demonstrates that the child is now settled in his or her new environment. Even then the court has discretion to order return.

Article 13 of the Hague Convention provides three exceptions to the return obligation; however, a court may order return even if one or more exceptions are proved. 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 that the child's return may be refused if return would not be permitted by the fundamental principles of the requested state relating to the protection of human rights and fundamental freedoms.

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. 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.

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 requested country. In some countries the foreign Central Authority 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.

The Office of Children’s Issues in the U.S. Department of State is the U.S. Central Authority. OCI has delegated responsibility for handling **incoming** Hague-Convention applications to NCMEC. Parents of children abducted **from** the United States to a Hague-Convention country should contact OCI at 1-888-407-4747 or NCMEC at 1-800-THE-LOST (1-800-843-5678) for instructions on how to proceed under the Hague Convention. You can obtain a return application from OCI or NCMEC or download a copy at www.travel.state.gov.

Do you have to use the Hague Convention? No. The remedies established under the Hague Convention are not exclusive. A parent can seek the child’s return using any other 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. In incoming cases parents may petition a state court to enforce a foreign custody determination under the UCCJA or UCCJEA. Please see prior references to these as noted in the “Index” beginning on page 229. 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.

Non-Hague Remedies

Parents of children abducted to non-Hague-Convention countries must pursue other avenues to secure the return of their child. You should get a custody order from a court in the U.S. if you have not already done so. Be sure to ask the court to include suitable prevention provisions. You may be able to have the order enforced in some countries. See the list of Hague-Convention countries on page 104. Even if you can’t have the order enforced in a certain country, the order defines custody rights and responsibilities once the child is returned.

Child-Snatching Tort Suits

Consider a child-snatching lawsuit against the abductor and accomplices. See “Civil-Court Remedies If Your Child Is Abducted” beginning on page 21. If the abductor has assets remaining in the U.S., consider bringing a civil child-snatching lawsuit against the abductor in U.S. courts and attaching his or her U.S.

assets. This may serve as leverage to obtain the return of the child, and, if successful, may help finance an overseas investigation or legal battle. If the abductor has received help from friends or relatives who remain in the U.S. or have assets in this country, consider suing them as well. If you obtain a judgment against them, attach their U.S.-held assets.

Criminal Remedies in International Abductions

This section expands on the information contained in “Criminal Remedies In Family-Abduction Cases” beginning on page 37.

If you do not know your child’s whereabouts, report your child missing to law enforcement and have an entry made for your child in the FBI’s NCIC-MPF.

Information in NCIC is accessible to federal inspection personnel in the U.S. Customs Service and Immigration and Naturalization Service via the Interagency Border Inspection System, 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.

Urge local law enforcement to contact the USNCB-INTERPOL for assistance at 202-616-9000 or via NLETS at DCINTER00. Alternatively, law enforcement can contact NCMEC via NLETS at VA007019W, which acts as a liaison with INTERPOL for cases involving missing children. If contacted on an urgent basis, USNCB-INTERPOL may help stop an international abduction in progress. INTERPOL may also be of assistance in abductions that are already completed.

USNCB-INTERPOL serves federal, state, and local law enforcement, as well as foreign law enforcement but **not parents**. USNCB-INTERPOL can transmit messages, called “diffusions,” at any time 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. There are national central bureaus in 178 countries.

USNCB-INTERPOL may also apply to INTERPOL headquarters in Lyons, France, for color-coded notices. The process takes at least several months. Red notices seek persons wanted for extradition. Blue “trace and locate” notices seek persons, including abductors, whether or not they have been charged with a crime. Yellow “missing person” notices seek missing persons 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.

Meet with the state prosecutor to discuss the possibility of charging the abductor with a crime, preferably a felony. Weigh the pros and cons of criminal prosecution, which are discussed in “Criminal Remedies In Family-Abduction Cases” beginning on page 37.

Caveat: Criminal charges in the U.S. against the abductor may hinder return of the child from some Hague-Convention countries.

If felony charges are filed, ask the prosecutor to apply for a federal Unlawful Flight to Avoid Prosecution 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.

Upon issuance of a federal UFAP warrant for a U.S. citizen-abductor, 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. Even if a UFAP warrant has not been issued, a passport may be revoked if the holder of the passport is subject to a criminal court order, condition of probation, or parole – any of which forbid departure from the U.S., and the violation of which **could subject** the applicant to a provision of the Fugitive Felon Act. Revocation of a U.S. passport may not burden a dual-national abductor who holds a second passport; however, a U.S. citizen 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.

Check with the U.S. Attorney about charging the abductor with violating the International Parental Kidnapping Crime Act.

International parental kidnapping is a federal felony under the International Parental Kidnapping Crime Act. 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 law, only federal charges may be applicable. Extradition is possible for both state and federal charges.

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 the child in the course of a UFAP or IPKCA investigation. If an abductor is in another country, the FBI Legal Attache 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 agent may notify the left-behind parent if the child is found so that the parent can pursue civil remedies to secure the child's return.

The state 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, 1301 New York Avenue, Northwest, Suite 800, Washington, DC 20005-0006, 202-514-0015.

As discussed on page 54, some countries will not extradite their own nationals. If the abductor can be arrested in a country from which extradition to the U.S. 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 proceedings may force the return of the abductor, they are not directed toward the child. The abductor may return to the U.S. to stand trial while leaving the child with family or friends in the foreign country. The left-behind parent must take actions in the foreign country to secure the child's return.

Searching For Your Internationally Abducted Child

This section expands on the information contained in “Searching for Your Child” beginning on page 57.

Report your missing child to the National Center for Missing & Exploited Children. Request assistance appropriate to your case.

NCMEC's International Division provides a range of services to parents, attorneys, law enforcement, nonprofit missing children's organizations, and other concerned individuals in international-abduction cases. Those services include

- Hague-Convention cases. NCMEC handles incoming Hague-Convention applications on behalf of the U.S. Central Authority and helps parents complete Hague-Convention applications in outgoing cases.
- ICAAN. NCMEC maintains the International Child Abduction Attorney Network to help parents find *pro-bono* or reduced-fee legal representation in Hague-Convention cases brought in this country.
- NCIC entries. NCMEC can confirm, but cannot make, NCIC-MPF entries for abducted children.
- Victim Reunification Travel Program. In a cooperative project with the Office of Victims of Crime and OJJDP, NCMEC helps fund international travel to reunite parents who are financially unable to recover their children.
- Voice of America Alert. NCMEC helps supply this worldwide radio network with appropriate cases for multi-country broadcast.
- law-enforcement network. NCMEC networks law-enforcement officers with others investigating cases to the same country or region. NCMEC is also linked with 50 state missing children's clearinghouses in the U.S., Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police in Canada, the Belgian Gendarmerie, the Politie in the Netherlands, the Criminal Intelligence Division in Australia, INTERPOL Headquarters in France, and others.
- parent network. NCMEC can network parents whose children are in another country with parents of similarly situated children.
- toll-free Hotline, 1-800-THE-LOST (1-800-843-5678).
- international photo distribution.
- free, interactive web site, www.missingkids.com/international. Online items include the text of the Hague Convention; NCMEC publications; the HOPE Page with photographs of children from the U.S. believed to be in other countries; and information about international child abduction.
- International Centre for Missing & Exploited Children (ICMEC). Established in 1999, ICMEC is modeled after NCMEC. It provides a coordinated international response to missing and exploited children; offers a global network to disseminate images and information; extends training resources; and supports worldwide reforms to better protect missing and abducted children.

Contact the Office of Children's Issues, U.S. Department of State, at 1-888-407-4747. Request a copy of the U.S. Department of State's publication titled *International Parental Child Abduction*. This publication is also available online at www.travel.state.gov/int'lchildabduction.html.

Ask for help locating your child. OCI will arrange a "welfare and whereabouts" check on a child who is a U.S. citizen and report back to you on the child's condition. If the child is in a Hague-Convention country, OCI, acting as the U.S. Central Authority, can ask the foreign Central Authority to locate an abducted child and report on the child's condition. A left-behind parent can also ask the foreign central authority for a report on the child's condition.

In Hague- and non-Hague-Convention countries, OCI or a left-behind parent may request a consular officer in the U.S. embassy or consulate in another

country to conduct a “welfare and whereabouts” check on the child including children who are dual nationals. Embassy officials are not private investigators. You can help them help you by being as specific as possible about the abductor’s likely travel plans or location. U.S. embassy officials will 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 U.S. OCI may call upon the Diplomatic Security Service-Regional Security Officer (DSS-RSO) at the U.S. embassy in another country for help. The DSS-RSO in turn calls upon foreign law-enforcement contacts to help determine the child’s whereabouts, and there need not be a warrant for the abductor in order to use this resource.

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 the child. If there is evidence of child abuse or neglect, the U.S. consular officials will try to have the child removed from the home and child-abuse-and-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 Organization, American Branch, 700 Light Street, Baltimore, Maryland 21230-3850, 410-230-2734, www.iss-usa.org.

Try to locate your child on your own. Many search strategies described in “Searching for Your Child,” beginning on page 57, can be adapted for use when your child is missing in another country.

Seek advice from other parents victimized by international parental abduction. Team H.O.P.E. at 1-800-306-6311 can match you with an experienced parent. Contact a missing children’s organization that specializes in international parental kidnapping. Discuss your case with your state missing children’s clearinghouse. Ask for technical assistance from NCMEC.

If there is any hope at all that the abductor’s friends or relatives are 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 “Criminal Remedies in Family-Abduction Cases” beginning on page 37.

Try to trace the abductor’s sources of financial support such as the proceeds of bank accounts, loans, and credit cards. If you are successful, you will usually find the abductor. Find out how the abductor left the country. Contact airlines, rental-car companies, and so on. Show pictures of the abductor and your child. Talk to inspection personnel from the U.S. Customs Service and INS at international airports and borders near your home. They may recognize pictures of your child and the abductor. Consider the possibility that the abductor did not take a direct route. He or she may have traveled to Canada or Mexico before boarding an airplane.

Other sources of information that have proved particularly fruitful in past abduction cases include mail covers; telephone bills; flags on medical, school, and birth 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 Your Internationally Abducted Child

This section focuses on recovering your child from another country. It adds the international dimension to the information contained in “Recovering Your Child” beginning on page 85.

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. If a U.S. citizen-parent successfully negotiates the release of a child 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 funds in the form of repatriation loans to help transport the child home.

Contact the Immigration and Naturalization Service at 425 I Street, Northwest, Washington, DC 20536-0003, 202-514-3019, to discuss the abductor’s status. If an abductor is a foreigner who continues to hold a visa to enter the U.S. or has a U.S. work permit known as a “Green Card,” it may be useful to explore with INS the circumstances under which these permits may be revoked or suspended. This might put pressure on the abductor to return the child. INS may be willing to flag communications from the abductor for you or do so at law enforcement’s request.

The Immigration and Nationality Act, 8 USC 1182(a)(10)(C), provides for the denial of visas to certain international child abductors and aliens who intentionally assist or provide support to an alien-abductor. The law authorizes border inspectors to deny entry into this country, and U.S. consular officials authority to deny a visa, to any alien or accomplice who has abducted a child from the U.S. to a non-Hague-Convention country in violation of a U.S. custody order until the alien surrenders the child to the left-behind parent.

If the abductor is with the U.S. military and stationed in another country, the commanding officer of the base may be able to help. Enforcing a custody order against a person on active duty in the military who is stationed in another country can be problematic. State courts have little authority to enforce their orders in another country. Assuming that it is financially possible for the victimized parent to litigate in a foreign court, members of the U.S. armed forces are generally protected against lawsuits, including those to enforce custody orders issued in the U.S. brought in the civilian courts of the country in which they are stationed, by treaties called the Status of Forces Agreements (SOFAs).

Defense Department Directive 5525.9, codified in the Code of Federal Regulations, 32 CFR Part 146, requires base commanders at overseas installations to cooperate with courts and federal, state, and local officials who request assistance in enforcing court orders. The directive applies in the case of a covered individual, military or civilian employee, or accompanying family member, stationed in another country, who unlawfully removes a child from the custodial parent to an overseas installation. It also applies if the covered individual is charged with a state or federal felony for parental kidnapping.

Military personnel on active duty in another country can be compelled to return to the U.S. to comply with court orders under circumstances described in the directive. Civilian employees, family members accompanying them, and family

members of military personnel stationed in another country are encouraged to comply with court orders and not subject to return, but may be sanctioned for noncompliance. Although the child is not the subject of a return order or other sanctions, any formal punitive measure against a parent may have a coercive effect that results in the child being returned to the U.S. A copy of the directive is reprinted beginning on page 161.

The U.S. Department of Defense, Office of Military Community and Family Policy, Family Advocacy Program develops and implements policies pertaining to members of the armed services and their families. The Office assists in individual cases that cannot be resolved within the service member's chain of command and may be contacted at the Office of Military Community and Family Policy, 4000 Defense Pentagon, Washington, DC 20301-4000, 703-697-7191.

Information on available military resources may be obtained from the Military Family Resource Center, Crystal Square 4, Suite 302, Room 309, 1745 Jefferson Davis Highway, Arlington, Virginia 22202-3424, 703-602-4964.

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

- filing an action under the Hague Convention for the prompt return of a child
- going to court in the foreign country and asking the court to honor your U.S. custody decree
- 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 U.S. 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 that have worked in the particular country in other cases.

Some countries, particularly those with which we share a common culture and heritage, may be receptive to returning children. Several European countries, Canada, Australia, and New Zealand officially oppose parental kidnapping. If the Hague Convention on the Civil Aspects of International Child Abduction is in effect, the prompt return of abducted children is required. In contrast, cultural and religious conflicts between the U.S. and certain other countries may make recovery difficult or even impossible.

If you must pursue legal action in a foreign court, you will need the help of a lawyer versed in the language and legal system of the particular country. See page 27 for sources of referrals to lawyers who can help you litigate in a foreign court.

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 other words, citizens of the U.S. seeking to have their U.S. court orders recognized by a foreign court must prove that courts in the U.S. will recognize and honor orders made by foreign courts.

The Office of Citizens Consular Services and the U.S. embassy can provide you with general information concerning how to serve process, obtain evidence, or have documents authenticated in another country. Diplomatic officers cannot represent you, nor can they give you legal advice, but they can perform certain liaison services on your behalf.

How Elected Officials May Help

Consider seeking political support within the U.S. to give you leverage in the foreign country. Elected officials such as your congressional delegation of U.S. Representatives and Senators, members of the Congressional Missing and Exploited Children's Caucus, the Secretary of State, the Attorney General, and the President cannot secure your child's return from another country directly, nor can they control how courts in this country 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 U.S. and other countries.

The President and members of Congress can bring your case to the attention of foreign leaders and diplomats and facilitate meetings between you and embassy officials 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 U.S. response to international parental kidnapping.

Contact elected officials and enlist their support. Directory information for elected U.S. leaders is available on www.firstgov.com. NCMEC can also provide the names and telephone numbers of members of the Congressional Missing and Exploited Children's Caucus. Call NCMEC at 1-800-THE-LOST (1-800-843-5678).

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 the child involved and parent attempting it. As described in “Psychological Issues in Recovery and Family Reunification,” beginning on page 115, 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 re-snatched. Officials of the U.S. 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 the child in that country or elsewhere.

Incoming Cases

If you are seeking to recover a child from the U.S., you may use the Hague Convention and ICARA. Or you may seek enforcement of your custody/visitation determination pursuant to the UCCJA or UCCJEA. Enforcement actions are described in “Recovering Your Child” beginning on page 85. NCMEC may be able to help find counsel to represent you in Hague-Convention cases. See pages 27 and 108 for information about the International Child Abduction Attorney Network.

Psychological Issues in Recovery and Family Reunification

This chapter was written by JoAnn Behrman-Lippert, Ph.D., Western Center for Child Protection in Reno, Nevada, and the late Chris Hatcher, Ph.D., Center for the Study of Trauma in San Francisco, California.

Chapter Overview

During the period 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 searching parent looks forward to the day of the child's recovery. To assist the searching 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** that are 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 searching 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, and professional counselors may play an important role in post-recovery adjustment issues and planning for the future.

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 that 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 only that they are on an extended visitation. Other children are away from home for periods of months or years, given new names, kept out of school, told that 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 that 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 that has been 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 that they may have been abandoned or the parent may have allowed the abduction to occur. Frequently children appear fearful that 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 all three factors 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 abducting parent took to abduct the child, if known, and the 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. The result of such a well-thought-out abduction is that 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 that 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 disor-

ganized, 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 searching parent.

During the abduction the abducting parent may believe, in addition to convincing him- or herself that the taking of the child is the right thing to do, that it is necessary to convince the child as well that the abduction is justified. 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 that the left-behind parent is alcohol or drug addicted. An abducting parent may tell a child that 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 that the left-behind parent will hurt or kill them if they are 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 Meeting Recommendations

Experience with the reunification of recovered children with their families indicates that 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 searching 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 state or country; and what reunification assistance resources may be available through the National Center for Missing & Exploited Children; state missing children's clearinghouses; and any local, nonprofit missing children's organization.

The searching 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 searching 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 neighbor, family friend, or relative, 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 that 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 in highly publicized cases, media attention may be intense. It is important to remember that 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

The recovering parent should be aware that during the reunification the recovered child may be hesitant, fearful, angry, or confused. In some cases the child may not even remember you. 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 that the child has been found and focus on welcoming the child home.

The recovering parent should recognize that 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 that 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 their 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 that he or she was being abducted, the child frequently feels responsible for not seeking help or calling home. Further, when the child realizes that the abducting parent's statements about the left-behind parent were not true,

the child feels guilty for having not 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 she and her mother knew that the police were looking for them. This game took on a very different meaning, however, when the police 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 situations 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 the 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 that his "play-mates" wanted to get rid of both parents and get new ones in their place.

Planning for the Future

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 counseling for the whole family including the child, parents, and siblings. Local and state 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.

Another resource, available through the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678), is a brochure titled *Just in case...Parental guidelines in finding professional help in case your child is missing or the victim of sexual exploitation*.

The Impact of Abduction on Children

This chapter was written by Geoffrey L. Greif, D.S.W., School of Social Work, University of Maryland, and Rebecca L. Hegar, D.S.W., School of Social Work, University of Texas at Arlington. 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 that satisfy everyone. At the far end of the divorce continuum are those relationship problems or custody disputes that include 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** that are more fully described in this chapter.

1. A study of 371 searching parents found that 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 that 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 the time they were returned to the searching parent.

The Study

We compiled a sample of 371 searching parents, nearly half of whom had recovered their children, by enlisting the assistance of 15 missing children's organizations throughout the U.S. 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 to frame the parents' perspectives on 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.

Some 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 that 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 searching 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 searching 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 searching 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 that the abduction had some negative effect that persisted. 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 them 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. He and Susan were trained not to trust law enforcement and to 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 that 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, they 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 that 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 that reflected the skill level of a child much younger than 7 years of age. Like many children with his experiences, he 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 that 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 that 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 an 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 that 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 that 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 that Ava had begun to experience her children more typically. She laughed at the need that 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 that 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. Web sites are provided for publications that are available online. For additional sources check your public library index under “Child Snatching,” “Family Abduction,” or “Parental Kidnapping,” or ask missing children’s organizations for their suggestions.

American Bar Association Center on Children and the Law

The ABA Center on Children and the Law has produced many publications on parental kidnapping, some of which are listed below. Visit their web site at www.abanet.org/child/parentab.html and click on the desired links, or call them at 1-800-285-2221 to obtain publications. Other relevant reports done by ABA staff members appear in the OJJDP list beginning on page 132.

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).

Rollin, Miriam, Patricia M. Hoff, and Linda Girdner. *Parental Child Abduction: An Annotated Legal Bibliography* (1991).

National Center for Missing & Exploited Children

The publications listed below are available online at www.missingkids.com by clicking on the links to “Education & Resources,” “Library of Resources,” and “Child Abduction.” Printed copies are available by calling 1-800-THE-LOST (1-800-843-5678) or may be ordered online.

International Forum on Parental Child Abduction: Hague Convention Action Agenda (NCMEC Order #84)

The Kid is With a Parent, How Bad Can it Be?: The Crisis of Family Abductions (available online only at www.missingkids.com)

Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management (NCMEC Order #74)

Recovery and Reunification of Missing Children: A Team Approach (NCMEC Order #64)

Just in Case...Federal Parent Locator Service (NCMEC Order #11)

The Office of Juvenile Justice and Delinquency Prevention

OJJDP publications can be ordered through the National Criminal Justice Reference Service (NCJRS) at 1-800-638-8736, or on its web site, www.ncjrs.org.

Addressing Confidentiality of Records in Searches for Missing Children: Final Report
1995. 284 pp. NCJ 155183. \$15.00 (U.S.), \$19.50 (Canada and other countries).
Assesses and makes recommendations regarding access by law enforcement in missing-children cases to the records held by schools, hospitals, child-welfare agencies, and various shelters. Also includes a state-by-state breakdown of the various legal restraints on, and requirements for, the release of agency record information.

The Compendium of the North American Symposium on International Child Abduction: How to Handle International Child Abduction Cases
1993. 928 pp. NCJ 148137. \$17.50 (U.S.), \$75.00 (Canada and other countries).
Contains comprehensive resource materials on the Hague Convention on the Civil Aspects of International Child Abduction and other remedies for international child-abduction cases, presented at the North American Symposium on International Child Abduction in 1993. Also includes four diskettes of applicable case law.

Criminal Justice System's Response to Parental Abduction: Final Report
2000. NCJ 185250.

Examines the response of state and federal law enforcement and prosecutors to interstate and international family-abduction cases.

Early Identification of Risk Factors for Parental Abduction
2001. NCJ 185026.

Family Abductors: Descriptive Profiles and Preventive Interventions
2001. NCJ 182788.

These two studies identify risk factors for parental kidnapping and strategies that can be used to prevent abductions in families at risk for abduction.

Family Resource Guide on International Parental Kidnapping
2001. NCJ 190074.

Provides parents with the facts they need to address international parental-kidnapping cases in a question-and-answer format.

Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies
1997. 156 pp. NCJ 168962. FREE.

Updates the 1996 directory and provides a compilation of the many services, programs, publications, and training that address 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.

Issues in Resolving Cases of International Child Abduction

1998. NCJ 182790.

Reports on implementation of the Hague Convention on the Civil Aspects of International Child Abduction in party countries and identifies “best practices” for addressing these cases.

Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth (Full Report)

1993. 217 pp. NCJ 143397. \$13.00 (U.S.), \$15.10 (Canada), \$20.80 (other countries).

Describes the background, methodology, major findings, and recommendations of the OJJDP-sponsored research project on runaway, throwaway, family- and nonfamily-abduction cases known to law enforcement. Law-enforcement response, factors associated with that response, and parent/caretaker satisfaction are also discussed.

Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth (Research Summary)

1993. 25 pp. NCJ 145644. FREE.

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.

Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management

2000. 232 pp. NCJ 151268. FREE copy available.

Provides guidance to law-enforcement officers investigating family abductions, abductions by nonfamily members, and runaway children. It also contains information on general investigative techniques, crisis media relations, investigative resources, management issues, and testifying in court. This book is also available on NCMEC’s web site at www.missingkids.com.

Missing, Abducted, Runaway, and Throwaway Children in America, First Report: Numbers and Characteristics, National Incidence Studies

1990. 251 pp. NCJ 123668. \$14.40 (U.S.), \$17.20 (Canada), \$24.60 (other countries).

Discusses the background, methodology, and findings from the 1988 *National Incidence Studies of Missing, Abducted, Runaway, and Throwaway 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.

Missing Children: Found Facts (Bulletin)

1990. 4 pp. NCJ 130916. FREE.

Describes the background, methodology, and major findings of the 1998 *NISMART* report. Figures in this bulletin address the detailed criteria for each category of missing children from family abduction to nonfamily abduction to runaways and throwaways to lost, injured, or otherwise missing children.

Obstacles to the Recovery and Return of Parentally Abducted Children (Full Report)
1993. 877 pp. NCJ 144535. \$28.00 (U.S.), \$33.50 (Canada), \$52.50 (other countries).
Presents ABA research results identifying 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.

Obstacles to the Recovery and Return of Parentally Abducted Children (Research Summary)

1994. 21 pp. NCJ 143458. FREE.

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.

Parental Abduction: A Review of the Literature (available online only at www.ncjrs.org)

Parental Abductors: Four Interviews (Video, VHS format)

1993. 43 minutes. NCJ 147866. \$12.50 (U.S.), \$19.00 (Canada), \$22.00 (other countries).
Features interviews with four parental abductors who discuss motives for abducting their children, their experiences while in hiding, and the consequences of their actions.

Report to the Attorney General on International Parental Kidnapping

1999. NCJ 189382.

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. Available online at www.ncjrs.org/html/ojjdp/ojjdp_report_ip_kidnapping/index.html.

Using Agency Records to Find Missing Children: A Guide for Law Enforcement (Program Summary)

1996. 20 pp. NCJ 154633. FREE.

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.

When Your Child is Missing: A Family Survival Guide (Report)

1998. 93 pp. NCJ 170022. FREE.

Explains the role that various agencies play in the search for a missing child and discusses some of the important issues that a family needs to consider. The guide 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.

U.S. Department of State

Visit their web site at www.travel.state.gov for information about international family abduction, including *International Parental Child Abduction* that discusses the Hague Convention and what the U.S. Department of State can and cannot do when a child is abducted to another country and other legal remedies. The U.S. Department of State's *Legal Analysis of the Hague Convention* can be found in the *Federal Register* at 51 Fed. Reg. 10494 *et seq.* (1986).

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Missing Children's Organizations

The Association of Missing and Exploited Children's Organizations Inc. is a national association of missing and exploited children's organizations that work together to serve and protect missing children and their families. Under a cooperative agreement with OJJDP, AMECO has been authorized to develop national standards for nonprofit organizations that serve missing and exploited children and their families and certify those organizations that meet their standards.

Contact AMECO for the names of certified nonprofit missing children's organizations that can provide assistance in family-abduction cases at

(Interim Office)
c/o Commission on Missing & Exploited Children
616 Adams Avenue, Room 124
Memphis, TN 38105-4996
901-405-8441
fax 901-405-8856
www.amecoinc.org

Information on missing children's organizations is also available from the National Center for Missing & Exploited Children at 1-800-THE-LOST (1-800-843-5678).

The "State Directory," beginning on page 163, lists organizations in each state that may provide assistance in family-abduction cases. It also lists contact information for each state missing children's clearinghouse.

Laws Applicable to Family Abduction

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Missing-Children Laws

Missing Children Act (28 USC § 534)

§ 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.

The Missing Children's Assistance Act (42 USC § 5771 *et seq.*)

§ 5771. Findings

The Congress hereby 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 of these children are never reunited with their families;

(3) often there are no clues to the whereabouts of these children;

(4) many missing children are at great risk of both physical harm and sexual exploitation;

(5) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

(6) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

(7) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located; and

(8) Federal assistance is urgently needed to coordinate and assist in this interstate problem.

§ 5772. "Missing child" and "Administrator" defined

For the purpose of this subchapter —

(1) the term "missing child" means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if —

(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited; and

(2) the term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

§ 5773. Duties and functions of the Administrator

(a) Description of activities.

The Administrator shall —

(1) issue such rules as the Administrator considers necessary or appropriate to carry out this title;

(2) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination);

(3) provide for the furnishing of information derived from the national toll-free telephone line, established under subsection (b)(1), to appropriate entities;

(4) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this title; and

(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President *pro tempore* of the Senate —

(A) containing a comprehensive plan for facilitating cooperation and coordination in the succeeding fiscal year among all agencies and organizations with responsibilities related to missing children;

(B) identifying and summarizing effective models of Federal, State, and local coordination and cooperation in locating and recovering missing children;

(C) identifying and summarizing effective program models that provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction;

(D) describing how the Administrator satisfied the requirements of paragraph (4) in the preceding fiscal year;

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) and the number and types of communications referred to the national communications system established under section § 5712a of this title;

(F) describing in detail the activities in the preceding fiscal year of the national resource center and clearinghouse established under subsection (b)(2);

(G) describing all the programs for which assistance was provided under § 5775 of this title in the preceding fiscal year;

(H) summarizing the results of all research completed in the preceding year for which assistance was provided at any time under this title; and

(I) (i) identifying each clearinghouse with respect to which assistance is provided under section § 5775(a)(9) of this title in the preceding fiscal year;

(ii) describing the activities carried out by such clearinghouse in such fiscal year;

(iii) specifying the types and amounts of assistance (other than assistance under section 5775(a)(9) of this title) received by such clearinghouse in such fiscal year; and

(iv) specifying the number and types of missing children cases handled (and the number of such cases resolved) by such clearinghouse in such fiscal year and summarizing the circumstances of each such cases [case].

(b) Establishment of toll-free telephone line and national resource center and clearinghouse; national incidence studies; use of school records and birth certificates. The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall —

(1) (A) establish and operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

(B) coordinating [coordinate] the operation of such telephone line with the operation of the national communications system established under section § 5712a of this title;

(2) establish and operate a national resource center and clearinghouse designed —

(A) to 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 children and their families; and

(ii) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families;

(B) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians;

(C) to disseminate nationally information about innovative and model missing children's programs, services, and legislation; and

(D) to 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 the missing and exploited child case and in locating and recovering missing children; [and]

(3) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year; and

(4) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

(c) Independent status of other federal agencies. Nothing contained in this title shall be construed to grant to the Administrator any law enforcement responsibility or supervisory authority over any other Federal agency.

§ 5774. Repealed. Pub. L. 100-690, title VII, Sec. 7286, Nov. 18, 1988, 102 Stat. 4460

§ 5775. Grants

(a) Authority of Administrator; description of research, demonstration projects, and service programs. The Administrator is authorized to make grants to and enter into contracts with public agencies or nonprofit private organizations, or combinations thereof, for research, demonstration projects, or service programs designed —

(1) to educate parents, children, and community agencies and organizations in ways to prevent the abduction and sexual exploitation of children;

(2) to provide information to assist in the locating and return of missing children;

(3) to aid communities in the collection of materials which would be useful to parents in assisting others in the identification of missing children;

(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences, on both parents and children, of —

(A) the abduction of a child, both during the period of disappearance and after the child is recovered; and

(B) the sexual exploitation of a missing child;

(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law-enforcement agencies in missing children's cases;

(6) to address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation and by promoting the active participation of children and their families in cases involving abuse or sexual exploitation of children;

(7) to address the needs of missing children (as defined in section 5772(1)(A) of this title) and their families following the recovery of such children;

(8) to reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals' legal custodians without such custodians' consent; and

(9) to establish or operate statewide clearinghouses to assist in locating and recovering missing children.

(b) Priorities of grant applicants.

In considering grant applications under this subchapter, the Administrator shall give priority to applicants who —

(1) have demonstrated or demonstrate ability in —

(A) locating missing children or locating and reuniting missing children with their legal custodians;

(B) providing other services to missing children or their families; or

(C) conducting research relating to missing children; and

(2) with respect to subparagraphs (A) and (B) of paragraph (1), substantially utilize volunteer assistance. The Administrator shall give first priority to applicants qualifying under subparagraphs (A) and (B) of paragraph (1)....

(d) Non-Federal fund expenditures requisite for receipt of Federal assistance. In order to receive assistance under this subchapter for a fiscal year, applicants shall give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

§ 5776. Criteria for grants

(a) Establishment of priorities and criteria; publication in *Federal Register*. In carrying out the programs authorized by this subchapter, the Administrator shall establish —

(1) annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 5775 of this title; and

(2) criteria based on merit for making such grants and contracts. Not less than 60 days before establishing such priorities and criteria, the Administrator shall publish in the *Federal Register* for public comment a statement of such proposed priorities and criteria.

(b) Competitive selection process for grant or contract exceeding \$50,000. No grant or contract exceeding \$50,000 shall be made under this subchapter unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

(c) Multiple grants or contracts to same grantee or contractor. Multiple grants or contracts to the same grantee or contractor within any 1 year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contractors [contracts].

§ 5776a. Missing and Exploited Children’s Task Force [Repealed. Pub. L. 105-314, Title VII, Sec. 703(g), Oct. 30, 1998, 112 Stat. 2989.]

§ 5777. Authorization of appropriations

(a) In general. To carry out the provisions of this title, there are authorized to be appropriated such sums as may be necessary for fiscal years 1997 through 2001.

(b) Evaluation. The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title.

§ 5778. Special study and report on obstacles to recovery of children. [Repealed by P.L. 104-235, Title II, Subtitle D, Sec. 231(b), Oct. 3, 1996, 110 Stat. 3092.]

National Child Search Assistance Act (42 USC §§ 5779 and 5780)

§ 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 18 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.

§ 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) 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 immediately 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

(3) provide that after receiving reports as provided in paragraph (2), 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 the missing children cases.

Interstate Child Custody

Uniform Child Custody Jurisdiction Act (UCCJA), 9 (1A) U.L.A. 271 (1999)

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), 9 (1A) U.L.A. 657 (1999)

Information on the UCCJA and UCCJEA, and links to the text, can be found on the web site of the National Conference of Commissioners on Uniform State Laws at www.nccusl.org.

The Parental Kidnapping Prevention Act (PKPA, Public Law No. 96-611), as amended by the Visitation Rights Enforcement Act (Public Law No. 105-374)

28 USC § 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) 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 he 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 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 determi-

nation 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 USC § 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 452(a) [42 USCS 652(a)], 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 463(d)(1) [42 USCS 663(d)(1)], the Federal Parent Locator Service shall be used to obtain and transmit the information specified in section 463(c) [42 USCS 663(c)] to the authorized persons specified in section 463(d)(2) [42 USCS 663(d)(2)].

42 USC § 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 463(d)(1) [42 USCS 653(d)(1)] 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 453 [42 USCS 653], and shall, subject to the privacy safeguards required under paragraph (26), disclose only the information described in sections 453 and 463 [42 USCS 653, 663] 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 463 [42 USCS 663] for the use of the Parent Locator Service established under section 453 [42 USCS 653], 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 USC § 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 453 [42 USCS 653] 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) shall provide that the State agency described in section 454 [42 USCS 654] 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 determination.

(c) Information which may be disclosed. Information authorized to be provided by the Secretary under subsection(a), (b), (e), or (f) shall be subject to the same conditions with respect to disclosure as information authorized to be provided under section 453 [42 USCS 653], and a request for information by the Secretary under this section shall be considered to be a request for information under section 453 [42 USCS 653] 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 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) Services of Federal Parent Locator Service made available to Central Authority. The Secretary shall enter into an agreement with the Central Authority designated by the President in accordance with section 7 of the International Child Abduction Remedies Act [42 USCS 11606] under which the services of the Federal Parent Locator Service established under section 453 [42 USCS 653] 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 3(1) of that Act [42 USCS 11602(1)]. The Federal Parent Locator Service shall charge no fees for services requested pursuant to this subsection.

(f) Services of Federal Parent Locator Service made available to Office of Juvenile Justice and Delinquency Prevention. 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 453 [42 USCS 653] 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 USC § 1073, note Parental kidnapping and interstate or international flight to avoid prosecution.

(a) In view of the findings of the Congress and the purposes of sections 6 to 10 of this Act [28 USCS 1738A] set forth in section 302 [42 USCS 502], 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

The Hague Convention on the Civil Aspects of International Child Abduction

The text of this Hague Convention can be found at www.hcch.net/e/conventions/text28e.html. The U.S. Department of State's *Legal Analysis of the Hague Convention* can be found in the *Federal Register* at 51 Fed. Reg. 10494 (1986).

International Child Abduction Remedies Act (42 USC § 11601 to § 11610)

§ 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.

§ 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 453 of the Social Security Act (42 USC 653);

(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 section 7(a) [42 USCS § 11606(a)].

§ 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.

§ 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 4(b) of this Act [42 USCS § 11630(b)] 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 4(b) [42 USCS § 11603(b)] 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.

§ 11605. Admissibility of documents

With respect to any application to the United States Central Authority, or any petition to a court under 4 [42 USCS § 11603], 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.

§ 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 USCS §§ 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.

§ 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.

§ 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 Parent Loca-

tor 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.

§ 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.

§ 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

Every state has enacted criminal laws to deter family abduction and punish abductors. Refer to the “State Directory,” beginning on page 163, for citations to each state’s criminal parental-kidnapping laws.

The federal criminal laws discussed here include the Fugitive Felon Act, International Parental Kidnapping Crime Act with the accompanying Committee Report, and the Extradition Treaties Interpretation Act of 1998 with the accompanying *Federal Register* notice.

PKPA/Fugitive Felon Act

See PKPA, beginning on page 144, for 18 USC § 1073, note (Parental kidnapping and interstate or international flight to avoid prosecution).

International Parental Kidnapping Crime Act, 18 USC 1204

§ 1204. International parental kidnapping

(a) Whoever removes a child from the United States 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 and was in effect at the time of the offense;

(2) the defendant was fleeing an incidence or pattern of domestic violence;

(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.

House Report 103-390, accompanying the International Parental Kidnapping Crime Act of 1993

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 1992.¹ That number capped a steady series of increases from 320 such abductions during 1987.² Some experts believe that these figures are low and that the actual rate may be several times higher.³

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.⁴

Parental kidnapping is a criminal offense in all 50 states,⁵ and a felony in the majority of these.⁶ 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).⁷ 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.⁸ However, this process requires that the state prosecu-

tor 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.⁹

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.¹⁰

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, 1990.¹¹ 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.¹² It was accepted in the conference report on H.R. 3371, the "Violent Crime Control and Law Enforcement Act of 1991,"¹³ 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 USC, 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.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(2) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT OPERATIONS OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Operations were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditure.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 3378 will have no significant inflationary impact on prices and costs in the national economy.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill H.R. 3378, the following estimates and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

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 kidnappers. 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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic....

CHAPTER 55 OF TITLE 18, UNITED STATES CODE

CHAPTER 55 KIDNAPPING

Sec.

201. Kidnapping.

1204. International parental kidnapping.

1204. International parental kidnapping

(a) Whoever removes a child from the United States 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 and was in effect at the time of the offense;

(2) the defendant was fleeing an incidence or pattern of domestic violence;

(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.

End Notes

¹ 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).

² Ibid.

³ 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).

⁴ Id. (testimony of Sen. Alan J. Dixon, D-Ill., and statement of Thomas E. Harries).

⁵ Id. (testimony of Ernest E. Allen, President, National Center for Missing & Exploited Children).

⁶ Id. (testimony of Sen. Alan J. Dixon, D-Ill., and Peter Pfund, Assistant Legal Adviser for Private International Law, U.S. Department of State).

⁷ 18 USC, Section 1073.

⁸ “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).

⁹ Id. (testimony of Ernest E. Allen, President, National Center for Missing & Exploited Children).

¹⁰ Id. (testimony of David Margolis, Acting Deputy Assistant Attorney General, Criminal Division, Department of Justice).

¹¹ “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).

¹² 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).

¹³ Report 102-45, “Violent Crime Control and Law Enforcement Act of 1991,” Conference Report (November 27, 1991).

Extradition Treaties Interpretation Act of 1998 (Note 18 USC 3181)

Public Law 105-323 — October 30, 1998

Title II

Note 18 USC 3181

SEC. 201. SHORT TITLE.

This title may be cited as the “Extradition Treaties Interpretation Act of 1998.”

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 (Public Law 103-173; 107 Stat. 1998; 18 USC 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.

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 Public Law 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 Public Law 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 Public Law 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 Public Law 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

Other

Family Educational Rights and Privacy Act of 1974 (20 USC § 1232g)

20 USC 1232g (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.

Compliance of DoD Members, Employees, and Family Members Outside the United States with Court Orders (32 CFR Part 146)

Code of Federal Regulations

Volume 32, Part 146

§ 146.4 Policy

It is DoD policy that:

(a) With due regard for mission requirements, the provisions of applicable international agreements, and ongoing DoD investigations and courtsmartial, the Department of Defense shall cooperate with courts and State and local officials in enforcing court 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, who 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.

§ 146.6 Procedures

(a) On receipt of a request for assistance from a court, or a Federal, State or local official concerning a court order described in § 146.4(a), the Head of the DoD Component concerned, or designee, shall determine whether the request 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 (subject). Before action is taken under this section, the subject 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 that such efforts warrant a delay in taking action under this section, the DoD Component Head may grant a brief delay (not more than 90 days). All delays promptly shall be reported to the ASD(FM&P) [Assistant Secretary of Defense (Force Management and Personnel)] and to GC, DoD [General Counsel, Department of Defense].

(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, or designee, promptly shall take the action prescribed in paragraphs (b) through (d) of this section, unless the ASD(FM&P), or designee, grants an exception.

(b) If a DoD member is the subject of the request, the member shall be ordered, under 10 USC § 814, 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.

(c) If the DoD employee is the subject of the request concerning the court order, the employee strongly shall 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 may be the basis for adverse action against the DoD employee, to include removal from the Federal Service. Proposals to take such adverse action must be approved by the Head of the DoD Component concerned, or designee. Such proposals shall be coordinated with the cognizant civilian personnel office and legal counsel.

(d) If the family member of a DoD member or employee is the subject of a request concerning the court order, the family member strongly shall 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.

State Directory of Family-Abduction Laws and Resources

Note: In this section the contact and statute information is based on information available through January 2002.

Updates on the contact information in this section can be obtained from the sources noted below.

For Parent Locator Service

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

For State Missing Children's 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)
www.missingkids.com

For Missing Children's Organizations

Association of Missing and Exploited Children's Organizations Inc.
(Interim Office)
c/o Commission on Missing & Exploited Children
616 Adams Avenue, Room 124
Memphis, TN 38105-4996
901-405-8441
fax: 901-405-8856
www.amecoinc.org

For Criminal Custodial Interference Laws

American Prosecutors Research Institute
99 Canal Center Plaza, Suite 510
Alexandria, VA 22314-1588
703-739-0321

To obtain copies of state statutes, contact your lawyer or check in a major public library or law library. Law schools, state and federal courts, and bar associations have law libraries, many of which are open to the public. Research the law of the states from which, and to which, the child was taken.

KEY

Domestic Violence:	DV = state statute provides for a domestic-violence defense
Flagging of Records:	BC = government office flags birth certificate
	SR = school registrar flags records
UCCJA:	Uniform Child Custody Jurisdiction Act
UCCJEA:	Uniform Child Custody Jurisdiction and Enforcement Act
Waiting Period:	NWP = no waiting period for investigation

ALABAMA

Parent Locator Service	Alabama Department of Human Resources State Parent Locator Service S. Gordon Persons Building 50 Ripley Street Montgomery, AL 36130-1808 334-242-9300	
Missing Children's Clearinghouse	Alabama Department of Public Safety Alabama Center for Missing and Exploited Children 2720 Gunter Park Drive, West #A Montgomery, AL 36109-1014 334-260-1172 1-800-228-7688	
Missing Children's Organizations		
UCCJEA	Ala. Code 30-3b-101 – 112 Ala. Code 30-3b-201 – 210 Ala. Code 30-3b-301 – 314 Ala. Code 30-3b-401 – 405 (2001)	
Criminal Custodial Interference Laws	Ala. Code § 13A-6-45 (2001) (custodial interference, Class C felony)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Ala. Code § 26-19-5 (2001) NWP Ala. Code § 26-19-4 (2001) Ala. Code § 26-19-4(7), 26-19-9 (2001)
Laws Regarding Bonds	Ala. Code § 30-3-6(b) (2001)	
Relevant Case Law	Bonds <i>Breazeale v. Hayes</i> , 489 So. 2d 1111 (Ala. Civ. App. 1986) <i>Deal v. Deal</i> , 587 So. 2d 413 (Ala. Civ. App. 1991) <i>Ham v. Barnes</i> , 418 So. 2d 166 (Ala. Civ. App. 1982) <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>Shonkwiler v. Kriska</i> , 780 So. 2d 703 (Ala. Civ. App. released Sept. 29, 2000) <i>Taylor v. Taylor</i> , 563 So. 2d 1049 (Ala. Civ. App. 1990) Relocation of Custodial Parent <i>Mayhew v. Monroe</i> , 727 So. 2d 104 (Ala. 1999)	

ALASKA

Parent Locator Service	Department of Revenue Child Support Enforcement Division 550 West 7 th Avenue, Suite 310 Mail Stop 13 Anchorage, AK 99501-6699 907-269-6832	
Missing Children's Clearinghouse	Alaska State Troopers Missing Persons Clearinghouse 5700 East Tudor Road Anchorage, AK 99507-1274 907-269-5058 1-800-478-9333 (in-state only)	
Missing Children's Organizations		
UCCJEA	Alaska Stat. §§ 25.30.300 – 25.30.910 (2001)	
Criminal Custodial Interference Laws	Alaska Stat. § 11.41.320 (2001) (custodial interference in the first degree, Class C felony) Alaska Stat. § 11.41.330 (2001) (custodial interference in the second degree, Class A misdemeanor) Alaska Stat. § 11.51.125 (2000) (failure to permit visitation with a minor, violation)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Alaska Stat. § 47.10.141 (2001) NWP Alaska Stat. § 14.30.710 (2001) Alaska Stat. § 14.30.700 (2000) SR Alaska Stat. § 14.30.710 (2001) SR Alaska Stat. § 18.50.315 (2001) BC
Laws Regarding Bonds		
Relevant Case Law	Restricting Visitation <i>Monett v. Hoff</i> , 958 P.2d 434 (Alaska 1998)	

ARIZONA

Parent Locator Service	State Parent Locator – Unit 50 Child Support Enforcement Agency D.C.S.E. PO Box 40458 Phoenix, AZ 85067-0458 602-280-1013	
Missing Children's Clearinghouse	Arizona Department of Public Safety Criminal Investigations Research Unit PO Box 6638 Phoenix, AZ 85005-6638 602-223-2158	
Missing Children's Organizations	The Nation's Missing Children Organization and Center for Missing Adults, Inc. 2432 West Peoria Avenue, Suite 1283 Phoenix, AZ 85029-4739 602-944-1768 Hotline: 1-800-690-FIND (3463) Fax: 602-944-7520 E-mail: nmco@aol.com Web Site: www.nmco.org	
UCCJEA	A.R.S. §§ 25-1001 – 25-1012 A.R.S. §§ 25-1031 – 25-1040 A.R.S. §§ 25-1051 – 25-1067 (2000)	
Criminal Custodial Interference Laws	Ariz. Rev. Stat. § 13-1302 (2000) (custodial interference; Class 3, 4, or 6 felony or Class 1 misdemeanor) DV Ariz. Rev. Stat. § 13-1305 (2000) (access interference, Class 5 felony or Class 2 misdemeanor)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Ariz. Rev. Stat. § 15-829 (2000) SR Ariz. Rev. Stat. § 36-326.02 (2000) BC Ariz. Rev. Stat. § 15-807 (K-8) (2000)
Laws Regarding Bonds		
Relevant Case Law	Law-Enforcement Liability <i>Henderson v. Mohave County</i> , 54 F.3d 592 (9th Cir. 1995)	

ARKANSAS

Parent Locator Service	Arkansas Child Support Enforcement Department of Revenue 400 East Capitol Avenue PO Box 8133 Little Rock, AR 72203-8133 501-371-5341	
Missing Children's Clearinghouse	Arkansas Attorney General's Office Missing Children Services Program 323 Center Street, Suite 200 Little Rock, AR 72201-2698 501-682-1020 1-800-448-3014 (in-state only)	
Missing Children's Organizations	Morgan Nick Foundation, Inc. PO Box 1033 Alma, AR 72921-1033 501-632-6382 1-877-543-HOPE (4673) Fax: 501-632-6455 E-mail: morgannick@aol.com	
UCCJEA	A.C.A. 9-19-101 – 112 A.C.A. 9-19-201 – 210 A.C.A. 9-19-301 – 317 A.C.A. 9-19-401 (2001)	
Criminal Custodial Interference Laws	Ark. Code Ann. § 5-26-501 (2001) (interference with visitation, Class D felony Class A or C misdemeanor) DV Ark. Code Ann. § 5-26-502 (2001) (interference with custody, Class C or D felony or Class A misdemeanor)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Ark. Code Ann. § 12-12-205 (2001) NWP Ark. Code Ann. § 12-12-205 (2001) Ark. Code Ann. § 12-12-802 (2001) BC Ark. Code Ann. § 12-12-803 (2001) SR
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Day v. Wright</i> , 1986 Ark. App. LEXIS 2260 <i>Durham v. Durham</i> , 289 Ark. 3, 708 S.W.2d 618 (1986) <i>Koroklo v. Koroklo</i> , 302 Ark. 96, 787 S.W.2d 241 (1990) <i>Payne v. White</i> , 1 Ark. App. 271, 614 S.W.2d 684 (1981) <i>Young v. Smith</i> , 331 Ark. 525, 964 S.W.2d 784 (1998) Restricting Visitation <i>Ishmael v. Ismail</i> , No. CA98-896, 1999 Ark. App. LEXIS 262 (Ark. Ct. App. May 5, 1999) <i>Tort Actions</i> <i>Pankratz v. Willis</i> , 155 Ariz. 8, 744 P.2d 1182 (Ct. App. 1987)	

CALIFORNIA

Parent Locator Service	California Parent Locator Service Office of the Attorney General Department of Justice 1300 I Street, Room 1140 PO Box 903300 Sacramento, CA 94203-3000 916-323-5628
Missing Children's Clearinghouse	California Department of Justice Missing/Unidentified Persons Unit PO Box 903387 Sacramento, CA 94203-3870 916-227-3290 1-800-222-3463 (in-state only)
Missing Children's Organizations	Amber Foundation for Missing Children, Inc. PO Box 565 Pinole, CA 94564-0565 510-222-9050 Hotline: 510-541-0777 Child Quest International, Inc. 1625 The Alameda, Suite 500 San Jose, CA 95126-2200 408-287-HOPE (4673) Fax: 408-287-4676 E-mail: info@childquest.org Web Site: www.childquest.org Children of the Night 14530 Sylvan Street Van Nuys, CA 91411-2324 818-908-4474 Hotline: 1-800-551-1300 Fax: 818-908-1468 Interstate Association for Stolen Children, Inc. 11233 Skagit River Court Rancho Cordova, CA 95670-2903 916-631-7631 Hotline: 1-800-843-5678 Fax: 916-638-1529 E-mail: iasckids@pacbell.net The Polly Klaas Foundation, Inc. PO Box 800 Petaluma, CA 94953-0800 707-769-1334 Hotline: 1-800-587-4357 Fax: 707-769-4019 E-mail: pklaasfdtn@aol.com Web Site: www.pollyklaas.org Vanished Children's Alliance, Inc. 2095 Park Avenue San Jose, CA 95126-1307 408-296-1113 Fax: 408-296-1117 E-mail: vca@aol.com Web Site: www.vca.org

UCCJEA	Cal. Fam. Code §§ 3400-3465 (Deering 2001)	
Criminal Custodial Interference Laws	Cal. Penal Code § 277 (Deering 2001) (definitions) Cal. Penal Code § 278 (Deering 2001) (custodial interference, \$10,000/4 years maximum) Cal. Penal Code § 278.5 (Deering 2001) (additional punishment permitted) Cal. Penal Code § 278.6 (Deering 2001) (aggravated custodial interference) Cal. Penal Code § 278.7 (Deering 2001) (defenses) DV Cal. Penal Code § 279 (Deering 2001) (violations by non-residents) Cal. Penal Code § 279.1 (Deering 2001) (continuous offenses) Cal. Penal Code § 279.5 (Deering 1999) (bail) Cal. Penal Code § 279.6 (Deering 2001) (law-enforcement officer may take child into custody) Cal. Penal Code § 280 (Deering 2001) (family code offenses) Cal. Fam. Code § 3134.5 (Deering 2001) (protective custody warrant)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Cal. Penal Code § 14205 (Deering 2001) NWP Cal. Penal Code § 14202 (Deering 2001) Cal. Educ. Code § 49068.5 (Deering 2001) Cal. Educ. Code § 49068.6 (Deering 2001) Cal. Educ. Code § 49068.6(b) (Deering 2001)
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Condon v. Cooper</i> , 62 Cal. App. 4th 533, 73 Cal. Rptr. 2d 33 (1998) <i>Damico v. Damico</i> , 7 Cal. 4th 673, 872 P.2d 126, 29 Cal. Rptr. 2d 787 (1994) <i>Moffat v. Moffat</i> , 27 Cal. 3d 645, 612 P.2d 967, 165 Cal. Rptr. 877 (1980) Restricting Visitation <i>People v. Beach</i> , 240 Cal. Rptr. 50 (Ct. App. 1987) <i>In re Joseph D.</i> , 23 Cal. Rptr. 2d 574 (Ct. App. 1993) Passport Restrictions <i>Economou v. Economou</i> , 274 Cal. Rptr. 473 (Ct. App. 1990) Relocation of Custodial Parent <i>In re Marriage of Burgess</i> , 913 P.2d 473 (Cal. 1996) <i>Condon v. Cooper</i> , 62 Cal. App. 4th 533, 73 Cal. Rptr. 2d 33 (1998) Tort Actions <i>Segel v. Segel</i> , 179 Cal. App. 3d 602, 224 Cal. Rptr. 591 (1986)	

COLORADO

Parent Locator Service	State of Colorado Division of Child Support Enforcement 303 East 17 th Avenue, Suite 200 Denver, CO 80203-1241 720-947-5000	
Missing Children's Clearinghouse	Colorado Bureau of Investigation Missing Children Project 710 Kipling Street, Suite 200 Denver, CO 80215-8006 303-239-4251	
Missing Children's Organizations	Missing Children Task Force PO Box 261141 Littleton, CO 80163-1141 303-588-2909 Web Site: www.childfinders.org	
UCCJEA	Colo. Rev. Stat. §§ 14-13-101 – 14-13-112; 14-13-201 – 14-13-210; 14-13-301 – 14-13-314; 14-13-401 – 14-13-403 (2000)	
Criminal Custodial Interference Laws	Colo. Rev. Stat. § 18-3-304 (2000) (custodial interference, Class 4 or 5 felony)	
State Missing Children's Laws	Waiting Period for Investigation	Colo. Rev. Stat. § 24-33.5 – 415.1(3) (2000) NWP
	Maintain File of Unidentified Persons	Colo. Rev. Stat. § 24-33.5 – 415.1(4) (2000)
	Cross Check of School Records	Colo. Rev. Stat. § 24-33.5 – 415.1(5) (2000)
	Flagging of School Records	
	Verify Student Absences	
Laws Regarding Bonds	Colo. Rev. Stat. § 14-10-129.5(2)(c) (2000) Colo. Rev. Stat. § 19-1-117.5(2)(c) (2000)	
Relevant Case Law	Bonds <i>Casida v. Casida</i>, 659 P.2d 56 (Colo. Ct. App. 1982) <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>People, in the Interest of A.R.D. and K.F.D. Children . . .</i>, No. 00CA0600, 2001 Colo. App. LEXIS 1114 (Colo. Ct. App. July 5, 2001) Tort Actions <i>Anderson v. Cramlet</i>, 789 F.2d 840 (10th Cir. 1986) <i>D&D Fuller CATV Constr. v. Pace</i>, 780 P.2d 520 (Colo. 1989) <i>Johnson v. Rodrigues</i>, 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000)	

CONNECTICUT

Parent Locator Service	Office of Child Support Enforcement 25 Sigourney Street, Suite 1 Hartford, CT 06106-5033 860-424-4908	
Missing Children's Clearinghouse	Connecticut State Police Research & Planning/Missing Persons PO Box 2794 Middletown, CT 06457-9294 860-685-8260 1-800-367-5678 (in-state only)	
Missing Children's Organizations	Paul and Lisa Program, Inc. PO Box 348 Westbrook, CT 06498-0348 860-767-7660 E-mail: paulandlisaprogram@snet.net Web Site: www.paulandlisa.org	
UCCJEA	Conn. Gen. Stat. §§ 46b-115a – 46b-115jj (2001)	
Criminal Custodial Interference Laws	Conn. Gen. Stat. § 46b-16 (2001) (petition for temporary custody order when there is custodial interference) Conn. Gen. Stat. § 53a-97 (2001) (custodial interference in the first degree, Class D felony) Conn. Gen. Stat. § 53a-98 (2001) (custodial interference in the second degree, Class A misdemeanor)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Conn. Gen. Stat. § 7-282c (2001) NWP
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Presutti v. Presutti</i> , 181 Conn. 622, 436 A.2d 299 (1980) Relocation of Custodial Parent <i>Ireland v. Ireland</i> , 717 A.2d 676 (Conn. 1998) Propriety of Joint-Custody Orders <i>Faria v. Faria</i> , 456 A.2d 1205 (Conn. Super. Ct. 1982) Tort Actions <i>Arthur v. Huschke</i> , CV 990428015, 1999 Conn. Super. LEXIS 2467 (Conn. Super. Ct. Sept. 9, 1999) <i>Bouchard v. Sundberg</i> , CV 9904981245, 2000 Conn. Super. LEXIS 1571 (Conn. Super. Ct. June 8, 2000) <i>Marshak v. Marshak</i> , 226 Conn. 652, 628 A.2d 964 (1993) Attorney Disclosure <i>Bersani v. Bersani</i> , 41 Conn. Supp. 252, 565 A.2d 1368 (1989)	

DELAWARE

Parent Locator Service	Department of Health and Social Services Division of Child Support Enforcement PO Box 904 New Castle, DE 19720-0904 302-577-7171	
Missing Children's Clearinghouse	Delaware State Police State Bureau of Identification 1407 DuPont Highway Dover, DE 19901-4903 302-739-5883	
Missing Children's Organizations		
UCCJA	Del. Code Ann. tit. 13, §§ 1901 – 1925 (2000)	
Criminal Custodial Interference Laws	Del. Code Ann. tit. 11, § 785 (2000) (custodial interference, Class G felony, Class A misdemeanor)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Del. Code Ann. tit. 11, § 8544 (2000) NWP Del. Code Ann. tit. 11, § 8535 (2000) NWP Del. Code Ann. tit. 11, § 8537 (2000)
Laws Regarding Bonds		
Relevant Case Law		

DISTRICT OF COLUMBIA

Parent Locator Service	Office of the Corporation Counsel Division Child Support Enforcement 441 - 4 th Street, Northwest, Suite 550 North Washington, DC 20001-2714 202-724-2131	
Missing Children's Clearinghouse	DC Metropolitan Police Department Missing Persons/Youth Division 1700 Rhode Island Avenue, Northeast Washington, DC 20018-1898 202-576-6768	
Missing Children's Organizations		
UCCJEA	D.C. Code Ann. §§ 16-4501 – 16-4524 (2000)	
Criminal Custodial Interference Laws	D.C. Code Ann. § 16-1021 (2000) (definitions) D.C. Code Ann. § 16-1022 (2000) (custodial interference) D.C. Code Ann. § 16-1023 (2000) (defenses, continuous offenses, jurisdiction) DV D.C. Code Ann. § 16-1024 (2000) (penalties, \$5,000/1 year maximum)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	
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

Parent Locator Service	Department of Revenue Office of Child Support Enforcement PO Box 8030 Tallahassee, FL 32314-8030 850-922-9590
Missing Children's Clearinghouse	Florida Department of Law Enforcement Missing Children Information Clearinghouse PO Box 1489 Tallahassee, FL 32302-1489 850-410-8585 1-888-356-4774
Missing Children's Organizations	A Child is Missing 500 Southeast 17th Street, Room 101 Fort Lauderdale, FL 33316-2547 954-763-1288 Fax: 954-763-1285 Child Watch of North America, Inc. 7380 Sand Lake Road, Suite 500 Orlando, FL 32819-5257 407-290-5100 1-888-CHILDWATCH (1-888-244-5392) Fax: 407-290-1613 E-mail: info@childwatch.org Web Site: www.childwatch.org Jimmy Ryce Center for Victims of Predatory Abduction 333 – 41st Street, Suite 714 Miami Beach, FL 33140-3608 1-800-JIM-RYCE (546-7923) Fax: 305-532-8386 E-mail: misujim@netrox.net Missing Children Center, Inc. 276 East Highway 434 Winter Springs, FL 32708-2504 407-327-4403 Hotline: 1-800-330-1907 Missing Children Help Center, Inc. 410 Ware Boulevard, Suite 710 Tampa, FL 33619-4457 813-623-KIDS (5437) Hotline: 1-800-USA-KIDS (872-5437) Fax: 813-664-0705 E-mail: mchc@800usakids.org Web Site: www.800usakids.org Voice for the Children, Inc. 224 Datura Street, Suite 811 West Palm Beach, FL 33401-5636 561-833-0290 1-800-28HELPM (1-800-284-3576) Web Site: www.voiceforthechildreninc.org

UCCJA	Fla. Stat. ch. 61.1302 – 61.1348 (2000)	
Criminal Custodial Interference Laws	Fla. Stat. ch. 787.03 (2000) (custodial interference, felony of third degree) DV Fla. Stat. ch. 787.04 (2000) (removing minor from state in violation of court order, felony of third degree) DV	
State Missing Children's Laws	Waiting Period for Investigation	Fla. Stat. ch. 937.021 (2000) NWP
	Maintain File of Unidentified Persons	Fla. Stat. ch. 937.031 (2000) Fla. Stat. ch. 406.145 (2000)
	Cross Check of School Records	Fla. Stat. ch. 937.023 (2000)
	Flagging of School Records	Fla. Stat. ch. 937.024 (2000) BC Fla. Stat. ch. 937.025 (2000) SR
	Verify Student Absences	
Laws Regarding Bonds		
Relevant Case Law	Bonds <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) Restricting Visitation <i>Savoy v. Savoy</i> , 529 So. 2d 829 (Fla. Dist. Ct. App. 1988) Tort Actions <i>Davis v. Hilton</i> , 780 So. 2d 974 (Fla. Dist. Ct. App. opinion filed March 7, 2001) <i>McDougald v. Jenson</i> , 786 F.2d 1465 (11th Cir. 1986) <i>Stone v. Wall</i> , 734 So. 2d 1038 (Fla. 1999)	

GEORGIA

Parent Locator Service	Office of Child Support Enforcement Georgia State Parent Locator Central Registry PO Box 38070 Atlanta, GA 30334-0070 404-657-3874	
Missing Children's Clearinghouse	Georgia Bureau of Investigation Intelligence Unit PO Box 370808 Decatur, GA 30037-0808 404-244-2554 1-800-282-6564	
Missing Children's Organizations		
UCCJEA	Ga. Code Ann. §§ 19-9-40 – 19-9-104 (2001)	
Criminal Custodial Interference Laws	Ga. Code Ann. § 16-5-45 (2000) (custodial interference, misdemeanor or felony, 5 years maximum)	
State Missing Children's Laws	Waiting Period for Investigation	Ga. Code Ann. § 35-3-83 (2000) NWP
	Maintain File of Unidentified Persons	Ga. Code Ann. § 35-3-82, 35-1-8 (2000)
	Cross Check of School Records	Ga. Code Ann. § 35-3-82 (2000)
	Flagging of School Records	
	Verify Student Absences	
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Bull v. Bull</i>, 243 Ga. 72, 252 S.E.2d 494 (1979) <i>Mitchell v. Mitchell</i>, 252 Ga. 46, 311 S.E.2d 456 (1984) 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)	

HAWAII

Parent Locator Service	Hawaii Child Support Enforcement Agency Department of the Attorney General PO Box 1860 Honolulu, HI 96805-1860 808-692-7000	
Missing Children's Clearinghouse	Missing Child Center – Hawaii Department of the Attorney General 235 South Beretania, Suite 303 Honolulu, HI 96813-2427 808-586-1449	
Missing Children's Organizations		
UCCJA	Haw. Rev. Stat. §§ 583-1 – 583-26 (2000)	
Criminal Custodial Interference Laws	Haw. Rev. Stat. § 707-726 (2000) (custodial interference in the first degree, class C felony) DV Haw. Rev. Stat. § 707-727 (2000) (custodial interference in the second degree, misdemeanor)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Haw. Rev. Stat. § 577-27 (2000) NWP
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Bullard v. Bullard</i> , 3 Haw. App. 194, 647 P.2d 294 (1982)	

IDAHO

Parent Locator Service	Idaho Department of Health and Welfare Bureau of Child Support Services PO Box 83720 Boise, ID 83720-0036 1-800-356-9868	
Missing Children's Clearinghouse	Idaho Bureau of Criminal Identification Missing Persons Clearinghouse PO Box 700 Meridian, ID 83680-0700 208-884-7154 1-888-777-3922	
Missing Children's Organizations		
UCCJEA	Idaho Code §§ 32-11-101 – 32-11-112 Idaho Code §§ 32-11-201 – 32-11-210 Idaho Code §§ 32-11-301 – 32-11-317 Idaho Code §§ 32-11-410 – 32-11-405 (2000)	
Criminal Custodial Interference Laws	Idaho Code § 18-4506 (2000) (custodial interference, felony or misdemeanor) DV	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Idaho Code § 18-4509 (2000) NWP Idaho Code § 18-4511 (2000) Idaho Code § 18-4512 (2000) Idaho Code § 18-4510 (2000) BC Idaho Code § 18-4511 (2000) SR
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Biggers v. Biggers</i> , 103 Idaho 550, 650 P.2d 692 (Idaho 1982) <i>Howard v. Cornell</i> , 3 P.3d 528 (Idaho filed 2000) Tort Actions <i>Lake v. Lake</i> , 817 F.2d 1416 (9th Cir. 1987) Law-Enforcement Liability <i>Shields v. Martin</i> , 109 Idaho 132, 706 P.2d 21 (Idaho 1985)	

ILLINOIS

Parent Locator Service	Illinois Department of Public Aid 330 South Grand Avenue, West Springfield, IL 62704-3716 217-524-1206	
Missing Children's Clearinghouse	Illinois State Police Clearinghouse for Missing and Exploited Children 500 Iles Park Place, Suite 140 Springfield, IL 62718-1016 1-800-843-5763	
Missing Children's Organizations		
UCCJA	750 Ill. Comp. Stat. 35/1 – 35/26 (2001)	
Criminal Custodial Interference Laws	720 Ill. Comp. Stat. 5/10-5 (2001) (child abduction, Class 3 or 4 felony) DV 720 Ill. Comp. Stat. 5/10-5.5 (2001) (unlawful visitation interference, petty offense or Class A misdemeanor) DV 720 Ill. Comp. Stat. 5/10-7 (2001) (aiding child abduction, Class 4 felony)	
State Missing Children's Laws	Waiting Period for Investigation	325 Ill. Comp. Stat. 40/7 (2001) NWP
	Maintain File of Unidentified Persons	
	Cross Check of School Records	325 Ill. Comp. Stat. 50/5, 55/5 (2001) 105 Ill. Comp. Stat. 5/2-3.73 (2001)
	Flagging of School Records	325 Ill. Comp. Stat. 50/5 (2001) SR 325 Ill. Comp. Stat. 55/3 (2001) BC
	Verify Student Absences	105 Ill. Comp. Stat. 5/26-3b (2001) (K-8)
Laws Regarding Bonds	§ 750 Ill. Comp. Stat. 5/609 (2001)	
Relevant Case Law	Bonds <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) Restricting Visitation <i>In re Rodriguez</i>, 131 Ill. 2d 273, 545 N.E.2d 731, 137 Ill. Dec. 78 (1989) 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

Parent Locator Service	Indiana Parent Locator Service Indiana State Child Support Bureau 402 West Washington Street, Room W360 Indianapolis, IN 46204-2773 317-232-4936	
Missing Children's Clearinghouse	Indiana State Police Indiana Missing Children Clearinghouse 100 North Senate Avenue, Third Floor Indianapolis, IN 46204-2259 317-232-8310 1-800-831-8953	
Missing Children's Organizations		
UCCJA	Ind. Code Ann. §§ 31-17-3-1 – 31-17-3-25 (Michie 2000)	
Criminal Custodial Interference Laws	Ind. Code Ann. § 35-42-3-3 (Michie 2000) (criminal confinement, Class B, C, or D felony) Ind. Code Ann. § 35-42-3-4 (Michie 2000) (interference with custody, Class B, C, or D felony)	
State Missing Children's Laws	Waiting Period for Investigation	Ind. Code Ann. § 31-36-1-2 (Michie 2000) NWP
	Maintain File of Unidentified Persons	Ind. Code Ann. § 5-2-5-12 (Michie 2000)
	Cross Check of School Records	Ind. Code Ann. § 20-8.1-3-17.1 (Michie 2000)
	Flagging of School Records	Ind. Code Ann. § 10-1-7-8 (Michie 2000) BC Ind. Code Ann. § 31-36-1-5 (2000) SR
	Verify Student Absences	
Laws Regarding Bonds	Citations Affected; IC 31-16, IC 31-17-1-3, IC 31-17-4-7 (2001)	
Relevant Case Law		

IOWA

Parent Locator Service	Interstate Central Registry PO Box 9218 Des Moines, IA 50306-9218 1-888-229-9223	
Missing Children's Clearinghouse	Missing Person Information Clearinghouse Iowa Division of Criminal Investigation Wallace State Office Building East 9 th and Grand Des Moines, IA 50319-0041 515-281-7958 1-800-346-5507	
Missing Children's Organizations		
UCCJEA	Iowa Code §§ 598B.101 – 598B.112 Iowa Code §§ 598B.201 – 598B.210 Iowa Code §§ 598B.301 – 598B.315 Iowa Code §§ 598B.401 – 598B.402 (2001)	
Criminal Custodial Interference Laws	Iowa Code § 710.6 (2001) (custodial interference, class D felony or misdemeanor)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Iowa Code § 694.5 (2001) NWP Iowa Code § 690.2 (2001)
Laws Regarding Bonds	Iowa Code § 598.21(8A) (2001)	
Relevant Case Law	Bonds <i>In re Hatzievgenakis</i> , 434 N.W.2d 914 (Iowa Ct. App. 1988) <i>Wagner v. Wagner</i> , 480 N.W.2d 883, 885 (Iowa 1992) Tort Actions <i>Wood v. Wood</i> , 338 N.W.2d 123 (Iowa 1983)	

KANSAS

Parent Locator Service	Child Support Enforcement Parent Locator Unit PO Box 1424 Topeka, KS 66601-1424 785-296-4600	
Missing Children's Clearinghouse	Kansas Bureau of Investigation Missing Persons Clearinghouse 1620 Southwest Tyler Street Topeka, KS 66612-1837 785-296-8200 1-800-572-7463	
Missing Children's Organizations		
UCCJEA	K.S.A. §§ 38-1336 – 38-1377 (2000)	
Criminal Custodial Interference Laws	Kan. Stat. Ann. § 21-3422 (2000) (custodial interference, class A misdemeanor or Level 10 felony) Kan. Stat. Ann. § 21-3422a (2000) (aggravated custodial interference, Level 7 felony)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Kan. Stat. Ann. § 75-712c (2000) NWP Kan. Stat. Ann. § 75-712b (2000) Kan. Stat. Ann. § 72-53,106 (2000) Kan. Stat. Ann. § 72-53, 106 (2000) SR
Laws Regarding Bonds	Kan. Stat. Ann. § 23-701(g)(3) (2000)	
Relevant Case Law	Bonds <i>Johnson v. Rodrigues</i> , 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000)	

KENTUCKY

Parent Locator Service	Cabinet for Families and Children Department for Community Based Services Division of Child Support Enforcement State Parent Locator Section PO Box 2150 Frankfort, KY 40602-2150 502-564-2244, Extension 4413	
Missing Children's Clearinghouse	Kentucky State Police 1240 Airport Road Frankfort, KY 40601-6161 502-227-8799 1-800-543-7723	
Missing Children's Organizations	Exploited Children's Help Organization, Inc. 1500 Poplar Levell Road, Suite 2 Louisville, KY 40217-1311 502-636-3670 Fax: 502-636-3673 E-mail: echolou@aol.com	
UCCJA	Ky. Rev. Stat. Ann. §§ 403.400 – 400.630 (Michie 2001)	
Criminal Custodial Interference Laws	Ky. Rev. Stat. Ann. § 440.375 (Michie 2001) (extradition of persons charged with custodial interference) Ky. Rev. Stat. Ann. § 509.070 (Michie 2001) (custodial interference, Class D felony)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Ky. Rev. Stat. Ann. § 17.460 (2001) NWP Ky. Rev. Stat. Ann. § 156.495 (2001) Ky. Rev. Stat. Ann. § 213.061 (2001) BC Ky. Rev. Stat. Ann. § 156.495 (2001) (encouraged, not mandated)
Laws Regarding Bonds		
Relevant Case Law		

LOUISIANA

Parent Locator Service	Support Enforcement Services PO Box 94065 Baton Rouge, LA 70804-4065 225-342-4780	
Missing Children's Clearinghouse	Louisiana Department of Social Services Clearinghouse for Missing & Exploited Children Office of Community Services PO Box 3318 Baton Rouge, LA 70812-3318 225-342-8631	
Missing Children's Organizations		
UCCJA	La. Rev. Stat. §§ 13:1701 – 13:1724 (2000)	
Criminal Custodial Interference Laws	La. Rev. Stat. § 14:45 (2000) (simple kidnapping, \$5,000/5 years maximum) La. Rev. Stat. § 14:45.1 (2000) (custodial interference, \$500/6 months maximum) DV	
State Missing Children's Laws	Waiting Period for Investigation	La. Rev. Stat. § 14:403.3 (2000) (within 48 hours) La. Rev. Stat. § 40:2521 (2000) NWP
	Maintain File of Unidentified Persons	La. Rev. Stat. § 33:1563(H) (2000)
	Cross Check of School Records	
	Flagging of School Records	
	Verify Student Absences	La. Rev. Stat. § 17:221(D) (2000)
Laws Regarding Bonds	La. Rev. Stat. § 9:342 (2000)	
Relevant Case Law	Bonds <i>Baudoin v. Herbert</i> , 463 So. 2d 78 (La. Ct. App. 1985) <i>Fuge v. Uiterwyk</i> , 653 So. 2d 708 (La. Ct. App. 1995) <i>Glover v. Tooley</i> , 641 So. 2d 1032, 1036 (La. Ct. App. 1994) <i>Hatchett v. Hatchett</i> , 449 So. 2d 626 (La. Ct. App. 1984) <i>Holdsworth v. Holdsworth</i> , 621 So. 2d 71 (La. St. App. 1993) <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>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) <i>Rykers v. Alford</i> , 832 F.2d 895 (5th Cir. 1987)	

MAINE

Parent Locator Service	Division of Support Enforcement and Recovery Department of Human Services 11 State House Station, Whitten Road Augusta, ME 04330-9930 207-287-2886	
Missing Children's Clearinghouse	Maine State Police Missing Children Clearinghouse, CID 3 1 Darcie Drive, Suite 208 Houlton, ME 04730-3565 207-941-4071	
Missing Children's Organizations		
UCCJEA	19-A M.R.S. §§1731 – 1783 (2000)	
Criminal Custodial Interference Laws	Me. Rev. Stat. tit. 17-A, § 303 (2000) (criminal restraint by parent, Class C crime)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Me. Rev. Stat. tit. 25, § 2154 (2000) NWP Me. Rev. Stat. tit. 25, § 2154-A (1998) BC, SR
Laws Regarding Bonds		
Relevant Case Law	Tort Actions <i>Finn v. Lipman</i> , 526 A.2d 1380 (Me. 1987)	

MARYLAND

Parent Locator Service	Department of Human Resources Child Support Enforcement Administration Saratoga State Center 311 West Saratoga Street, Third Floor Baltimore, MD 21201-3521 410-767-7043	
Missing Children's Clearinghouse	Maryland Center for Missing Children Maryland State Police – Computer Crimes Unit 7155 Columbia Gateway Drive, Suite C Columbia, MD 21046-2545 1-800-637-5437	
Missing Children's Organizations	Missing and Exploited Children's Association, Inc. 1106 High Country Road Baltimore, MD 21286-1515 410-667-0718 Hotline: 1-888-755-MECA (6322) Fax: 410-296-7812	
UCCJA	Md. Code Ann., Fam. Law §§ 9-201 – 9-224 (2001)	
Criminal Custodial Interference Laws	Md. Code Ann., Fam. Law § 9-301 (2001) (definitions) Md. Code Ann., Fam. Law § 9-304 (2001) (abduction within state; misdemeanor, \$250/30 days maximum) Md. Code Ann., Fam. Law § 9-305 (2001) (abduction outside of state; felony, \$1000/1 year maximum or both) Md. Code Ann., Fam. Law § 9-306 (2001) (defense of clear and present danger) DV Md. Code Ann., Fam. Law § 9-307 (2001) (penalties, misdemeanor or felony)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Md. Code Ann. Fam. Law § 9-402 (2001) NWP
Laws Regarding Bonds		
Relevant Case Law	Tort Actions <i>Hixon v. Buchberger</i> , 306 Md. 72, 507 A.2d 607 (1986) <i>Lapides v. Trabbic</i> , 758 A.2d 1114 (Md. Ct. Spec. App. filed Sept. 7, 2000) <i>Wasserman v. Wasserman</i> , 671 F.2d 832 (4th Cir. 1982)	

MASSACHUSETTS

Parent Locator Service	Department of Revenue Child Support Enforcement Division DOR/CSE Customer Service PO Box 4068 Wakefield, MA 01880-5363 1-800-332-2738	
Missing Children's Clearinghouse	Massachusetts State Police Missing Persons Unit 470 Worcester Road Framingham, MA 01702-5351 508-820-2130	
Missing Children's Organizations		
UCCJA	Mass. Ann. Laws ch. 209B, §§ 1 – 14 (2001)	
Criminal Custodial Interference Laws	Mass. Ann. Laws ch. 265, § 26A (2001) (custodial interference by relatives, \$5,000/5 year maximum) Mass. Ann. Laws ch. 265, § 27A (2001) (venue in custodial interference cases)	
State Missing Children's Laws	Waiting Period for Investigation	Mass. Ann. Laws ch. 22A, § 4 (2001) NWP
	Maintain File of Unidentified Persons	Mass. Ann. Laws ch. 22A, § 5 (2001)
	Cross Check of School Records	Mass. Ann. Laws ch. 22A, § 9 (2001)
	Flagging of School Records	Mass. Ann. Laws ch. 22A, § 9 (2001) SR
	Verify Student Absences	Mass. Ann. Laws ch. 76, § 1A (2001) (school district discretion)
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Haas v. Puchalski</i> , 9 Mass. App. Ct. 555, 402 N.E.2d 1088 (1980) <i>Schiereck v. Schiereck</i> , 14 Mass. App. Ct. 378, 439 N.E.2d 859 (1982)	

MICHIGAN

Parent Locator Service	Michigan Family Independence Agency Office of Child Support 235 South Grand Avenue, Suite 1215 PO Box 30478 Lansing, MI 48909-7978 517-335-3922	
Missing Children's Clearinghouse	Michigan State Police Prevention Services Section 4000 Collins Road PO Box 30634 Lansing, MI 48909-8134 517-333-4006 517-336-6100 (24 hours)	
Missing Children's Organizations		
UCCJEA	Mich. Comp. Laws §§ 722.1101 – 722.1406 (2002)	
Criminal Custodial Interference Laws	Mich. Comp. Laws § 750.350a (2000) (unlawfully taking child, felony) DV	
State Missing Children's Laws	Waiting Period for Investigation	Mich. Comp. Laws § 28.258 (2001) NWP
	Maintain File of Unidentified Persons	Mich. Comp. Laws § 28.258 (2001)
	Cross Check of School Records	Mich. Comp. Laws § 380.1135 (2001)
	Flagging of School Records	Mich. Comp. Laws § 380.1134 (2001) SR Mich. Comp. Laws § 333.2889 (2001) BC
	Verify Student Absences	
Laws Regarding Bonds	Mich. Stat. Ann. § 25.312 (8)(a) (2001)	
Relevant Case Law	Bonds <i>Farrell v. Farrell</i>, 133 Mich. App. 502, 351 N.W.2d 219 (1984) <i>Freier v. Freier</i>, 969 F. Supp. 436 (E.D. Mich. 1996) Restricting Visitation <i>Farrell v. Farrell</i>, 133 Mich. App. 502, 351 N.W.2d 219 (1984) Passport Restrictions <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)	

MINNESOTA

Parent Locator Service	Department of Human Services Office of Child Support 444 Lafayette Road Saint Paul, MN 55155-3846 651-215-1714	
Missing Children's Clearinghouse	Minnesota State Clearinghouse Bureau of Criminal Apprehension 1246 University Avenue Saint Paul, MN 55104-4101 651-642-0660	
Missing Children's Organizations	Missing Children – Minnesota, Inc. The Ford Center, Suite 570 420 North 5th Street PO Box 11216 Minneapolis, MN 55401-1348 Hotline: 1-888-786-9355 Fax: 612-334-9450 E-mail: mssngchild@aol.com Jacob Wetterling Foundation, Inc. 33 West Minnesota Street PO Box 639 Saint Joseph, MN 56374-0639 320-363-0470 Hotline: 1-800-325-HOPE (4673) E-mail: jacob@uslink.net Web Site: www.jwf.org	
UCCJEA	Minn. Stat. §§ 518D.101 – 518D.112 Minn. Stat. §§ 518D.201 – 518D.210 Minn. Stat. §§ 518D.301 – 518D.317 (2000)	
Criminal Custodial Interference Laws	Minn. Stat. § 609.26 (2000) (custodial interference, felony) DV	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Minn. Stat. § 299C.53 (2000) (requires preliminary investigation) Minn. Stat. § 299C.54 (2000) Minn. Stat. § 123b.08 (2000) SR
Laws Regarding Bonds	Minn. Stat. § 518.175 Subd. 5 and Subd. 6(c)(2) (2000)	
Relevant Case Law	Bonds <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) 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) Passport Restrictions <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) Relocation of Custodial Parent <i>Otava v. Otava</i>, 374 N.W.2d 509 (Minn. Ct. App. 1985) Tort Actions <i>Larson v. Dunn</i>, 460 N.W.2d 39 (Minn. 1990) Law-Enforcement Liability <i>Dennison v. Vietch</i>, 560 F. Supp. 435 (D. Minn. 1983)	

MISSISSIPPI

Parent Locator Service	Mississippi Department of Human Services Division of Child Support Enforcement PO Box 352 Jackson, MS 39205-0352 601-359-4315	
Missing Children's Clearinghouse	Mississippi Highway Patrol PO Box 958 Jackson, MS 39205-0958 601-987-1592	
Missing Children's Organizations		
UCCJA	Miss. Code Ann. §§ 93-23-1 – 93-23-47 (2001)	
Criminal Custodial Interference Laws	Miss. Code Ann. § 97-3-51 (2001) (removal of child by parent or relative, felony)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Internal Policy # MJ 63587 NWP
Laws Regarding Bonds		
Relevant Case Law	Bonds <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) <i>Walker v. Luckey</i> , 474 So. 2d 608 (Miss. 1985) Tort Actions <i>Goins v. Goins</i> , 777 F.2d 1059 (5th Cir. 1985)	

MISSOURI

Parent Locator Service	Department of Social Services Division of Child Support Enforcement 2009 Saint Mary's Boulevard Jefferson City, MO 65101-1101 573-526-0900	
Missing Children's Clearinghouse	Missouri State Highway Patrol Missing Person's Unit PO Box 568 Jefferson City, MO 65102-0568 573-751-3452 1-800-877-3452	
Missing Children's Organizations	One Missing Link, Inc. 2753 East Verona Street PO Box 10581 Springfield, MO 65808-0581 417-886-5836 1-800-555-7037	
UCCJA	Mo. Rev. Stat. §§ 452.440 – 452.550 (2000)	
Criminal Custodial Interference Laws	Mo. Rev. Stat. § 565.149 (2000) (definitions) Mo. Rev. Stat. § 565.150 (2000) (custodial interference, Class A misdemeanor or Class D felony) Mo. Rev. Stat. § 565.153 (2000) (parental kidnapping, Class D felony) Mo. Rev. Stat. § 565.156 (2000) (child abduction, Class D felony) Mo. Rev. Stat. § 565.160 (2000) (defenses to parental kidnapping and child abduction) DV Mo. Rev. Stat. § 565.163 (2000) (venue) Mo. Rev. Stat. § 565.165 (2000) (assisting in parental kidnapping or child abduction, Class A misdemeanor) Mo. Rev. Stat. § 565.167 (2000) (peace officer taking child into custody) Mo. Rev. Stat. § 565.169 (2000) (restitution, expenses of custodial parent)	
State Missing Children's Laws	Waiting Period for Investigation	Mo. Rev. Stat. § 43.401 (2000) NWP
	Maintain File of Unidentified Persons	Mo. Rev. Stat. § 43.410 (2000)
	Cross Check of School Records	
	Flagging of School Records	Mo. Rev. Stat. § 43.407 (2000) BC Mo. Rev. Stat. § 43.408 (2000) SR
	Verify Student Absences	
Laws Regarding Bonds	Mo. Rev. Stat. 452.400 (2001)	
Relevant Case Law	Restricting Visitation <i>Rios v. Rios</i> , 935 S.W.2d 49 (Mo. Ct. App. 1996) Tort Actions <i>Kramer v. Leineweber</i> , 642 S.W.2d 364 (Mo. Ct. App. 1982) <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) Attorney Disclosure <i>Jafarian-Kerman v. Jafarian-Kerman</i> , 424 S.W.2d 333 (Mo. Ct. App. 1967)	

MONTANA

Parent Locator Service	Department of Public Health and Human Services Child Support Enforcement Division 3075 North Montana Avenue, Suite 112 PO Box 202943 Helena, MT 59620-2943 406-444-4674	
Missing Children's Clearinghouse	Montana Department of Justice Missing/Unidentified Persons 303 North Roberts Street, Room 471 Helena, MT 59620-1402 406-444-2800	
Missing Children's Organizations		
UCCJEA	Mont. Code Anno. §§ 40-7-101 – 40-7-140 Mont. Code Anno. §§ 40-7-201 – 40-7-204 Mont. Code Anno. §§ 40-7-301 – 40-7-317 (2000)	
Criminal Custodial Interference Laws	Mont. Code Ann. § 45-5-304 (2000) (custodial interference, \$50,000/10 years maximum) Mont. Code Ann. § 45-5-631 (2000) (interference with parent-child contact, \$500/5 days maximum) Mont. Code Ann. § 45-5-632 (2000) (aggravated interference with parent-child contact, \$1,000/18 months maximum) Mont. Code Ann. § 45-5-633 (2000) (defenses to interference with parent-child contact) Mont. Code Ann. § 45-5-634 (2000) (taking child before entry of a custody order, \$50,000/10 years maximum)	
State Missing Children's Laws	Waiting Period for Investigation	Mont. Code Ann. § 44-2-505 (2001) NWP
	Maintain File of Unidentified Persons	Mont. Code Ann. § 44-2-402 (2001)
	Cross Check of School Records	Mont. Code Ann. § 44-2-506 (2001) Mont. Code Ann. § 44-2-511 (2001)
	Flagging of School Records	Mont. Code Ann. § 44-2-511(4a) (2001) SR
	Verify Student Absences	Mont. Code Ann. § 44-2-507 (2001)
Laws Regarding Bonds		
Relevant Case Law	Bond <i>In re Winn</i> , 190 Mont. 73, 618 P.2d 870 (Mont. 1980)	

NEBRASKA

Parent Locator Service	Nebraska Department of Health and Human Services Child Support Enforcement West Campus Folsom and West Prospector Place PO Box 94728 Lincoln, NE 68509-4728 402-479-5555	
Missing Children's Clearinghouse	Nebraska State Patrol Criminal Records & Identification Division PO Box 94907 Lincoln, NE 68509-4907 402-479-4019 402-479-4938	
Missing Children's Organizations		
UCCJA	Neb. Rev. Stat. Ann. §§ 43-1201 – 43-1225 (Michie 2001)	
Criminal Custodial Interference Laws	Neb. Rev. Stat. Ann. § 28-316 (Michie 2001) (custodial interference, Class II misdemeanor or Class IV felony)	
State Missing Children's Laws	Waiting Period for Investigation	Neb. Rev. Stat. § 29-214 (Michie 2001) NWP Neb. Rev. Stat. § 43-2004 (Michie 2001)
	Maintain File of Unidentified Persons	
	Cross Check of School Records	Neb. Rev. Stat. § 43-2007(4) (Michie 2001)
	Flagging of School Records	Neb. Rev. Stat. § 43-2005 (Michie 2001) BC Neb. Rev. Stat. § 43-2007 (Michie 2001) SR
	Verify Student Absences	
Laws Regarding Bonds	Neb. Rev. Stat. § 42-364.15 (2000)	
Relevant Case Law	Bonds <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) Relocation of Custodial Parent <i>Belitz v. Belitz</i> , 587 N.W.2d 709 (Neb. Ct. App. 1999)	

NEVADA

Parent Locator Service	Department of Human Resources Child Support Enforcement Program 1470 East College Parkway Carson City, NV 89706-7924 775-684-0704	
Missing Children's Clearinghouse	Nevada Office of the Attorney General Missing Children Clearinghouse 555 East Washington Avenue, Suite 3900 Las Vegas, NV 89101-6208 702-486-3539 1-800-992-0900 (in-state only)	
Missing Children's Organizations	Nevada Child Seekers, Inc. 25 TV 5 Drive Henderson, NV 89014-2332 702-458-7009 Fax: 702-435-6369 E-mail: jill@nevadachildseekers.org Web Site: www.nevadachildseekers.org	
UCCJA	Nev. Rev. Stat. Ann. §§ 125A.010 – 125A.250 (2001)	
Criminal Custodial Interference Laws	Nev. Rev. Stat. Ann. § 200.357 (2001) (law enforcement officer may take child into custody if in danger of being removed from the jurisdiction) Nev. Rev. Stat. Ann. § 200.359 (2001) (custodial interference, Category D felony) DV	
State Missing Children's Laws	Waiting Period for Investigation	Nev. Rev. Stat. Ann. § 432.190 (2001) NWP Nev. Rev. Stat. Ann. § 432.200 (2001)
	Maintain File of Unidentified Persons	Nev. Rev. Stat. Ann. § 480.500 (2001)
	Cross Check of School Records	Nev. Rev. Stat. Ann. § 432.160, 394.145(4) (2001)
	Flagging of School Records	Nev. Rev. Stat. Ann. § 432.205 (2001)
	Verify Student Absences	BC, SR
Laws Regarding Bonds	Nev. Rev. Stat. § 125.510(8)(b) (2001)	
Relevant Case Law	Relocation of Custodial Parent <i>Blaich v. Blaich</i> , 971 P.2d 822 (Nev. 1998) <i>Hayes v. Gallacher</i> , 927 P.2d 1138 (Nev. 1999)	

NEW HAMPSHIRE

Parent Locator Service	Division of Human Services Office of Child Support Enforcement 129 Pleasant Street Concord, NH 03301-3857 603-271-4427 603-271-4578	
Missing Children's Clearinghouse	New Hampshire State Police Major Crimes Unit/Missing Children Hayes Building 10 Hazen Drive Concord, NH 03305-0002 603-271-2663 1-800-852-3411 (in-state only)	
Missing Children's Organizations		
UCCJA	N.H. Rev. Stat. Ann. §§ 458-A:1 – 458-A:25 (2000)	
Criminal Custodial Interference Laws	N.H. Rev. Stat. Ann. § 633:4 (2000) (custodial interference, Class B felony) DV	
State Missing Children's Laws	Waiting Period for Investigation	N.H. Rev. Stat. Ann. § 169-E:2 (2000) N.H. Rev. Stat. Ann. § 169-E:3 (2000) NWP
	Maintain File of Unidentified Persons	N.H. Rev. Stat. Ann. § 169-E:4 (2000) N.H. Rev. Stat. Ann. § 169-E:7 (2000) N.H. Rev. Stat. Ann. § 611:20 (2000) N.H. Rev. Stat. Ann. § 611:21 (2000) N.H. Rev. Stat. Ann. § 611:22 (2000)
	Cross Check of School Records	N.H. Rev. Stat. Ann. § 7:10-a (2000) N.H. Rev. Stat. Ann. § 189:49-a (2000) (fingerprinting)
	Flagging of School Records	
	Verify Student Absences	
Laws Regarding Bonds	NH Fam. Div. Pilot Dom. Rel. Rules 34 (1999)	
Relevant Case Law	Tort Actions <i>Plante v. Engel</i> , 124 N.H. 213, 469 A.2d 1299 (1983)	

NEW JERSEY

Parent Locator Service	Department of Human Services Division of Family Development Office of Child Support and Paternity Programs PO Box 716 Trenton, NJ 08625-0716 609-588-2355	
Missing Children's Clearinghouse	New Jersey State Police Missing Persons Unit PO Box 7068 West Trenton, NJ 08628-0068 609-882-2000 1-800-709-7090	
Missing Children's Organizations		
UCCJA	N.J. Stat. §§ 2A:34-28 – 2A:34-52 (2001)	
Criminal Custodial Interference Laws	N.J. Stat. § 2C:13-4 (2001) (custodial interference, crime of second, third or fourth degree) DV N.J. Stat. § 2A:34-31.1 (2001) (law-enforcement officer may take child into custody if there is reasonable cause that the child might be taken out of the jurisdiction)	
State Missing Children's Laws	Waiting Period for Investigation	Attorney General Directive 6-12-84 NWP
	Maintain File of Unidentified Persons	N.J. Stat. § 52:17B-9.8 (2001)
	Cross Check of School Records	
	Flagging of School Records	N.J. Stat. § 52:17B-9.8b (2001) SR
	Verify Student Absences	N.J. Stat. § 52: 17B-9.8c (2001) BC
Laws Regarding Bonds	N.J. Stat. § 9:2-2 (2001)	
Relevant Case Law	Relocation of Custodial Parent <i>Santucci v. Santucci</i> , 535 A.2d 32 (N.J. Super. Ct. App. Div. 1987) Propriety of Joint Custody <i>MC v. MC</i> , 521 A.2d 381 (N.J. Super. Ct. App. Div. 1986) Tort Actions <i>DiRuggiero v. DiRuggiero</i> , 743 F.2d 1009 (3rd Cir. 1984) <i>Matsumoto v. Matsumoto</i> , 762 A.2d 224 (N.J. Super. Ct. App. Div. 2000) Attorney Disclosure <i>Fellerman v. Bradley</i> , 493 A.2d 1239 (N.J. Sup. Ct. 1985)	

NEW MEXICO

Parent Locator Service	Child Support Enforcement Division PO Box 25109 Santa Fe, NM 87504-5109 1-800-288-7207 (in-state only) 1-800-585-7631	
Missing Children's Clearinghouse	New Mexico Department of Public Safety Attn: Communications PO Box 1628 Santa Fe, NM 87504-1628 505-827-9191	
Missing Children's Organizations		
UCCJEA	N.M. Stat. Ann. §§ 40-10A-101 <i>et seq.</i> (Michie 2001)	
Criminal Custodial Interference Laws	N.M. Stat. Ann. § 30-4-4 (Michie 2000) (custodial interference, fourth degree felony)	
State Missing Children's Laws	Waiting Period for Investigation	N.M. Stat. Ann. § 32A-14-3 (Michie 2000) NWP
	Maintain File of Unidentified Persons	N.M. Stat. Ann. § 29-15-9 (Michie 2000)
	Cross Check of School Records	
	Flagging of School Records	N.M. Stat. Ann. § 32A-14-4 (Michie 2000) BC
	Verify Student Absences	
Laws Regarding Bonds	N.M. Stat. Ann. § 40-11-15(c) (2000)	
Relevant Case Law	Tort Actions <i>Johnson v. Rodrigues</i> , 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000)	

NEW YORK

Parent Locator Service	New York State Office of Temporary and Disability Assistance Division of Child Support Enforcement Interstate Central Registry 40 North Pearl Street, Room 13C Albany, NY 12243-0001 518-474-9081	
Missing Children's Clearinghouse	New York Division of Criminal Justice Service Missing & Exploited Children 4 Tower Place, Suite 17 Albany, NY 12203-3764 518-457-6326 1-800-346-3543	
Missing Children's Organizations	Child Find of America, Inc. 243 Main Street PO Box 277 New Paltz, NY 12561-0277 845-255-1848 1-800-A-WAY-OUT Fax: 845-255-5706 E-mail: childfindamerica@aol.com Web Site: www.childfindofamerica.org	
UCCJEA	N.Y. Dom. Rel. Law §§ 75-a – 75-z (2001)	
Criminal Custodial Interference Laws	N.Y. Penal Law § 135.000 (Consol. 2001) (definitions) N.Y. Penal Law § 135.45 (Consol. 2001) (custodial interference in the second degree, Class A misdemeanor) N.Y. Penal Law § 135.50 (Consol. 2001) (custodial interference in the first degree, Class E felony) DV	
State Missing Children's Laws	Waiting Period for Investigation	N.Y. Exec. Law § 838(9) (Consol. 2001) NWP
	Maintain File of Unidentified Persons	N.Y. Exec. Law §§ 837e, 838 (Consol. 2001)
	Cross Check of School Records	N.Y. Educ. Law § 3212 (Consol. 2001)
	Flagging of School Records	N.Y. Exec. Law § 837e (Consol. 2001)
	Verify Student Absences	N.Y. Educ. Law § 3213(2)(c) (Consol. 2001)
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>David S. v. Zamira S.</i>, 151 Misc. 2d 630, 575 N.Y.S.2d 429 (Fam. Ct. 1991) <i>Dennis W. v. Alice W.</i>, 179 A.D.2d, 579 N.Y.S.2d 154 (N.Y. App. Div. 1992) <i>Frederick P. v. Barbara P.</i>, 115 Misc. 2d 332, 454 N.Y.S.2d 202 (N.Y. Fam. Ct. 1982) <i>Schoonheim v. Schoonheim</i>, 92 A.D.2d 474, 459 N.Y.S.2d 56 (App. Div. 1983) 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) Passport Restrictions <i>Anonymous v. Anonymous</i>, 503 N.Y.S.2d 466 (App. Div. 1986) <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) Relocation of Custodial Parent <i>Daghir v. Daghir</i>, 441 N.Y.S.2d 494 (App. Div. 1981) <i>Kemp v. Teeter</i>, 675 N.Y.S.2d 250 (App. Div. 1998) Tort Actions <i>Kajtazi v. Kajtazi</i>, 488 F. Supp. 15 (E.D.N.Y. 1978) <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) 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)	

NORTH CAROLINA

Parent Locator Service	Child Support Enforcement State Parent Locator Service 3301 Terminal Drive, Suite 125 Raleigh, NC 27604-3889										
Missing Children's Clearinghouse	North Carolina Center for Missing Persons 4706 Mail Service Center Raleigh, NC 27699-4706 1-800-522-5437										
Missing Children's Organizations											
UCCJEA	2000 N.C. Gen. Stat. § 50A-101 – 50A-112; 50A-201 – 50A-210; 50A-301 – 50A-317 (2000)										
Criminal Custodial Interference Laws	N.C. Gen. Stat. § 14-41 (2000) (abduction of children, Class F felony) N.C. Gen. Stat. § 14-320.1 (2000) (transporting child out of state with intent to violate custody order, Class I felony)										
State Missing Children's Laws	<table border="1"> <tr> <td>Waiting Period for Investigation</td><td>N.C. Gen. Stat. § 143B-499.1 (2000) NWP</td></tr> <tr> <td>Maintain File of Unidentified Persons</td><td></td></tr> <tr> <td>Cross Check of School Records</td><td>N.C. Gen. Stat. § 115C-403 (2000)</td></tr> <tr> <td>Flagging of School Records</td><td>N.C. Gen. Stat. § 115C-403 (2000) SR</td></tr> <tr> <td>Verify Student Absences</td><td></td></tr> </table>	Waiting Period for Investigation	N.C. Gen. Stat. § 143B-499.1 (2000) NWP	Maintain File of Unidentified Persons		Cross Check of School Records	N.C. Gen. Stat. § 115C-403 (2000)	Flagging of School Records	N.C. Gen. Stat. § 115C-403 (2000) SR	Verify Student Absences	
Waiting Period for Investigation	N.C. Gen. Stat. § 143B-499.1 (2000) NWP										
Maintain File of Unidentified Persons											
Cross Check of School Records	N.C. Gen. Stat. § 115C-403 (2000)										
Flagging of School Records	N.C. Gen. Stat. § 115C-403 (2000) SR										
Verify Student Absences											
Laws Regarding Bonds	N.C. Gen. Stat. § 50-13.2(c) (2000)										
Relevant Case Law	Bonds <i>Hamlin v. Hamlin</i>, 302 N.C. 478, 276 S.E.2d 381 (1981) <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) Restricting Visitation <i>Brewington v. Serrato</i>, 336 S.E.2d 444 (N.C. Ct. App. 1985) Tort Actions <i>Coleman v. Shirlen</i>, 53 N.C. App. 573, 281 S.E.2d 431 (1981) <i>Grenade v. Gordon</i>, 60 N.C. App. 650, 299 S.E.2d 809 (N.C. Ct. App. 1983)										

NORTH DAKOTA

Parent Locator Service	North Dakota Department of Human Services Child Support Enforcement Agency PO Box 7190 Bismark, ND 58507-7190 701-328-5486	
Missing Children's Clearinghouse	North Dakota Clearinghouse for Missing Children North Dakota State Radio Communications Fraine Barracks PO Box 5511 Bismark, ND 58502-5511 701-328-2121 1-800-472-2121 (in-state only)	
Missing Children's Organizations		
UCCJEA	N.D. Cent. Code §§ 14-14.1-01 – 14-14.1-37 (2000)	
Criminal Custodial Interference Laws	N.D. Cent. Code § 14-14-22.1 (1999) (removal of child from state in violation of custody decree, Class C felony)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	N.D. Cent. Code § 54-23.2-04.1 (2000) NWP N.D. Cent. Code § 54-23.2-04.2 (2000) N.D. Cent. Code § 54-23.2-04.2 (2000) SR, BC
Laws Regarding Bonds		
Relevant Case Law		

OHIO

Parent Locator Service	Department of Human Services Ohio Parent Locator Service State Office Tower, 27 th Floor 30 East Broad Street Columbus, OH 43266-0423 614-752-6567	
Missing Children's Clearinghouse	Ohio Missing Children Clearinghouse Attorney General's Office Crime Victim's Services Section 65 East State Street, 8 th Floor Columbus, OH 43215-3428 614-466-5610 1-800-325-5604	
Missing Children's Organizations		
UCCJA	Ohio Rev. Code Ann. §§ 3109.21 – 3109.40.1 (Anderson 2001) (Parenting Determination Jurisdiction)	
Criminal Custodial Interference Laws	Ohio Rev. Code Ann. § 2905.01 (Anderson 2001) (kidnapping, felony of first or second degree) Ohio Rev. Code Ann. § 2905.02 (Anderson 2001) (abduction, felony of third degree) Ohio Rev. Code Ann. § 2905.4 (Anderson 2001) (child stealing, if by parent is misdemeanor of first degree) DV Ohio Rev. Code Ann. § 2919.23 (Anderson 2001) (custodial interference, felony of fourth degree, or misdemeanor of first or third degree) DV	
State Missing Children's Laws	Waiting Period for Investigation	Ohio Rev. Code Ann. § 2901.30 (2001) NWP
	Maintain File of Unidentified Persons	Ohio Rev. Code Ann. § 2901.31 (Anderson 2001)
	Cross Check of School Records	Ohio Rev. Code Ann. § 3313.672 (Anderson 2001)
	Flagging of School Records	
	Verify Student Absences	Ohio Rev. Code Ann. § 3313.205 (Anderson 2001)
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Beil v. Bridges</i>, No. 93CA-00047, 1993 Ohio App. LEXIS (Ohio Ct. App. December 22, 1993) <i>Carpenter v. Reiboldt</i>, No. 453, 1983 Ohio App. LEXIS 14122 (Ohio Ct. App. June 23, 1983) Restricting Visitation <i>Al-Silham v. Al-Silham</i>, No. 94-A-0048, 1995 Ohio App. LEXIS 5159 (Ohio Ct. App. Nov. 24, 1995) <i>Beil v. Bridges</i>, No. 93CA-00047, 1993 Ohio App. LEXIS (Ohio Ct. App. December 22, 1993) Relocation of Custodial Parent <i>Sophia T. v. Bruce J.</i>, No. OT-98-023, 1999 Ohio App. LEXIS 97 (Ohio Ct. App. Jan. 22, 1999) Tort Actions <i>Pyle v. Pyle</i>, 11 Ohio App. 3d 21, 463 N.E.2d 98 (1983) Attorney Disclosure <i>Waldmann v. Waldmann</i>, 48 Ohio St. 176, 358 N.E.2d 521 (1976)	

OKLAHOMA

Parent Locator Service	Department of Human Services Child Support Enforcement Division Capitol Station PO Box 53552 Oklahoma City, OK 73152-3552 405-522-2550	
Missing Children's Clearinghouse	Oklahoma State Bureau of Investigation Criminal Intelligence Office 6600 North Harvey Place, Suite 300 Oklahoma City, OK 73116-7912 405-879-2645	
Missing Children's Organizations		
UCCJEA	Okla. Stat. tit. 43 §§ 551-101 – 551-402 (2000)	
Criminal Custodial Interference Laws	Okla. Stat. tit. 21 § 891 (2000) (child stealing, felony) Okla. Stat. tit. 21 § 567A (2000) (violating custody orders by depriving custodian of custody is a felony) DV	
State Missing Children's Laws	Waiting Period for Investigation	Okla. Stat. tit. 10 § 1628 (2000) NWP Okla. Stat. tit. 74 § 150.12A(c) (2000)
	Maintain File of Unidentified Persons	
	Cross Check of School Records	Okla. Stat. tit. 10 § 1633 (2000) (fingerprinting)
	Flagging of School Records	Okla. Stat. tit. 63 § 1-323.1 (2000) BC
	Verify Student Absences	Okla. Stat. tit. 70 § 10-106 (2000) (for absence from any part of school day)
Laws Regarding Bonds	Okla. Stat. Tit. 43, § 111.3 (D)(3); (D)(6) (2000)	
Relevant Case Law	Bonds <i>Burris v. Hunt</i> , 965 P.2d 1003 (Okla. Ct. App. 1998) Tort Actions <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

Parent Locator Service	State Parent Locator Service Department of Justice Division of Child Support Locate Branch 1495 Edgewater Street, Northwest, Suite 120 Salem, OR 97304-4660 503-373-7300	
Missing Children's Clearinghouse	Oregon State Police Missing Children Clearinghouse 400 Public Service Building Salem, OR 97310-0001 503-378-3720 1-800-282-7155 (in-state only)	
Missing Children's Organizations		
UCCJEA	Or. Rev. Stat. §§ 109.701 – 109.930 (1999)	
Criminal Custodial Interference Laws	Or. Rev. Stat. § 163.245 (1999) (custodial interference in the second degree, Class C felony) Or. Rev. Stat. § 163.257 (1999) (custodial interference in the first degree, Class B felony)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Or. Rev. Stat. § 146.525 (1999) NWP Or. Rev. Stat. § 146.535 (1999) Or. Rev. Stat. § 181.505 (1999)
Laws Regarding Bonds	Or. Rev. Stat. § 107.434(2)(b) (1999)	
Relevant Case Law	Passport Restrictions <i>McEvoy v. Helikson</i> , 562 P.2d 540 (Or. 1977) Tort Actions <i>Blari v. Toran</i> , CV-99-956-ST, 1999 U.S. Dist LEXIS 20033 (D. Or. Dec. 2, 1999)	

PENNSYLVANIA

Parent Locator Service	Department of Public Welfare Bureau of Child Support Enforcement Parent Locator Service PO Box 8018 Harrisburg, PA 17105-8018 717-772-4940 1-800-932-0211	
Missing Children's Clearinghouse	Pennsylvania State Police Bureau of Criminal Investigation 1800 Elmerton Avenue Harrisburg, PA 17110-9758 717-783-5524	
Missing Children's Organizations		
UCCJA	23 Pa. Cons. Stat. §§ 5341 – 5366 (2000)	
Criminal Custodial Interference Laws	18 Pa. Cons. Stat. § 2904 (2000) (interference with custody, felony of the second or third degree, or misdemeanor of the second degree) DV 18 Pa. Cons. Stat. § 2909 (2000) (concealment of whereabouts of child, felony of third degree)	
State Missing Children's Laws	Waiting Period for Investigation	18 Pa. Cons. Stat. § 2908 (2000) NWP
	Maintain File of Unidentified Persons	18 Pa. Cons. Stat. § 2908-A.1 (2000)
	Cross Check of School Records	35 Pa. Cons. Stat. § 450.402-A (2000)
	Flagging of School Records	35 Pa. Cons. Stat. § 450.403-A (2000) BC, SR
	Verify Student Absences	
Laws Regarding Bonds	Pa. R.C.P. Rule 1915.13 (2001)	
Relevant Case Law	Bonds <i>Ermel v. Ermel</i> , 322 Pa. Super. 400, 469 A.2d 682 (1983) Relocation of Custodial Parent <i>Fatemi v. Fatemi</i> , 537 A.2d 840 (Pa. Super. Ct. 1988) Tort Actions <i>Bartanus v. Lis</i> , 332 Pa. Super. 48, 480 A.2d 1178 (1984) <i>Egervary v. Rooney</i> , 80 F. Supp. 2d 491, 509 (E.D. Penn. 2000) Attorney Disclosure <i>Brennan v. Brennan</i> , 281 Pa. Super. 362, 422 A.2d 510 (1980)	

RHODE ISLAND

Parent Locator Service	Rhode Island Department of Administration Child Support Enforcement Office 77 Dorrance Street Providence, RI 02903-2217 401-222-2847	
Missing Children's Clearinghouse	Rhode Island State Police Missing & Exploited Children Unit 311 Danielson Pike North Scituate, RI 02857-1946 401-444-1125 1-800-546-8066 (in-state only)	
Missing Children's Organizations		
UCCJA	R.I. Gen. Laws §§ 15-14-1 – 15-14-26 (2000)	
Criminal Custodial Interference Laws	R.I. Gen. Laws § 11-26-1.1 (2001) (child-snatching, felony, \$10,000/2 years maximum) R.I. Gen. Laws § 11-26-1.2 (2001) (abduction of child prior to court order, felony, \$10,000/2 years maximum) DV	
State Missing Children's Laws	Waiting Period for Investigation	R.I. Gen. Laws § 42-28.8-2.1 (2001) NWP
	Maintain File of Unidentified Persons	R.I. Gen. Laws § 42-28.8-2(3) (2001)
	Cross Check of School Records	
	Flagging of School Records	R.I. Gen. Laws § 42-28.8-7 (2001) SR R.I. Gen. Laws § 42-28.8-8 (2001) BC
	Verify Student Absences	R.I. Gen. Laws § 16-19-10 (2001)
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Goldstein v. Goldstein</i> , 115 R.I. 152, 341 A.2d 51 (1975)	

SOUTH CAROLINA

Parent Locator Service	Department of Social Services Office of Child Support Enforcement PO Box 1469 3150 Harden Street Columbia, SC 29202-1469 803-898-9210	
Missing Children's Clearinghouse	South Carolina Law Enforcement Division Missing Person Information Center PO Box 21398 Columbia, SC 29221-1398 803-737-9000 1-800-322-4453	
Missing Children's Organizations		
UCCJA	S.C. Code Ann. §§ 20-7-782 – 20-7-830 (Law. Co-op 2000)	
Criminal Custodial Interference Laws	S.C. Code Ann. § 16-17-495 (Law Co-op 2000) (transporting child younger than 16 out of state with intent to violate custody order, misdemeanor or felony, 10 years maximum)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	S.C. Code Ann. § 23-3-250 (Law Co-op 2000) NWP
Laws Regarding Bonds	S.C. Code Ann. § 20-3-160 (2000)	
Relevant Case Law	Bonds <i>Jackson v. Jackson</i> , 279 S.C. 618, 310 S.E.2d 827 (S.C. Ct. App. 1983) <i>Satterwhite v. Satterwhite</i> , 280 S.C. 228, 312 S.E.2d 21 (S.C. Ct. App. 1984)	

SOUTH DAKOTA

Parent Locator Service	Office of Child Support Enforcement Richard F. Kneip Building 700 Governors Drive Pierre, SD 57501-2291 605-773-3641	
Missing Children's Clearinghouse	South Dakota Attorney General's Office Division of Criminal Investigation East Highway 34 c/o 500 East Capitol Avenue Pierre, SD 57501-5070 605-773-3331	
Missing Children's Organizations		
UCCJA	S.D. Codified Laws §§ 26-5A-2 – 26-5A-26 (2001)	
Criminal Custodial Interference Laws	S.D. Codified Laws § 22-19-9 (2001) (taking of minor child by parent, Class 1 misdemeanor or Class 6 felony) S.D. Codified Laws § 22-19-10 (2001) (removal of child from state, Class 5 felony) S.D. Codified Laws § 22-19-11 (2001) (failure to report offense as defense) S.D. Codified Laws § 22-19-12 (2001) (expense of child's return charged to party)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	S.D. Codified Laws § 22-19-14 (2001) NWP S.D. Codified Laws § 26-15 (2001) (voluntary fingerprinting)
Laws Regarding Bonds		
Relevant Case Law	Tort Actions <i>Hershey v. Hershey</i> , 467 N.W.2d 484 (S.D. 1991)	

TENNESSEE

Parent Locator Service	Tennessee Department of Human Services Child Support Services 400 Deaderick Street Nashville, TN 37248-7400 615-313-5653	
Missing Children's Clearinghouse	Tennessee Bureau of Investigation Criminal Intelligence Unit 901 R.S. Gass Boulevard Nashville, TN 37216-2639 615-744-4000	
Missing Children's Organizations	Commission on Missing and Exploited Children (COMEC) Juvenile Court 616 Adams Avenue, Room 102 Memphis, TN 38105-4996 901-405-8441 Fax: 901-405-8856 E-mail: comece@netten.net	
UCCJEA	Tenn. Code Ann. §§ 36-6-201 – 36-6-243 (2001)	
Criminal Custodial Interference Laws	Tenn. Code Ann. § 39-13-306 (2001) (custodial interference, Class E felony or Class A misdemeanor)	
State Missing Children's Laws	Waiting Period for Investigation	Tenn. Code Ann. § 37-10-203 (2001) NWP
	Maintain File of Unidentified Persons	
	Cross Check of School Records	Tenn. Code Ann. § 37-10-205 (2001)
	Flagging of School Records	
	Verify Student Absences	
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Greene v. Greene</i>, C.A. No. 89-392-II, 1990 Tenn. App. LEXIS 318 (Tenn. Ct. App. May 4, 1990) <i>Whittington v. Whittington</i>, 1985 Tenn. App. LEXIS 3338 (Tenn. Ct. App. Dec. 11, 1985) Relocation of Custodial Parent <i>Aaby v. Strange</i>, 924 S.W.2d 623 (Tenn. 1996) <i>Taylor v. Taylor</i>, 849 S.W.2d 319 (Tenn. 1993) Law-Enforcement Liability <i>Hooks v. Hooks</i>, 771 F.2d 935 (6th Cir. 1985)	

TEXAS

Parent Locator Service	Office of the Attorney General Child Support Division Attn: State Parent Locator Service Mail Code 040 PO Box 12017 Austin, TX 78711-2017 512-460-6671	
Missing Children's Clearinghouse	Texas Department of Public Safety Special Crimes Services Missing Persons Clearinghouse PO Box 4087 Austin, TX 78773-0422 512-424-5074 1-800-346-3243	
Missing Children's Organizations	Heidi Search Center for Missing Children, Inc. Windsor Park Mall 7900 North IH 35 San Antonio, TX 78218-2215 210-650-0428 Hotline: 1-800-547-4435 Fax: 210-650-3653 E-mail: heidisc@flash.net Web Site: www.heidisearchcenter.org	
UCCJEA	Tex. Fam. Code § 152.001 – 152.317 (2000)	
Criminal Custodial Interference Laws	Tex. Penal Code § 25.03 (2001) (custodial interference, felony) Tex. Penal Code § 25.031 (2000) (agreement to abduct from custody, felony)	
State Missing Children's Laws	Waiting Period for Investigation	Tex. Crim. Proc. Code § 63.009 (2000) NWP
	Maintain File of Unidentified Persons	Tex. Crim. Proc. Code § 63.003 (2000) Tex. Crim. Proc. Code § 63.009 (2000)
	Cross Check of School Records	Tex. Educ. Code § 25.002 (2000) Tex. Crim. Proc. Code § 63.008 (2000) Tex. Crim. Proc. Code § 63.019 (2000)
	Flagging of School Records	Tex. Crim. Proc § 63.020 (2000) SR, BC
	Verify Student Absences	
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Allison v. Allison</i> , 660 S.W.2d 134 (Tex. App. 1983) <i>In re Marriage of Miller</i> , 600 S.W.2d 386 (Tex. Civ. App. 1980) Tort Actions <i>A.H. Belo Corp. v. Corcoran</i> , No. 01-00-00779-CV, 2001 Tex. App. LEXIS 4656 (Tex. App. opinion issued July 12, 2001) <i>Jenkins v. Jenkins</i> , No. 05-98-01849-CV, 2001 Tex. App. LEXIS 3116 (Tex. App. opinion issued May 15, 2001) <i>Fenslage v. Dawkins</i> , 629 F.2d 1107 (5th Cir. 1980) <i>Silcott v. Oglesby</i> , 721 S.W.2d 290 (Tex. 1986)	

UTAH

Parent Locator Service	Office of Recovery Services Bureau of Child Support Enforcement Parent Locator Service 515 East 100 South PO Box 45011 Salt Lake City, UT 84145-0011 801-536-8500 1-800-662-8525 (in-state only) 1-800-257-9156	
Missing Children's Clearinghouse	Utah Department of Public Safety Bureau of Criminal Identification 3888 West 5400 South PO Box 148280 Salt Lake City, UT 84114-8280 1-888-770-6477	
Missing Children's Organizations		
UCCJEA	Utah Code Ann. §§ 78-45c-101 – 78-45c-112; 78-45c-201 – 78-45c-210; 78-45c-301 – 78-45c-318 (2001)	
Criminal Custodial Interference Laws	Utah Code Ann. § 76-5-303 (2001) (custodial interference, Class A misdemeanor or felony of third degree)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Utah Code Ann. § 53-10-203 (2001) NWP Utah Code Ann. § 53A-11-503 (2001) Utah Code Ann. § 26-2-27 (2001) BC Utah Code Ann. § 53A-11-502 (2001) SR
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

Parent Locator Service	Office of Child Support 103 South Main Street Waterbury, VT 05671-1901 802-241-2319	
Missing Children's Clearinghouse	Vermont State Police 103 South Main Street Waterbury, VT 05671-2101 802-241-5352	
Missing Children's Organizations		
UCCJA	Vt. Stat. Ann. tit. 15, §§ 1031 – 11051 (2001)	
Criminal Custodial Interference Laws	Vt. Stat. Ann. tit. 13, § 2451 (2001) (custodial interference, \$5,000/5 years maximum) DV	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Vt. Stat. Ann. tit. 20, § 1822 <i>et seq.</i> (2001) NWP
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

Parent Locator Service	Child Support Enforcement State Parent Locator Service 730 East Broad Street, 4 th Floor Richmond, VA 23219-1849 804-692-1491	
Missing Children's Clearinghouse	Virginia State Police Department Missing Children's Clearinghouse PO Box 27472 Richmond, VA 23261-7472 804-674-2026 1-800-822-4453 (in-state only)	
Missing Children's Organizations		
UCCJEA	Va. Code Ann. §§ 20-146.1 – 20-146.38 (2001)	
Criminal Custodial Interference Laws	Va. Code § 18.2-47 (2001) (abduction, Class 6 felony) Va. Code § 18.2-49.1 (2001) (violation of custody order, misdemeanor or Class 6 felony) Va. Code § 18.2-50 (2001) (immediate family must disclose knowledge of abduction)	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	Va. Code § 15.2-1718 (2001) NWP Va. Code § 22.1-288.1 (2001) Va. Code § 52-33 Sub. Div. 4 (2001) Va. Code § 22.1-288.1 (2001) SR Va. Code § 32.1-275.2 (2001) BC Va. Code § 22.1-258 (2001)
Laws Regarding Bonds	Va. Code Ann. § 20-103(A) (2001)	
Relevant Case Law	Restricting Visitation <i>Mubarak v. Mubarak</i> , 420 S.E.2d 225 (Va. Ct. App. 1992) Tort Actions <i>Acord v. Parsons</i> , 551 F. Supp. 115 (W.D. Va. 1982) <i>Rafferty v. Scott</i> , 756 F.2d 335 (4th Cir. 1985)	

WASHINGTON

Parent Locator Service	Department of Social and Health Services Division of Child Support Enforcement PO Box 9209 Olympia, WA 98507-9209 360-664-6900 1-800-345-9964	
Missing Children's Clearinghouse	Washington State Patrol Missing Children Clearinghouse PO Box 2347 Olympia, WA 98507-2347 1-800-543-5678	
Missing Children's Organizations	Operation Lookout/National Center for Missing Youth, Inc. 6320 Evergreen Way, Suite 201 Everett, WA 98203-4560 425-771-7335 Hotline: 1-800-LOOK-OUT (566-5688), Extension 1234 Fax: 425-348-SEEK (4411) E-mail: lookoutfyi@operationlookout.org Web Site: www.operationlookout.org	
UCCJEA	Wash. Rev. Code §§ 26.27.101 – 26.27.406 (2001)	
Criminal Custodial Interference Laws	Wash. Rev. Code § 9A.40.010 (2001) (definitions) Wash. Rev. Code § 9A.40.060 (2001) (custodial interference in the first degree, Class C felony) Wash. Rev. Code § 9A.40.070 (2001) (custodial interference in the second degree, gross misdemeanor or Class C felony) Wash. Rev. Code § 9A.40.080 (2001) (custodial interference, assessment of costs, defenses) DV Wash. Rev. Code § 13.34.055 (2001) (law-enforcement officer may take child into custody)	
State Missing Children's Laws	Waiting Period for Investigation	Wash. Rev. Code § 13.60.020 (2001) NWP
	Maintain File of Unidentified Persons	Wash. Rev. Code § 68.50.310 (2001)
	Cross Check of School Records	Wash. Rev. Code § 13.60.010 and 13.60.030 (2001)
	Flagging of School Records	
	Verify Student Absences	
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Swyers v. Halland (In re Swyers)</i> , No. 18754-3-111, 2001 Wash. App. LEXIS 121 (Wash. Ct. App. filed Jan. 30, 2001) Relocation of Custodial Parent <i>In re Littlefield</i> , 940 P.2d 1362 (Wash. 1997) Tort Actions <i>McIntyre v. McIntyre</i> , 771 F.2d 1316 (9th Cir. 1985) Attorney Disclosure <i>Dike v. Dike</i> , 75 Wash 2d 1, 448 P.2d 490 (1968)	

WEST VIRGINIA

Parent Locator Service	Department of Health and Human Resources Division of Human Services Bureau for Child Support Enforcement State Parent Locator Unit 350 Capitol Street, Room 147 Charleston, WV 25301-3700 304-558-3607 1-800-249-3778	
Missing Children's Clearinghouse	West Virginia State Police Missing Children Clearinghouse 725 Jefferson Road South Charleston, WV 25309-1698 304-558-1467 1-800-352-0927	
Missing Children's Organizations		
UCCJEA	W. Va. Code §§ 48-20-101 – 48-20-112; 48-20-201 – 48-20-210; 48-20-301 – 48-20-317; 48-20-401 – 48-20-404 (2001)	
Criminal Custodial Interference Laws	W. Va. Code § 61-2-14d (2001) (removal of child from custodian, felony, \$1,000/5 years maximum) DV W. Va. Code § 61-2-14e (2001) (aiding in offense, felony, \$1,000/5 years maximum)	
State Missing Children's Laws	Waiting Period for Investigation	W. Va. Code § 49-9-14 (2001) NWP
	Maintain File of Unidentified Persons	W. Va. Code § 49-9-3 (2001)
	Cross Check of School Records	W. Va. Code § 18-2-5c (2001) W. Va. Code § 49-9-14 (2001) W. Va. Code § 15-2-12(j) (2001)
	Flagging of School Records	W. Va. Code § 16-5-12b (2001) BC
	Verify Student Absences	
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>J.A.S. v. D.A.S.</i> , 170 W.Va. 189, 292 S.E.2d 48 (1982)	

WISCONSIN

Parent Locator Service	Bureau of Child Support Division of Workforce Solutions 201 East Washington Avenue, Room E200 Madison, WI 53707-7935 608-267-4872	
Missing Children's Clearinghouse	Wisconsin Department of Justice Division of Criminal Investigation PO Box 7857 Madison, WI 53701-2718 608-266-1671 1-800-THE-HOPE (843-4673) (in-state only)	
Missing Children's Organizations	Youth Educated in Safety, Inc. PO Box 3124 Appleton, WI 54914-0124 920-734-5335 Fax: 920-734-7077 Hotline: 1-800-272-7715 E-mail: jay@yeswi.org Web Site: www.yeswi.org	
UCCJA	Wis. Stat. §§ 822.01 – 822.25 (2000)	
Criminal Custodial Interference Laws	Wis. Stat. § 948.31 (2000) (custodial interference, Class C or E felony) DV	
State Missing Children's Laws	Waiting Period for Investigation	
	Maintain File of Unidentified Persons	
	Cross Check of School Records	
	Flagging of School Records	
	Verify Student Absences	
Laws Regarding Bonds		
Relevant Case Law	Bonds <i>Long v. Ardestani</i>, 624 N.W.2d 405 (Wis. Ct. App. 2001) Restricting Visitation <i>Marzouki v. Marzouki</i>, 572 N.W.2d 902 (Wis. Ct. App. 1997) Propriety of Joint Custody <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

Parent Locator Service	Wyoming Child Support Enforcement Hathaway Building, 3 rd Floor 2300 Capitol Avenue Cheyenne, WY 82002-0490 307-777-7328 307-777-7603	
Missing Children's Clearinghouse	Wyoming Office of the Attorney General Division of Criminal Investigation 316 West 22 nd Street Cheyenne, WY 82002-3641 307-777-7537	
Missing Children's Organizations	Christin Lamb Foundation 546 East Adams Street Powell, WY 82435-3058 Hotline: 1-800-651-5262 Fax: 307-754-4467 E-mail: clamb@wavecom.net	
UCCJA	Wyo. Stat. Ann. §§ 20-5-101 – 20-5-125 (2001)	
Criminal Custodial Interference Laws	Wyo. Stat. Ann. § 6-2-204 (2001) (custodial interference, felony, 5 years maximum) DV	
State Missing Children's Laws	Waiting Period for Investigation Maintain File of Unidentified Persons Cross Check of School Records Flagging of School Records Verify Student Absences	
Laws Regarding Bonds	Wyo. Stat. § 14-2-113 (2001)	
Relevant Case Law	Relocation of Custodial Parent <i>Love v. Love</i> , 851 P.2d 1283 (Wyo. 1993) <i>Watt v. Watt</i> , 971 P.2d 608 (Wyo. 1999) Tort Actions <i>Cosner v. Ridinger</i> , 882 P.2d 1243 (Wyo. 1994) <i>Johnson v. Rodrigues</i> , 226 F.3d 1103 (10th Cir. filed Oct. 12, 2000)	

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

Agent(s) spoken to

Telephone number

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's 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's report on your child into the NCIC computer. If you cannot make a copy, take this book 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 here.)

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(s) traveling with abductor

Description of persons traveling with abductor

Relatives including names, addresses, telephone numbers, relationship to abductor

(Attach photograph of abductor here.)

Sample Request for Authorization to Use the FPLS

County/State

Application having been made to me

(insert name of **Judge, Law-Enforcement Officer, Prosecuting Attorney, or Other Authorized Person**), on (insert **Date**)

I request the Federal Parent Locator Service (FPLS), through the (insert **Name of State**) Parent Locator Service, to submit to the FPLS the names and Social Security numbers of (insert name of/number for **Abductor**) and (insert name of/number for **Child**).

This request is being made in regard to a parental kidnapping investigation/prosecution or a child-custody case.

I authorize this record search pursuant to 42 USC Section 663, and 45 CFR 303.15.

Signature

Title

Date

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

Missing-Child Poster

Family Abduction

(Photograph)

Name of Missing Child
Date of Birth
Date Missing
Race
Height
Weight
Color of Eyes
Color of Hair
Sex

Missing From

Age Now

Circumstances, including any relevant descriptive information about when the child was last seen, and, if issued, warrant information on the abductor.

(Photograph)

(Optional)
Name of Abductor
Date of Birth
Race
Height
Weight
Color of Eyes
Color of Hair
Sex

ANYONE HAVING INFORMATION SHOULD CONTACT

Law-Enforcement Agency/Officer/Department

Telephone Number

Case Number

Sample Request for FERPA 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/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/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 (insert word **him/her**). If my child no longer attends your school and you have received a request to transfer (insert word **his/her**) records to a new school, please send me the name, address, and telephone number of the school requesting the records. Because I am a parent, the federal Family Educational Rights and Privacy Act (20 USC Section 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.



UNITED STATES DEPARTMENT OF STATE
**APPLICATION FOR ASSISTANCE UNDER THE
HAGUE CONVENTION ON CHILD ABDUCTION**
SEE PRIVACY STATEMENT ON REVERSE

OMB NO. 1405-0076
EXPIRES: 6-91
Estimated Burden - 1 Hour

I. IDENTITY OF CHILD AND PARENTS

CHILD'S NAME (Last, First, Middle)		DATE OF BIRTH	PLACE OF BIRTH		
ADDRESS (Before removal)		U.S. SOCIAL SECURITY NO.	PASSPORT/IDENTITY CARD COUNTRY: NO.:		NATIONALITY
HEIGHT	WEIGHT		COLOR OF HAIR		COLOR OF EYES
FATHER			MOTHER		
NAME (Last, First, Middle)			NAME (Last, First, Middle)		
DATE OF BIRTH	PLACE OF BIRTH		DATE OF BIRTH	PLACE OF BIRTH	
NATIONALITY	OCCUPATION	PASSPORT/IDENTITY CARD COUNTRY: NO.:	NATIONALITY	OCCUPATION	PASSPORT/IDENTITY CARD COUNTRY: NO.:
CURRENT ADDRESS AND TELEPHONE NUMBER			CURRENT ADDRESS AND TELEPHONE NUMBER		
U.S. SOCIAL SECURITY NO.			U.S. SOCIAL SECURITY NO.		
COUNTRY OF HABITUAL RESIDENCE			COUNTRY OF HABITUAL RESIDENCE		
DATE AND PLACE OF MARRIAGE AND DIVORCE, IF APPLICABLE					

II. REQUESTING INDIVIDUAL OR INSTITUTION

NAME (Last, First, Middle)		NATIONALITY	OCCUPATION
CURRENT ADDRESS AND TELEPHONE NUMBER			PASSPORT/IDENTITY CARD COUNTRY: NO.:
COUNTRY OF HABITUAL RESIDENCE			
RELATIONSHIP TO CHILD	NAME, ADDRESS, AND TELEPHONE NO. OF LEGAL ADVISER, IF ANY		

III. INFORMATION CONCERNING THE PERSON ALLEGED TO HAVE WRONGFULLY REMOVED OR RETAINED CHILD

NAME (Last, First, Middle)		KNOWN ALIASES	
DATE OF BIRTH	PLACE OF BIRTH	NATIONALITY	
OCCUPATION, NAME AND ADDRESS OF EMPLOYER	PASSPORT/IDENTITY CARD COUNTRY: NO.:		U.S. SOCIAL SECURITY NO.
CURRENT LOCATION OR LAST KNOWN ADDRESS IN THE U.S.			
HEIGHT	WEIGHT	COLOR OF HAIR	COLOR OF EYES

OTHER PERSONS WITH POSSIBLE ADDITIONAL INFORMATION RELATING TO THE WHEREABOUTS OF CHILD
(Name, address, telephone number)

IV. TIME, PLACE, DATE, AND CIRCUMSTANCES OF THE WRONGFUL REMOVAL OR RETENTION

V. FACTUAL OR LEGAL GROUNDS JUSTIFYING THE REQUEST

VI. CIVIL PROCEEDINGS IN PROGRESS, IF ANY

VII. CHILD IS TO BE RETURNED TO

NAME (Last, First, Middle)

DATE OF BIRTH

PLACE OF BIRTH

ADDRESS

TELEPHONE NUMBER

PROPOSED ARRANGEMENTS FOR RETURN TRAVEL OF CHILD

VIII. OTHER REMARKS

IX. DOCUMENTS ATTACHED (PREFERABLY CERTIFIED)

☐ DIVORCE DECREE ☐ PHOTOGRAPH OF CHILD ☐ OTHER _____

☐ CUSTODY DECREE ☐ OTHER AGREEMENT CONCERNING CUSTODY _____

SIGNATURE OF APPLICANT AND/OR STAMP OF CENTRAL AUTHORITY

DATE

PLACE

PRIVACY ACT STATEMENT

THIS INFORMATION IS REQUESTED UNDER THE AUTHORITY OF THE INTERNATIONAL CHILD ABDUCTION REMEDIES ACT, PUBLIC LAW 100-300. THE INFORMATION WILL BE USED FOR THE PURPOSE OF EVALUATING APPLICANTS' CLAIMS UNDER THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION, LOCATING ABDUCTED CHILDREN, AND ADVISING APPLICANTS ABOUT AVAILABLE LEGAL REMEDIES. WITHOUT THE REQUESTED INFORMATION, U.S. AUTHORITIES MAY BE UNABLE EFFECTIVELY TO ASSIST IN LOCATING ABDUCTED CHILDREN.

Comments concerning the accuracy of the burden hour estimate on page 1 may be directed to OMB, OIRA, State Department Desk Officer, Wash., D.C. 20503

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National Center for Missing & Exploited Children

The National Center for Missing & Exploited Children, established in 1984 as a private, nonprofit organization, serves as a clearinghouse of information on missing and exploited children; provides technical assistance to individuals and law-enforcement agencies; offers training programs to law-enforcement and social-service professionals; distributes photographs and descriptions of missing children worldwide; coordinates child-protection efforts with the private sector; networks with nonprofit service providers and state clearinghouses on missing-person cases; and provides information on effective legislation to help ensure the protection of children per 42 USC § 5771 and 42 USC § 5780.

A 24-hour, toll-free telephone line is open for those who have information on missing and exploited children at **1-800-THE-LOST (1-800-843-5678)**. This toll-free number is available throughout the United States and Canada. The toll-free number when dialing from Mexico is 001-800-843-5678, and the “phone-free” number when dialing from Europe is 00-800-0843-5678. The CyberTipline is available for online reporting of these crimes at www.cybertipline.com. The TTY line is 1-800-826-7653. The NCMEC business number is 703-274-3900. The NCMEC facsimile number is 703-274-2200. The business number when dialing from any other country is 001-703-522-9320. The NCMEC web-site address is www.missingkids.com.

For information on the services offered by our NCMEC branches, please call them in California at 714-508-0150, Florida at 561-848-1900, Kansas City at 816-756-5422, New York at 585-242-0900, and South Carolina at 803-254-2326.

A number of publications addressing various aspects of the missing- and exploited-child issue are available free of charge in single copies by contacting the National Center for Missing & Exploited Children’s Publications Department.



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Family Abduction: Prevention and Response

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