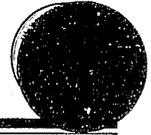


U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention



**Missing and
Exploited Children:**

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December 1988

Dear Mr. President and Members of Congress:

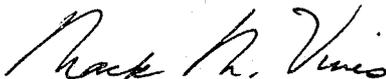
Since the tragedy of missing and exploited children first came to national attention nearly a decade ago, great strides have been made to improve our responses to these children and their families. Many States have enacted child protection legislation and established clearinghouses to collect and disseminate information about cases. The Federal Government has established a national resource center and clearinghouse and has supported training for youth-serving professionals as well as research to increase our knowledge not only of the incidence of missing children in the Nation but also of successful interventions. And local groups of concerned citizens have formed nonprofit organizations to work hand in hand with the juvenile justice system and child victims and their families.

We are proud of these accomplishments. But the task of building a comprehensive public and private response to the problem of missing and exploited children is not finished. The Attorney General's Advisory Board on Missing Children has written *Missing and Exploited Children: The Challenge Continues* to focus on four key issues that require special attention:

- The role of the for-profit and nonprofit components of the private sector.
- Coordination of Federal programs and policies.
- Parental kidnapping.
- Families of missing children.

We hope that this presentation of specific issues will result in more effective response systems; a greater understanding of the problems that confront not only missing and exploited children and their families but also those professionals who are trying to help them; and ultimately, a safer world for our children.

Respectfully submitted,



Mack M. Vines, Chairman

118718

NCJRS

NOV 12 1992

ACQUISITIONS

**Missing and
Exploited Children:**

***The Challenge
Continues***

U.S. Attorney General's Advisory Board on Missing Children

Office of Juvenile Justice and Delinquency Prevention

Verne L. Speirs

Administrator

118218

**U.S. Department of Justice
National Institute of Justice**

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U.S. Attorney General's Advisory Board on Missing Children

Chairman: Chief Mack M. Vines, Police Department, Dallas, Texas

The Honorable Michael D. Antonovich, Los Angeles County Board of Supervisors, Los Angeles, California

The Honorable John Ashcroft, Governor, State of Missouri

Mrs. Joan R. Davies, Assistant Principal, Milpitas High School, and mother of a missing/murdered child, San Mateo, California

Joseph R. Davis, Assistant Director, Legal Counsel, Federal Bureau of Investigation, Washington, D.C.

Dr. James C. Dobson, President, Focus on the Family, Arcadia, California

The Honorable Stephen Goldsmith, Prosecuting Attorney, Marion County (Indianapolis), Indiana

Jay A. Parker, President, Lincoln Institute for Research and Education, Washington, D.C.

Dr. Roland Summit, Psychiatrist, Harbor/UCLA Medical Center, Torrance, California

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Introduction

This third comprehensive plan of the U.S. Attorney General's Advisory Board on Missing Children comes at a critical juncture for the future of governmental and private sector efforts to address the challenges created by America's missing and exploited children problem.

The problem of missing and exploited children has, in but a few short years, significantly matured as a social issue. A decade ago, it was scarcely recognized as a distinct item on the Nation's social agenda. A number of events—notably, the abductions of Etan Patz and Adam Walsh and the subsequent television movie vividly detailing the experiences of the Walsh family—then made the missing children issue the focus of intense public and media scrutiny. Today, the intensity of that early popular and media attention has dissipated to a considerable degree.

While some may lament that the missing and exploited children problem is no longer squarely in the public and media spotlight, other aspects of its maturation as an issue are encouraging. First, the issue is indeed now widely recognized as a serious problem worthy of committed governmental and private sector responses. Second, a great deal has been learned in the last few years about the kinds of responses that do—and do not—work.

In its two previous comprehensive plans, the Advisory Board presented a series of discrete recommendations for action on a wide variety of issues and challenges presented by the missing and exploited children problem. In this report, the Board has deliberately adopted a somewhat broader, more thematic focus on four general topics—The Private Sector, Coordinating Federal Programs and Policies, Parental Kidnapping, and Families of Missing Children.

The Advisory Board selected these four areas of focus because it believes that they are, and will continue to be, among the most important keys to future progress on the missing children front. Together, these topics illustrate the combination of forces—private, local, State, and Federal—that are essential for a productive response

to the complexities of the missing and exploited children problem. And in each of the four areas, the Board believes that experience to date has demonstrated the path to more effective action in the future.

The Advisory Board hopes that its discussion and recommendations in the pages that follow will help light that path. America's missing and exploited children problem is not some isolated or temporary incident, to be ignored after popular and media attention has shifted its short-range focus; nor is it susceptible to any quick or easy solution that will somehow put the problem to rest.

Rather, the challenge for those who care most about the problem of missing and exploited children is to develop the sustained, long-range commitment to actions that will minimize the painful impact of this troubling phenomenon of 20th century life in the United States. The Advisory Board's efforts, including this year's report, are dedicated to that end.



Photo by David M. Doody/Uniphoto

The Private Sector

Beginning in the early 1980's, the missing and exploited children issue generated extensive public interest, yielding an immediate response from both the for-profit and not-for-profit components of the private sector. Over the last 8 years, private sector efforts have been critical in the struggle to locate America's missing children, provide support to their families, and encourage child safety practices that can help stop the missing children problem at its source.

Continued private sector involvement is equally critical to carrying that struggle forward. To the extent the missing children problem no longer commands sufficient interest and attention to motivate significant private volunteer effort, the chances for further progress in addressing the issue will be correspondingly diminished.

In this as in other contexts, the missing and exploited children issue is at a cross-road. The problem itself is no less real, and no less devastating for the children and families it afflicts, than it was earlier in the decade. But it is no longer accompanied by television movies, cover stories in major national magazines, or other signs of a newly discovered issue that captures public attention and demands an effective response.

Today, the challenge of continuing to enlist the energies of the private sector is straightforward: to convey to the American public that while progress has been made, the tragedy of missing and exploited children is not some trendy issue whose time in the spotlight has passed, but rather a serious and disturbing social problem that requires—and deserves—a sustained commitment by America's business community and not-for-profit organizations. Much of what needs to be done to meet that challenge in the future can be learned from the history of private sector involvement to date.

Nonprofit Missing and Exploited Children's Organizations

In 1980, there were fewer than a dozen missing children's nonprofit organizations (NPO's). Together with parents of missing children, these initial NPO's formed the vanguard that focused congressional attention on the issue and, spurred by public

response to the movie *Adam*, successfully pushed for passage of the 1982 Missing Children's Act and the 1984 Missing Children's Assistance Act.

In the wake of this sudden public attention and legislative success, scores of non-profit organizations sprang up throughout the country. Some were formed by parents of particular missing children to focus some of the attention on their child's case; some were formed by well-meaning advocates with a more general interest in the missing children problem; and—unfortunately, if perhaps predictably—some were formed by individuals seeking to exploit the issue for their own benefit.

Over time, a natural selection process has eliminated many of the organizations in the last category, while NPO's able to demonstrate their value to their communities have survived and experienced considerable success.

NPO Services

While there is no standardized list of NPO activities, successful organizations have typically focused on providing one or more of the following types of services:

- **Locator services.** Several NPO's assist parents in locating missing children. This can include distributing posters and photographs, providing liaison with law enforcement agencies, following up on leads, and checking publicly available records and information. When the circumstances of a child's disappearance do not necessarily indicate that a criminal violation has occurred (e.g., a "parental kidnapping" prior to an award of custody in a divorce action, or disappearance of a child over 18 years old), active investigation of the case by law enforcement agencies is usually limited, and NPO locator services may be the only practical avenue available for the parent of a missing child.
- **Family support services.** Many NPO's provide guidance to families in dealing with law enforcement agencies, the media, and other family members, as well as the opportunity to meet with others who have experienced similar victimization for mutual emotional support. Such family support services, while not provided extensively by all NPO's, are among the most valuable that an experienced NPO can

offer. No other community organization will be as well equipped to respond to the special needs of a victimized family.

- **Community education services.** A number of NPO's sponsor prevention programs in their communities, with audiences in school systems, civic organizations, church groups, or (as in child safety fairs at shopping malls) the community at large.

In addition to these typical activities, a few organizations offer special services such as search and rescue teams, training programs for law enforcement officers and other interested individuals, and publication of newsletters.

In the past several years, the availability of certain government resources has enhanced the effectiveness of NPO efforts. These include the establishment of missing children clearinghouses in 39 States and the District of Columbia; the legally mandated entry of missing children in the FBI's National Crime Information Center Missing Person File; and the founding of the National Center for Missing and Exploited Children, a nonprofit organization that receives substantial Federal funding. Successful NPO's have shown an ability to use such resources and, more generally, to aid their clients by working within the framework of law enforcement agencies, State clearinghouses, court systems, and other government institutions.

As noted earlier, NPO's are often the last resort for a searching parent, particularly in situations where traditional law enforcement efforts may be limited. Many missing children would not have been found without the investigative efforts of nonprofit missing children's organizations.

NPO Operational and Ethical Standards

Though it is no longer a "new" issue, public recognition of the missing and exploited children problem is still a relatively recent social phenomenon. Not surprisingly, therefore, efforts to develop an institutionalized professional discipline among the private organizations formed to address the problem are still in their infancy. The success or failure of such efforts may prove critical to the future credibility, effectiveness, and even survival of missing children NPO's.

To date, there are no general sanctioning standards or credentialing authorities in this area that could indicate to potential contributors and other supporters the legitimacy of a given organization. But the first steps in this direction are being taken. Some 10 to 15 missing children NPO's that are members of Child Net, Inc., are forming the Child Net Federation, in part for the express purpose of developing operational and ethical standards for nonprofit missing children's organizations. At this stage, the coalition of participating NPO's is fragile. But if it holds together and reaches a consensus, the development of credible operational and ethical standards may prove a milestone in the emergence of missing children NPO's as a mature, established part of America's network of private volunteer organizations.

Existing institutions with considerable public credibility, such as local Chambers of Commerce and Better Business Bureaus, may also assist in this process. For example, some local Better Business Bureaus, as in Arlington, Virginia, already have philanthropic advisory services that evaluate charitable organizations. Similarly, other networks of private organizations dedicated to particular causes, such as the Child Welfare League of America and Family Services of America, have already succeeded in creating and enforcing internal standards to maintain accountability and public credibility. Both of these avenues merit exploration by responsible NPO's in their efforts to achieve the same objectives for missing children's organizations.

Organizational Sophistication

Closely related to the lack of an institutionalized professional discipline is the relative lack of organizational sophistication of many missing children NPO's—a failing often reflected by weak boards of directors, inability to attract necessary support to deliver services, and preoccupation with present crises at the expense of long-range planning. The ability of NPO's to move beyond the kind of amateurish approach that typifies many current organizations may prove equally critical to the long-term survival of private missing children efforts.

Boards of Directors. Most successful private volunteer organizations maintain a balance on their boards of directors between members actively involved in the organization's program areas and members drawn more generally from the community

leadership. Many missing and exploited children NPO's need to take a cue from long-established community organizations (such as the Red Cross, Boys Clubs, and Boy Scouts) and actively recruit board members who are recognized civic, professional, and business leaders in their service areas.

The inclusion of such individuals adds credibility, experience, and perspective that can seldom be found on a board made up exclusively of persons who have a direct personal or emotional commitment to the missing children problem. The involvement of the latter group is often the critical spark that leads to the formation of these organizations in the first instance, but keeping the flame burning usually requires broadening board membership to include persons of recognized standing in the community. In addition to enhancing the organization's stature simply by their affiliation with its activities, these persons can assist a group's ability to generate financial support and develop credible long-range plans.

Generation of Financial Support. As with most private volunteer organizations, generating financial support is a *sine qua non* for the long-term viability of missing children NPO's. Too often, NPO's have resorted to telemarketing and similar fundraising activities, characterized by high overhead costs, little bottom-line return to the organization, and even some loss of reputation arising from the adverse publicity and public skepticism associated with such fundraising techniques.

Recruiting board members with recognized civic, professional, and business credentials can enhance an NPO's ability to generate financial support in several ways. First, the involvement of such individuals will help assure potential donors that the organization is a serious and trustworthy venture. Second, such persons often know, and can provide, credible entrees to the major institutional and individual funding sources for private volunteer activities in the community. A third and related benefit is that board members with recognized standing in the community will themselves often be skilled and experienced fundraisers.

Long-Range Planning. Building a strong board can also assist missing children NPO's in a critical but often ignored area—developing long-range strategic plans for the organization's operations and survival.

The strategic planning process is a useful exercise in itself for any private organization that hopes to survive and be effective, since it forces participants to set priorities, to evaluate objectively the strengths and weaknesses of particular programs and activities, and to focus on where the organization is headed in the future. It also permits everyone associated with a group to share a sense of purpose and of organizational responsibility and stability.

Persons who have a substantial background of business, professional, and community involvement are likely to bring far greater understanding of the need for long-range planning, as well as far more experience and expertise with that process, than those who lack such credentials. In addition, long-range planning can itself have a direct impact on an NPO's ability to generate financial support. Frequently, major potential donors will want to look at an organization's strategic plan before committing significant funds to the enterprise. If a group seems amateurish and unfocused—no matter how worthy its goals or how committed its initial sponsors and board members—major financial support is unlikely to be forthcoming.

Finally, long-range planning—particularly if experienced community leaders are involved—would include addressing one of the serious problems that limits the effectiveness of private missing and exploited children efforts: the general lack of cooperation to date among NPO's. This relative inability of NPO's to work together and to form a united front is undoubtedly a major difficulty to be resolved, particularly if NPO's hope to survive in an era when the missing and exploited children issue has ceased to be a new phenomenon that generates front page stories and other prominent media attention. Building a strong coalition of NPO's not only will serve as an effective support network for those involved with missing and exploited children, but also will provide a more forceful lobby for continuing support and needed reforms.

Support From the Office of Juvenile Justice and Delinquency Prevention

The Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) has provided significant assistance to missing and exploited children's non-profit organizations.

For example, OJJDP has provided technical assistance and training—focusing on management, development of boards of directors, and fundraising strategies—through the Institute for Nonprofit Organization Management (INPOM). Some 425 individuals have attended 3 national and 16 regional INPOM training conferences, and 81 NPO's have received onsite technical assistance. OJJDP has also provided more than \$1.1 million in one-time grants to support establishment or expansion of services by deserving NPO's. In August 1988, OJJDP also brought together a group of NPO's and State clearinghouse leaders to work toward resolving the differences and lack of cooperation that have limited the overall effectiveness of efforts to address the missing and exploited children problem.

OJJDP assistance to NPO's has necessarily been supplemental in nature. In part, this reflects the limited resources Congress authorized (and the diverse requirements it imposed) in the 1984 Missing Children's Assistance Act. More important, however, it reflects the realization that the long-term survival of NPO's will ultimately depend on their own ability to attract support from non-Federal sources, and that organizations must be prepared to do so if they wish to succeed.

Participation in the Missing and Exploited Children Effort by the For-Profit Component of the Private Sector

Involvement in the missing and exploited children issue by private businesses and other profitmaking enterprises has taken three primary forms: photo distribution, contribution of in-kind goods or services, and financial assistance.

Photo Distribution

One of the immediate responses when missing children became a public issue (and still the part of missing children efforts most familiar to the public) was the wide distribution of photographs of missing children for public display. Such photographs appeared on everything from milk cartons to grocery bags; television stations carried public service announcements featuring pictures of the missing. The American public was seemingly bombarded with photographs of missing children.

Such extensive exposure in a relatively short period of time was not without its detractors. Critics charged that unnecessary fears were being created in children with very little positive return for the effort, and even that parental abductors were going to greater lengths to conceal their children for fear that a photograph would lead to discovery.

The reality is that a significant number of missing children are being located because of photo distribution programs. At this writing, at least 124 children have been found and recovered as a direct result of the distribution and public display of their photographs.

While many NPO's also have photo distribution programs, private business has been a major participant in the photo effort. In its October 4, 1988, quarterly progress report, the National Center for Missing and Exploited Children stated that more than 1,180 private corporations were participating in its photo distribution program.

Television has been a particularly effective medium for public display of photographs of missing children. Shortly after the first showing of the television movie *Adam*, pictures of missing children appeared regularly on such network shows as "Good Morning America" and "Hour Magazine." The Missing Children's Network, a for-profit organization, sold subscriptions to local stations for television spots featuring missing children's photos submitted by nonprofit missing children's organizations; at one point it had enlisted 100 subscribers to this service.

While it is impossible to list all organizations that have distributed photographs of missing children, appendix A sets forth a representative sampling of significant private sector photo distribution efforts. All told, well over a billion prints of photographs of missing children have been distributed.

In-Kind Goods and Services

In-kind donation of goods and services has also been a major aspect of business involvement in missing children efforts.

A number of corporations, such as the American Gas Association and Southern Bell Telephone Company, encourage their employees to participate in nonprofit volunteer activities and provide flexible work schedules to accommodate the needs of the recipient organization. Through such programs, thousands of hours of valuable time have been donated to NPO's, enabling them to use skilled professionals whose services they could not have afforded.

Several high-tech firms have donated computer equipment, computer communications facilities, and systems design services. Hence, many NPO's have acquired, at no cost, the benefits of modern data processing and communications technology. The Adam Walsh Child Resource Centers, for example, use equipment donated by Digital Equipment Corporation to maintain a data base of State legislative initiatives. Digital also donated equipment to the National Center for Missing and Exploited Children, and to the American Bar Association's National Legal Resource Center for Child Advocacy and Protection, giving these organizations access to the data base.

Corporate America has also produced and donated important child safety education materials. These in-kind donations have ranged from producing educational television spots to printing brochures and pamphlets that contain child protection information for children and families.

Media companies have made significant contributions to public education efforts, through program themes devoted to missing and exploited child issues. To ensure accuracy, television producers often ask NPO's to review scripts and provide technical advice. Fox Television Network uses the stars of the show "21 Jump Street" for public service announcements after its programs, informing viewers where to go for additional information or assistance.

The range of in-kind goods and services that businesses have donated is illustrated by the representative (though far from comprehensive) list set forth in appendix B. More generally, virtually every successful NPO has established linkages with local businesses to supplement and support its operating budget through in-kind contributions. And countless hours are donated by private sector business leaders who serve without pay on NPO boards of directors.

Financial Assistance

Just as corporate America was creative and generous in providing in-kind support for missing and exploited children programs, it has displayed equal creativity and generosity in providing direct financial assistance.

When the missing and exploited children issue first attracted substantial public attention, President Reagan's Office of Private Sector Initiatives put a number of corporations that wanted to help in touch with national organizations already working on the problem. In addition to generating many outright corporate donations, this cooperation led to a number of financial assistance programs, including:

- Product-based donations and coupon redemption plans, in which corporations agreed to donate a fixed amount for each unit of product sold.
- Project sales, in which the corporation agreed to donate a fixed amount of money to support a particular program, service, or product, such as a booklet or brochure.
- Holding or sponsoring fundraising benefits for particular organizations.

Examples of corporate financial assistance programs are listed in appendix C.

These financial assistance efforts reflected a broader approach to corporate financing of nonprofit organizations than had been common in the past. Participating corporations often found that their involvement was good for business as well, because the public was eager to assist in product promotions and similar activities that would assist efforts to ensure their children's safety and security.

Some Developing Trends

The current outlook for future private business involvement in missing children efforts is mixed.

On the one hand, there are a number of indications that corporate interest in the issue has waned. This is particularly evident in the area of television broadcasts of photographs of missing children. The Missing Children's Network ceased operations

at the end of April 1988, after all but a handful of television stations stopped subscribing to its services. Major television networks have also stopped airing pictures on a regular basis, although they continue to do so in new cases when it is thought a "hot lead" might be developed.

Some utilities have withdrawn from the National Child Watch program of the American Gas Association, though the program continues to operate with more than 120 firms still participating. Parke-Davis Corporation has discontinued its support of the Society for Young Victims, including photo distribution to pharmacies throughout the country.

On the other hand, since 1984 an increasing number of businesses have been requesting photographs of missing children from the National Center for Missing and Exploited Children. And several corporations are replacing photo displays with child protection information for children and parents, thereby continuing their involvement with a different approach.

Hence, in some cases, discontinuance of participation in missing children photo programs may reflect a natural tendency for corporations to develop fresh approaches to their philanthropic and public relations efforts. But it may also reflect, to some degree, the impact of critics who question the effectiveness of the photo effort and claim that it leads to unwarranted fears among children and parents.

With respect to in-kind contributions, corporate involvement has been significant, but the full potential for generating support for missing children programs has not been adequately developed. Many corporations want to help worthy causes and have established programs to do so. Missing and exploited children's organizations have been successful competitors for in-kind support through such programs, but only on a limited basis.

There has also been a noticeable cooling of corporate interest in providing financial assistance. Today, in contrast to earlier periods when missing children were the focus of intense public interest, major corporations appear less likely to approach NPO's on their own initiative. In large part, this may reflect the normal cycle for worthy causes that compete for corporate funding—characterized by an initial fight

for public recognition of the legitimacy of the issue, followed by a peaking of interest and, thereafter, by an ebbing of interest as the issue matures and another cause comes to the forefront of public attention.

Some Current and Anticipated Needs

Both the for-profit and not-for-profit components of the private sector continue to represent vast resources for improving services for missing children and their families and enhancing child safety through prevention and education programs. But tapping those resources will require greater expertise and a more careful and thoughtful approach than have been typical of many NPO's in the past.

Key areas to target for improvement include the following:

- **Development of Strategic Planning Capability.** NPO's can no longer get by with hand-to-mouth methods of operation. Competing successfully with other social causes will require objective evaluation of NPO services and anticipated needs, with a long-range (i.e., 3- to 5-year) focus, and development of long-range plans that will seem credible and worthy of support by potential donors.
- **Development of Cooperative Public Awareness Programs.** NPO's should cooperate with each other, with the National Center for Missing and Exploited Children, and with State clearinghouses in developing programs that will keep the public aware of the continuing importance of the missing and exploited children issue. One important possibility that could be explored is a joint solicitation of representatives of leading public relations and advertising firms, asking them to collaborate on a nationwide program to keep the public informed about missing and exploited children, followed by a concerted effort to enlist other corporate support for implementation of the program.
- **Increased Involvement of Civic, Professional, and Business Leaders on NPO Boards.** For all the reasons discussed above, NPO's need to engage in aggressive recruiting of civic, professional, and business leaders to serve on their boards of directors. This will require careful identification of potential board members based

on the organization's needs, a serious "courting" and educational effort to persuade such individuals of the importance of the organization's goals and services, and—not least important—recognition by those already involved in the NPO that broader based management may well be crucial to the organization's survival.

■ **Development of Stable Funding for NPO's.** Obtaining dependable financial support from within an NPO's service area is imperative. NPO's need to move away from relying on telemarketing and other short-term (and at times dubious) fundraising techniques, which produce at best only a shallow commitment to the organization. Instead, NPO's should focus—in part through recruiting recognized community leaders to serve on their boards and developing credible long-range plans and programs—on becoming an established part of the charitable scene in their communities. This will greatly enhance their ability to attract the kind of corporate and community support—through agencies such as the United Way—that is the key to long-term financial stability.

■ **Development of Alternative Options for Corporate Involvement.** While photo distribution has been important, NPO's need to recognize that this activity is only one aspect of the issue. They should develop alternative options that provide more substantive opportunities for corporate involvement and support of the wide range of issues affecting missing and exploited children. Examples include asking a corporation to underwrite the cost of an identified project (such as a parent-support group) or to sponsor and distribute to its employees educational and similar materials prepared by the NPO. Such projects may prove more effective devices for enlisting corporate support and interest, particularly for corporations that have participated in photo distribution programs in the past and may be losing interest in doing the same thing.

Summary

Relatively few social causes have experienced the meteoric rise in public awareness and concern that characterized the days of the missing and exploited children issue. But those days are gone. The missing children issue must now compete both with other problems facing our Nation's youth that have more recently captured public

attention (such as illegal drugs, drunk driving, and AIDS), as well as with more venerable causes championed by well-established charitable organizations.

In terms of private sector support, the critical question facing the missing and exploited children effort is whether it can successfully make the transition from being a "cause of the moment" to being recognized as a serious problem that deserves a long-term commitment by America's business and charitable communities.

The answer to that question rests in large measure with the missing and exploited children NPO's themselves. If their approaches are amateurish—characterized by hand-to-mouth fundraising, narrow board membership, short-term planning, and lack of cooperation among themselves—private sector support will wither. If instead NPO's work together—with each other, with State clearinghouses, and with the National Center for Missing and Exploited Children—and make a conscious effort to involve the civic, professional, and business leadership of their respective communities, they should be able to continue to make major contributions to helping missing and exploited children and their families.

Appendix A: Corporate Involvement in Photo Distribution*

- The American Gas Association, through its "National Child Watch Campaign," distributes photographs of missing children to its 225 member corporations for enclosure with their billings.
- Advo-System Incorporated, one of the largest direct mail advertisers, mails pictures of missing children to 54 million households on a weekly basis.
- Avis Corporation placed inserts with pictures of missing children in 8 to 10 million customers' automobile rental agreement folders each year.
- Parke-Davis Corporation, in cooperation with the Society for Young Victims, placed posters with photos of missing children in 40,000 pharmacies on a regular basis.
- The American Association of Airport Executives established display boards on which photographs of missing children are displayed in airports throughout the Nation.
- K-Mart and Guardian Photo, through a cooperative effort, distribute 130 million photographs of missing children annually in customers' photo-finishing envelopes.
- General Mills printed pictures of missing children on cereal boxes.
- Safeway Stores, Winn-Dixie, and other retail grocery chains distributed pictures of missing children on grocery bags.

* This is a representative listing that does not reflect all of the private sector photo distribution efforts.

Appendix B: Corporate In-Kind Support*

- American Airlines provides transportation for parents recovering children. Arrangements are made through the National Center for Missing and Exploited Children's hotline.
- Southern Bell Telephone Company sent employees to participate in the opening ceremonies of the West Palm Beach Adam Walsh Child Resource Center, Inc.
- Greyhound/Trailways, Inc., in cooperation with the International Association of Chiefs of Police, provides free rides home to runaway youth.
- Quality Inns motels provide a "safe harbor" for any child in danger of abduction or exploitation. In addition, they have provided housing to parents recovering their children away from their own hometown.
- Networking and World Information (NWI) hosts Child Net, Inc., a nonprofit organization providing computer networking to other nonprofit organizations and persons interested in missing and exploited children. NWI donates its services and subsidized some of the startup line costs.
- Data Vue Corporation, a computer manufacturer, donated several of its computers to Child Net for redistribution to participating organizations.
- DIC Enterprises, working with the National Center for Missing and Exploited Children, developed a series of child safety messages aired during its children's programming.
- Bekins Van Lines, Inc., underwrote the cost of the first family protection brochure produced by the National Center for Missing and Exploited Children.
- McDonald's in Arkansas worked with the Arkansas Attorney General's staff to develop and distribute a child safety education program featuring Ronald McDonald and other familiar McDonald's characters.

- Maxell Corporation provided blank videotape stock for the production and distribution of public service announcements as part of the national "Campaign To Protect Our Children."
- Universal Studios and Barbara Billingsley from the cast of the "New Leave It to Beaver" show produced public service announcements as part of the "Campaign To Protect Our Children."
- CUNA Mutual Insurance has assisted Child Find of America, Inc., by printing and mailing flyers throughout the United States.
- Ferix, a rock and roll band, has recorded a music video "Bring the Children Home" featuring the Society for Young Victims. The band also plays benefit concerts for the Society in the New England area.

* This is a representative listing that does not reflect all of the private sector in-kind support.

Appendix C: Corporate Financial Support*

- Worlds of Wonder (WOW) donated more than \$1 million to the National Center for Missing and Exploited Children based on a fixed amount for each "Teddy Ruxpin" talking toy sold. As part of the program, WOW provided the Center with complimentary "Teddy Ruxpins" for distribution to child victims and representatives of child safety programs.
- Texize Division of Dow Consumer Products donated more than \$700,000 to the National Crime Prevention Council and the National Center for Missing and Exploited Children as a part of a coupon redemption program.
- Clairol is supporting the National Child Safety Council through a coupon redemption program that will net up to \$100,000 to support child safety information.
- CBS/Fox Video, in a cooperative program with the Boys Clubs of America, is donating a portion of the profits from sales of its "Five Star" collection.
- Parke-Davis Pharmaceuticals has just completed several years of major financial support for the Society for Young Victims.
- Ravaroni & Freschi, Inc., working with the National Center for Missing and Exploited Children, donated a penny per pound of pasta sold during a month. In addition to the financial benefit for the Center, the company's management said that the program, which was different from any the company had done before, improved employees' morale and gave them a sense of being involved.
- Digital Equipment Corporation underwrote the development of a comprehensive child protection curriculum for the Adam Walsh Child Resource Centers and the National Center for Missing and Exploited Children.
- Dole Processed Foods donated \$250,000 to the National Center for Missing and Exploited Children as determined by a fixed amount per product sold.

* This is a representative listing that does not reflect all of the private sector financial support.



Photo by Jagdish Agarwal/Uniphoto

Coordinating Federal Programs and Policies

The principal responsibility for investigating missing and exploited child cases—and for helping missing children and their families—rests at the State and local levels. These governmental agencies, as well as numerous not-for-profit missing children's organizations, are much better placed than the Federal Government to render direct assistance to such children and their families. Any examination of the proper Federal role in this area must start by recognizing that such State and local efforts—both public and private—are the front line in the battle against the missing children problem.

But the Federal Government can and should play a supporting role in that battle. In a number of areas—such as coordinating different agencies' missing children programs; increasing public awareness; providing training, education, and research; collecting and disseminating information; and, where appropriate, establishing national policies and national standards for case management—Federal programs can help enhance the effectiveness of State and local missing children efforts.

One key to effective Federal assistance is coordination of the various Federal programs that directly or indirectly affect the missing children problem. But coordination of Federal programs in this area has often proved an elusive goal—resulting in more than occasional frustration of efforts to deal with missing children in a consistent, cohesive manner. The problem does not reflect any intent to frustrate missing children efforts. Rather, it is a natural result of a process in which different Federal agencies, with varying congressional mandates and agency priorities, adopt individual policies that may further the objectives of a particular agency but are not coordinated (and may even be at cross-purposes) with the goals and policies of missing children efforts.

The resulting frustration of such efforts, however, is no less real for being unintentional. A review of some of the current problems and inconsistencies in Federal actions affecting missing and exploited children, and some suggestions about ways to achieve a more coordinated approach, are the first steps toward the goal of a more cohesive, more effective Federal role in aiding State and local efforts to address the missing children issue.

Dealing With Runaways—ACYF, OJJDP, and Other Federal Agencies

A prime example of different approaches by different Federal agencies to similar or overlapping aspects of the same issue involves the problem of “runaway” children, and the concurrent jurisdiction of the Administration for Children, Youth and Families (ACYF) of the Department of Health and Human Services, and the Justice Department’s Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Both agencies’ legislative authority with respect to runaways springs from the 1974 Juvenile Justice and Delinquency Prevention (JJDP) Act, as amended in 1978 by the Runaway and Homeless Youth (RHY) Act, (codified as Title III of the JJDP Act). Under the JJDP Act, OJJDP’s mission is to remove juveniles from adult jails and lock-ups, separate juvenile from adult offenders within secure confinement facilities, and deinstitutionalize “status offenders” (e.g., runaways who have not committed criminal acts). Under the JJDP Act as amended by the RHY Act, ACYF’s task is to provide for the immediate needs of runaways—shelter, food, clothing, and medical care—in a setting outside the law enforcement structure and juvenile justice systems.

These OJJDP and ACYF assignments, while not in direct conflict, reflect differing approaches—each mandated by the Congress in the same Act, as amended—to overlapping aspects of the runaway problem. Taken together, the history of the two agencies’ efforts in the runaway area, described in the following two sections of this chapter, highlights the need for a more coordinated Federal approach and also points to a number of particular areas where further action or study is needed.

The ACYF Focus—Emergency Care and Shelter for the Child

The Runaway and Homeless Youth Act reflected a “social welfare, emergency care” approach to the problem of runaways that deemphasized law enforcement solutions, as revealed by the following congressional “findings” on which the RHY Act was based:

- The number of runaways has increased to alarming proportions, endangering and creating a substantial law enforcement problem for local communities.

- Statistics and profiles detailing the scope and extent of the runaway problem have not been collected or analyzed.
- *The problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police and juvenile justice authorities.**
- It is the responsibility of the Federal Government to develop accurate national data collection systems *and to develop an effective system of temporary care outside the law enforcement structure.**

ACYF's philosophy has been consistent with the social welfare, emergency care focus of these congressional findings. In keeping with the RHY Act's mandate to meet the immediate needs of the child outside the law enforcement structure, ACYF has supported Federal, State, and local programs to provide funding for a number of activities, including:

- Community-based runaway shelters to feed, clothe, and temporarily house runaway and "throwaway" children.
- Community-based programs to provide longer term support to the runaway child, such as medical care, education, jobs, job skill training, and mental health care.
- "Runaway switchboards" that match a runaway with access to the support services he or she needs.
- Networks of runaway shelters and technical assistance programs for such shelters.

Similarly—and again consistent with the RHY Act—ACYF's approaches to locating, detaining, and returning runaway children do not involve law enforcement or juvenile justice authorities. Instead, they focus on such activities as having shelter staff encourage runaways to contact home; using "runaway switchboards" to exchange messages between runaways and their families; and utilizing mental health programs to provide crisis counseling (and, in some cases, longer term counseling) to assist reunification efforts.

* Emphasis added.

Thus, ACYF-sponsored programs (whose primary focus is supporting the child while the child is outside the family) place the responsibility to locate the child and reunify the family (in cases where reunification is possible and appropriate) on the child, the parent, and the staff of the runaway shelter. As a practical matter, the ultimate decision to participate in a reunification effort often rests with the child.

Well intentioned as they are, ACYF efforts have proved inadequate. To some extent, the problem is fiscal. When Congress originally enacted the RHY Act, it was envisioned that the Federal Government would provide seed money for development of community-based and (largely) community-funded shelters that would provide food, shelter, and the necessities of life (at least on an emergency basis) for all or most runaways. But since the late 1970's, budgetary constraints have precluded Federal funding for developing a comprehensive, nationwide network of runaway shelters.

The more important part of the problem, however, rests with the congressionally mandated ACYF approach itself. In most instances, it has proved difficult or impossible, within the short time during which emergency shelter care is available, to resolve many of the serious child and family dysfunctions that have caused a child to run from (or be pushed out of) the home. Emergency care alone simply does not suffice. Moreover, even in communities where long-term nonsecure care is available, many runaways and throwaways simply will not, for a variety of reasons, remain in nonsecure placement facilities.

The reality is that ACYF efforts, by focusing on temporary care and effectively leaving the issue of return and reunification up to runaways or throwaways themselves, have had little long-term impact on the runaway problem. The further reality is that runaways have remained a significant problem for law enforcement agencies and the local communities they serve. Specific manifestations of the problem include homeless youth, juvenile prostitution, child pornography, drug abuse, theft, and other crimes—matters that simply cannot be addressed effectively by providing emergency care outside the law enforcement and juvenile justice systems.

The OJJDP Focus—"Deinstitutionalization" and Other Mandates

In contrast to the "social welfare, emergency care" approach of the Administration for Children, Youth and Families, the Office of Juvenile Justice and Delinquency Prevention has focused on the law enforcement and juvenile justice system challenges created by the runaway child problem. But dealing with those challenges has been hampered by the congressional "deinstitutionalization" mandate to OJJDP, also contained in the Juvenile Justice and Delinquency Prevention Act, that again seeks to minimize the role of the law enforcement and juvenile justice systems in resolving the problems presented by runaway and throwaway children, unless such a child commits an actual criminal act.

Portions of the JJDP Act policies assigned to OJJDP for implementation have proved worthwhile. The Advisory Board continues to believe, as recommended in its 1987 report, that the JJDP Act's proscription against commingling juvenile and adult offenders—i.e., that incarcerated juveniles be separated ("sight and sound") from adults—should be retained. The anticommingling policy serves some obvious—and obviously sound—objectives, including protecting young offenders from sexual and other physical abuse by adult convicts. Moreover, OJJDP experience indicates that the separation mandate can often be effectively enforced within existing facilities, and thus need not necessarily impose on States and local communities the fiscal burden of constructing new, separate facilities for juveniles.

The JJDP Act's deinstitutionalization mandate, however, is a different story. However well motivated the thinking behind this policy, the fact remains that secure custodial care has often been the only practical, effective means for protecting runaways themselves, and for protecting communities from the problems of juvenile prostitution, drug abuse, theft, and other criminal acts committed by runaway youngsters seeking to support a day-to-day, hand-to-mouth existence. Accordingly, the Advisory Board continues to recommend, as it did in 1987, that the JJDP Act be amended to permit State and local juvenile justice authorities to take children into custody, as indicated, for their safety and protection.

The Advisory Board recognizes that deinstitutionalization of status offenders remains a topic of considerable controversy among agencies and individuals involved in the runaway child problem, and that a national consensus on the proper role of law enforcement and juvenile justice authorities is lacking. In 1986, for example, the National Coalition of State Juvenile Justice Advisory Groups expressed the opinion (in its *First Report to the President, the Congress and the Administrator of the Office of Juvenile Justice and Delinquency Prevention*) that juvenile status offenders "do not need to be detained in secure custody."

The Advisory Board believes, however, that experience has shown current noncustodial solutions can be ineffective, and that local law enforcement and juvenile justice systems will need to play a greater role in future efforts both to protect runaways themselves and to protect communities from runaways' criminal activity—a role that Federal programs should be designed to encourage, not thwart.

Some Suggestions for Future Action and Study

Developing a better coordinated Federal approach to the problem of runaway children should begin with the recognition that (1) the ACYF "emergency care" approach does not offer long-term solutions, and (2) OJJDP should be permitted to encourage—and not directed to discourage—greater involvement in runaway cases by law enforcement and juvenile justice authorities. With this recognition as a starting point, the Advisory Board believes a number of avenues for future action and study can contribute to a more effective Federal role in addressing the runaway problem.

First, serious consideration should be given to amending the Missing Children's Assistance Act of 1984 (Title IV of the JJDP Act) to include runaways within the Act's definition of a "missing child." The present definition encompasses minors whose whereabouts are unknown to the minor's legal custodian only if the circumstances of the child's disappearance indicate he or she was abducted, or if there is evidence that the child is likely to be abused or sexually exploited. Hence, runaways do not fit within the definition unless there is evidence of potential sexual exploitation or other abuse. This evidence cannot be presumed to exist in every runaway situation.

This definitional gap in the Missing Children's Assistance Act stands in sharp contrast to State missing children statutes, which virtually without exception define "missing child" to include runaways. As a result, it is possible that missing children services mandated by the Federal statute are not being made available in runaway cases. Likewise, the exclusion of runaways from the Federal statutory definition may be impeding the ability of national agencies, such as the National Center for Missing and Exploited Children, to provide services to runaways and to coordinate State location and reunification efforts in runaway cases. These and similar questions should be reviewed and, if practical problems in fact exist, the Missing Children's Assistance Act should be amended to include runaways within its definition of "missing child."

Second, the ability of current Federal programs to provide care and shelter for runaways should be reviewed to determine if national policies are in fact protecting runaways and encouraging reunification. Specifically, hearings should be held at selected sites around the country to permit local law enforcement, juvenile justice, and youth services personnel, who see the effects of Federal programs firsthand, to help answer a number of critical questions in this area, including:

- Which local agencies are providing which services in locating, detaining, safeguarding, and eventually returning runaway children, and which agencies and services need and merit Federal financial and other support?
- What kinds of actions are being taken to protect the safety of runaways, and which methods have proved most effective? Are there Federal laws and policies that impede protection efforts and, if so, how should they be revised?
- How many runaways use the services of runaway shelters, and how long has the typical runaway been missing before he or she seeks help from a shelter? What percentage of runaways who spend some time in a runaway shelter are thereafter promptly reunited with their families? Do national policies encourage or discourage runaways from remaining safely in a shelter until difficulties within the family have been resolved?

- What services are available to assist the families of runaways in resolving the difficulties that may have caused the child to leave? To what extent are such services being used? Which methods seem to work best, and how successful have they been in achieving long-term reunification of the family?
- What percentage (if any) of runaway and homeless youth actually prefer life on the streets to life in the home or in the shelter? What are the reasons for this preference; how do these young people support themselves; and how can they be helped?
- Are adequate alternatives available for the care and protection of runaways who cannot be returned to the home? Is long-term care and counseling an available, affordable, or effective option?
- What services are available for runaways who have serious mental health problems? Are they adequate? What impact has the trend toward deinstitutionalization of the mentally impaired had on the runaway/homeless population, and should legislation in this area be revised as it relates to young people?
- What services are available for runaways who are drug abusers or who may have been exposed to the human immunodeficiency (AIDS) virus? Are they accessible? Are they adequate? What laws or policies should be enacted to better serve these populations?

To be sure, some research already exists in some of these areas. Other data will be provided by the National Studies of the Incidence of Missing Children and the National Study of Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth, as well as current ACYF and OJJDP studies on the success of family reunification efforts. But direct input from the local law enforcement, juvenile justice, and youth services personnel who actually work with and serve runaways adds the kind of close-up, practical perspective on the impact of Federal programs that no academic study alone can provide.

Third, certain initiatives to increase protection of runaway and homeless youth can be supported by the Federal Government regardless of (and without awaiting) ultimate resolution of the "deinstitutionalization" debate. These include:

- Developing stronger prevention programs, with particular emphasis on the role of the schools, truancy prevention, child abuse and neglect reporting and treatment programs, counseling for families in crisis, and substance abuse prevention.
- Strengthening law enforcement efforts directed at pimps, child pornographers, drug dealers, and others who systematically exploit runaways, by legislating criminal and civil forfeiture penalties and applying sanctions of the Racketeer Influenced Corrupt Organizations (RICO) Act and the National Narcotics Leadership Act.
- Supporting coordinated, systemwide strategies to provide comprehensive services for high-risk youth.
- Developing alternatives to family reunification for children who have left abusive or otherwise severely dysfunctional families.
- Increasing the level of cooperation between federally funded runaway and missing children programs in a variety of areas—including referrals; coordination of services; sharing and maintenance of the confidentiality of information; and cooperation in efforts to locate and house runaway children, provide assurances of safety to their families, and promote reunification.
- Developing alternatives to shelter care for children removed from their families by social service agencies for protective purposes (thus leaving additional shelter space available for runaways).

Fourth and finally, the energies of a number of Federal agencies in addition to ACYF and OJJDP should be enlisted to support these and other initiatives to address the problems of runaways. Examples include:

- Department of Education involvement in developing prevention programs for the schools and in promoting additional alternative educational opportunities for runaway and homeless youth.

- Department of Labor efforts to increase runaway participation in job training and similar programs.
- Increased focus by the various mental health agencies within the Department of Health and Human Services on developing programs to provide services to run-aways who are mentally or emotionally disturbed.
- Further efforts by the National Institutes of Health and the Surgeon General's Office to develop programs to provide medical services and AIDS education to this vulnerable population.

The Federal Parent Locator Service

Another example of how individual priorities of particular Federal agencies can unintentionally undermine the effectiveness of missing children efforts involves the Federal Parent Locator Service (FPLS).

FPLS, a computerized national location network operated by the Department of Health and Human Services' Office of Child Support Enforcement, can provide information about a parent's whereabouts via a computer match program that checks records held by six different Federal agencies: the Social Security Administration, Internal Revenue Service, Veterans Administration, Department of Defense, National Personnel Records Center, and Selective Service System. Though FPLS was developed to assist child support enforcement efforts, its potential usefulness in parental abduction cases is manifest. Unfortunately, that potential is thwarted by a number of policies that limit access to the FPLS network and awareness and use of the information it can provide.

At present, access to FPLS is limited to certain categories of "authorized persons"—specifically, law enforcement officers and prosecutors investigating or prosecuting cases of criminal custodial interference, FBI agents or United States Attorneys working on Unlawful Flight to Avoid Prosecution (UFAP) cases, State court judges hearing child custody cases, and other State officials acting to enforce child custody or visitation orders. But the custodial parent of a child who has been kidnapped by

the other parent is *not* an "authorized person" under FPLS access rules, and is thus not entitled to request information from the FPLS network that would help locate the abducted child.

A variety of other legal and practical factors compound the difficulty of efforts to use the FPLS network to help locate abducted children. Many of those who are authorized persons under FPLS rules have, in fact, never heard of the service and have no idea how to use it even in the child support context for which it was established. Furthermore, Federal requirements intended to ensure that funding for child support programs is used only for support activities preclude use of appropriated funds to familiarize authorized persons with use of the FPLS system in parental abduction cases.

Even if an authorized person is aware of FPLS's potential usefulness in a parental kidnapping case, he may not use the service directly, but must submit his request for information to the appropriate State or local child support enforcement agency for processing to FPLS. However, the same restrictions on use of Federal funds for other than support-related activities preclude State and local child support enforcement officials from processing such requests unless the administrative costs involved are covered by non-Federal funding sources. Federal audit requirements increase the reluctance of State and local administrators to handle such requests. And training on the proper handling of such requests is likewise unavailable unless paid for by other than Federal funds.

The categories of information that authorized persons may request from FPLS are also limited. Specifically, a search may be made only for the address of a parent—*not* that of the actual missing child or of another adult known or reasonably believed to be the present spouse or companion of the parent. Hence, though the Internal Revenue Code now requires that a child's social security number be included on all tax returns on which the child is claimed as a dependent, the FPLS system affords no access to this information in the search for a parentally abducted child. Likewise, an abducting parent who adopts a fictitious name or false identification may successfully evade FPLS location efforts because current laws governing FPLS do not allow attempts to find the parent by locating his or her present spouse or companion.

Even if relevant information can be obtained from FPLS in a parental kidnapping case, Federal confidentiality laws may limit its use. Dissemination of the information to anyone other than an authorized person is prohibited. If the authorized person is not an investigator actively involved in pursuing the case, effective followup action may be impossible. What, for example, is a State court judge going to do with an abductor's address if no authorized investigator is looking for the abductor parent?

Each of the various funding restrictions and confidentiality rules described above is understandable, and even reasonable, when viewed in light of its basic purpose. None can be said to have been developed with the intent of frustrating efforts to locate abducted children.

Nevertheless, it is clear that frustration of missing children efforts has been a real side effect in practice. The Advisory Board recommends changing those rules (including statutory amendments, where necessary) to allow more effective use of the FPLS network in tracking down abducted children.

The Department of Defense

Certain Department of Defense policies—particularly with respect to servicemen and women stationed outside the United States—should also be revised to facilitate efforts to return missing children to the lawful custodial parent.

Under treaties called "Status of Armed Forces Agreements" (SOFA's), active-duty members of the Armed Forces stationed outside the United States are generally immune from suit in the host country. Hence, when a serviceman or woman stationed abroad abducts his or her child, the applicable SOFA treaty precludes any civil action against the abducting parent in the courts of the foreign country to enforce a valid child custody order. Even if a State felony warrant for criminal custodial interference has been issued for the arrest of the abductor parent, the warrant cannot be executed until the abducting serviceman or woman returns to the United States.

SOFA's plainly serve a number of important purposes vital to effective functioning of American military forces abroad, and the Advisory Board is not recommending any modification or renegotiation of such treaties. The Advisory Board does believe, however, that Department of Defense policies can and should be altered to encourage compliance with child custody orders by members of the Armed Forces stationed outside the United States.

Currently, for example, an outstanding felony warrant for criminal custodial interference is not viewed as reflecting on a serviceman's or woman's fitness for duty, since custodial interference is not categorized as a crime involving "moral turpitude." Hence, Armed Forces officials have at times seen little reason to cooperate with State criminal justice authorities in returning to the United States individuals subject to such warrants. Indeed, requests by such individuals for extensions of overseas duty, or for transfer to another foreign-based American military facility, have been approved notwithstanding the existence of outstanding felony warrants for custodial interference—thereby frustrating both criminal prosecution of the offender and enforcement of a civil court custody order.

The Department of Defense should revise its view of the seriousness of parental abductions. Military personnel stationed abroad who are subject to outstanding custodial interference warrants should, in cooperation with State law enforcement authorities, be returned to the United States for appropriate judicial proceedings. Given the unavailability of access to foreign court remedies under SOFA treaties, the Defense Department should also explore whether the military justice system can be used more effectively to enforce or encourage compliance with child support orders being violated by American servicemen and women stationed in other countries.

In recent years, the Department of Defense has taken some helpful action in the general area of child and family support, by promulgating a regulation requiring servicemen and women to comply with court support orders. The Department of the Army has gone a step further, with new regulations requiring Army personnel to comply with child custody and visitation orders as well—a step that merits special praise since at least one Federal district court has held that the 1980 Parental Kidnapping Prevention Act imposes no legal obligation on the Armed Forces to compel

military personnel to obey custody orders.* The Defense Department as a whole should follow the Army's lead by developing uniform regulations on custody and visitation, similar to those adopted by the Army, for all of the Armed Services—a policy that should also be applied to the Coast Guard.

The Internal Revenue Service

The Advisory Board also recommends that certain Federal tax policies be changed to help alleviate the special financial burdens borne by families of missing children.

Specifically, the Internal Revenue Service does not allow the parents of a missing child to claim that child as a dependent, on the theory that the child is no longer being supported by his or her parents. This analysis ignores the fact that such parents often spend far greater amounts searching for a missing child—an effort directly related to the most basic of parental responsibilities—than they would ever need to spend on food, clothing, and education had the child remained in their custody. Similarly, while the Internal Revenue Code allows taxpayers to claim casualty losses for theft, fire, and other forms of property loss, the expenses of trying to recover a lost child are not deductible.

The overall impact on Federal revenues of reversing current tax rules in these two areas would be very small. The corresponding financial relief provided to individual families of missing children would be significant. Just as significant would be the message of sensitivity and concern that the Federal Government would send—at no cost worth mentioning to its fiscal well-being—to families trying to cope with the special agony of having a missing child.

*See *Dare v. Secretary of the Air Force*, 608 F. Supp. 1077 (D. Del. 1985), *aff'd mem.* 787 F.2d 581 (3d Cir.), *cert. denied*, 479 U.S. 846 (1986).

Other Federal Programs and Activities

The discussion above does not exhaust the list of Federal programs that affect missing children efforts, much less constitute a comprehensive list of all suggestions about how Federal policies can be better tailored to assist State and local efforts. Without going into excessive detail, a few additional observations and suggestions about Federal policies affecting missing children efforts are worth noting.

One positive note involves OJJDP's Child Victim as a Witness research project. The trauma and other psychological threats to child victims who have to relive abduction or sexual exploitation experiences in courtroom testimony have always presented special concerns. The need for guidance in developing the best ways to address those concerns has been heightened by the Supreme Court's decision this June in *Coy v. Iowa*, 487 U.S. ___, 108 S. Ct. 2798, 101 L. Ed. 2d 857 (1988), which held that use of a one-way screen that prevented child victims who were testifying from having to see their accused assailant, while still permitting the defendant to see the witnesses, nonetheless violated the defendant's sixth amendment constitutional right to confront his accusers.

The Advisory Board supports OJJDP's child witness project and urges the Children's Bureau of the Department of Health and Human Services, which has been assigned responsibility for administering the 1986 Children's Justice and Assistance Act, to work with OJJDP on additional research and other projects designed to assist child victims.

On the opposite side of the ledger is the effect of Aid to Families With Dependent Children (AFDC) regulations. The financial incentives that AFDC provides for family breakups have been noted in a number of sources, including the 1986 *Report to the President* of the White House Working Group on the Family. In the missing children area, AFDC rules encourage pregnant teenagers to run away, since they will receive greater benefits if they leave their families, and encourage teenagers who have already run away to become pregnant so as to qualify for AFDC benefits. The Advisory Board respectfully joins the many other observers who believe it is past time for a thorough congressional reevaluation of the AFDC program.

With respect to areas that merit further study and research, the Advisory Board believes that the impact of confidentiality laws and policies on missing and exploited children efforts is an especially important topic. In addition to the Federal Parent Locator Service policies discussed earlier, actual or potential tension between confidentiality concerns and missing children efforts arise in a host of contexts and pose numerous questions.

Examples include whether it is appropriate to make national criminal history data available to private employers to screen out inappropriate child-care employees; whether State confidentiality laws conflict with parental rights to examine a child's school records (including address and transfer information) under the Federal Family Educational Rights and Privacy Act; and whether confidentiality policies of runaway shelter facilities, welfare agencies, and protective service agencies are unnecessarily hampering efforts to locate missing children or to protect them from sexual exploitation and other forms of abuse. A thorough review of the purposes and effect of confidentiality laws and policies in these and other areas might well identify a number of avenues for greater accommodation of missing children efforts than presently exists.

Finally and more generally, the Advisory Board believes that existing Federal advisory groups—such as the White House Working Group on the Family and the Coordinating Council on Juvenile Justice and Delinquency Prevention, which was created by the JJDP Act—can contribute to better coordination of Federal programs that affect missing children efforts.

The Advisory Board recommends that the next Administration continue to support the White House Working Group, which has already started examining the impact of various Federal agencies on missing children programs and objectives.

The Coordinating Council, comprising representatives of 18 Federal departments and agencies, already brings together most of the significant Federal "players" whose activities directly or indirectly affect State and local missing children efforts. Recognizing this fact, Congress amended the JJDP Act in 1984 to give the Council express responsibility to coordinate, in consultation with the Advisory Board, "all Federal

programs relating to missing and exploited children." In 1988, the OJJDP Administrator named an interagency working group of Council members to facilitate that coordination.

The Advisory Board hopes that the Coordinating Council will treat this part of its duties as a high priority and that the issues and recommendations discussed in this chapter will assist the Council in meeting that responsibility.



Photo by Les Moore/Uniphoto

Parental Kidnapping

Parental kidnapping—the unlawful taking of a child by one parent from the legal custody of the other—is one of the more troubling and intractable problems in the missing children arena. Although parental abductions have occurred throughout this century and even earlier, the escalating divorce rates of recent decades have helped transform this problem from an occasional and episodic occurrence to a persistent, recurring phenomenon, posing legal difficulties of nationwide scope.

As the frequency of parental kidnappings has increased, so too has recognition that a parental abduction should not be viewed as a relatively harmless (albeit dramatic) resort to “self-help” by one of two parents locked in a child custody battle. To be sure, many parental abductions are rooted in a noncustodial parent’s real concern about the physical, mental, and emotional health of his or her child—a concern often heightened by frustration with a legal system that can seem unwieldy and unresponsive to a parent seeking swift implementation of what that parent believes is a proper custody resolution.

But even in cases where parental kidnapping is motivated by sincere concern for the welfare of the child, it remains—and should be treated as—an impermissible act in defiance of the law. And altruistic concerns about a child’s best interests are seldom either the whole story or even the most significant part of the plot. Leaving aside the parent’s own desire to remain in close contact with his or her child—a natural and, in most of its other expressions, commendable impulse—far too many parental kidnapping cases involve one or more other emotional, psychological, and financial motives. Thus, the abducted child can become a pawn used to seek retaliation or revenge for a marital breakup, or to harass an estranged spouse, or as a “bargaining chip” to reduce support obligations or even extort a reconciliation.

Whatever mix of motives lies behind a particular parental kidnapping, the risks to the abducted children themselves are enormous. Factors that are proven contributing causes to child abuse and neglect—such as financial difficulties, stress, worry, and isolation—are often present in abduction scenarios. Fearing discovery, for example, many abducting parents move from job to job and are reluctant to place their children with babysitters, relatives, or daycare centers or even to enroll them in school. Even if there is little risk of abuse or neglect, parental kidnapping is almost

certain to intensify and prolong the psychological trauma and stress to a child caused by the divorce or separation of his or her parents. Studies of the impact of divorce on children consistently reveal that children continue to want and need frequent, regular contact with *both* parents, except when a parent is abusive or neglectful.

Fortunately, there is no longer any serious debate over whether parental kidnapping is a serious part of the missing children problem. The current focus is improving State and Federal efforts to reduce the incidence of parental kidnapping and return abducted children to their lawful custodians. In fact, Congress' 1988 amendments to the Missing Children's Assistance Act mandate the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct a study to determine the obstacles that prevent or impede custodial parents from recovering their parentally kidnapped children. The Advisory Board has identified in this report many issues that should inform the researchers conducting the study.

State Criminal Custodial Interference Laws

In the area of State criminal enforcement efforts, the good news is that all 50 States and the District of Columbia now have criminal statutes that prohibit parental kidnapping. The bad news is that these laws vary widely in substance and effectiveness. The Advisory Board believes that filling some of the obvious gaps of these statutes, and eliminating certain critical inconsistencies among different State laws, would materially improve efforts to deter parental kidnappings.

Many State laws, for example, require evidence that a child has been removed from the State as a prerequisite to establishing a case of criminal abduction. Many others require the same evidence as a prerequisite to treating parental kidnapping as a felony offense. The obvious problem stemming from such evidentiary requirements is that the whereabouts of an abducted child are often concealed, making it impossible to demonstrate whether the child has been removed from the State. Since these laws place the burden of demonstrating removal of the child on the prosecution, successful concealment effectively precludes establishing one of the basic elements of criminal abduction (or of a felony-level offense).

The effect of these requirements is particularly troublesome since concealment cases are the most serious and disruptive of parental kidnappings. The parent from whom the child has been taken has no idea if the child is safe or well cared for; the disruption of the custodial parent-child bond is complete. Such parents may devote their lives and livelihoods to trying to locate the abducted child. Yet since concealment has effectively prevented the filing of criminal or felony-level charges, Federal, State, and local law enforcement authorities may be unable to assist in precisely the kinds of cases where professional investigation is most needed.

Most State statutes in this area also make violation of an existing custody order a fundamental element of the crime of parental kidnapping. Most such laws further require proof that the abducting parent in fact had knowledge of that custody order. For a number of reasons, these requirements create a serious practical gap in the protection afforded by State criminal laws prohibiting parental kidnapping. Children are frequently abducted by a parent at the time of separation, long before a custody order can be obtained. Entry of custody orders is frequently delayed by court backlogs, by difficulty in finding a lawyer, and sometimes by attempts at reconciliation. The effect is that a parent who takes a child before a custody order is entered faces no real risk of prosecution.

Another obstacle to effective criminal law deterrence of parental kidnappings is that several States do not treat parental abduction as a crime (or else do not treat it as a felony offense) unless the custody order being violated was issued by a court of the State in which criminal prosecution is sought. Hence, a custodial parent who moves to such a State is effectively denied the protection of the criminal parental kidnapping laws of that State.

Ironically, the increasing use of joint or shared custody orders—often pursuant to newer State statutes establishing a legislative preference for joint custody arrangements—has had the unintended side effect of hindering successful prosecution of some parental kidnapping cases. Plainly, the public policy behind the recent trend toward joint custody is to preserve a meaningful relationship between a child and each of the divorcing parents. But in several cases involving parental kidnapping—an act violently at odds with that public policy—defendants have successfully argued

that an accused parent cannot, by virtue of his or her joint custodial rights, be guilty of criminal custodial interference.

Finally, as revealed in part by some of the issues already discussed, State criminal abduction laws differ on whether and, if so, in what circumstances, parental kidnapping will be treated as a felony. In addition to affecting the severity of criminal penalties that can be imposed, felony status affects whether effective investigation and prosecution will occur in the first instance. Scarce law enforcement resources, including those that can be used to pursue an investigation beyond State borders, are more readily available for felony than nonfelony offenses. Extradition—frequently critical in the parental kidnapping context—is usually possible only in felony cases. Similarly, FBI assistance is available only for felony offenses that also meet other relevant criteria for issuance of a Federal Unlawful Flight to Avoid Prosecution warrant.

The Advisory Board believes that solutions to many of the difficulties just summarized are virtually self-evident. First, in concealment cases, States should eliminate any requirement of proof of removal from the State as an element of the crime of parental kidnapping, and should instead make concealment of a child for a significant length of time a felony violation in itself. Second, the “custody order” prerequisite to parental kidnapping charges should be relaxed in favor of laws prohibiting concealment or removal of a child as soon as a custody action has been filed, accompanied by appropriate rules requiring parental acceptance of civil process in custody cases.

The Advisory Board also sees no persuasive reason for a State to treat violation of a valid custody order as less worthy of criminal prosecution simply because the order was entered in another jurisdiction, and strongly recommends that distinctions in criminal parental abduction laws based on this factor be eliminated. Likewise, States that authorize joint custody arrangements should clarify that criminal statutes prohibiting parental kidnapping apply with equal force in joint custody cases.

Finally, the Advisory Board believes that the grave risks parental kidnapping poses to abducted children, as well as its disruptive impact on parent-child relationships, will in most circumstances warrant felony status for the offense.

While adopting these five recommendations would significantly enhance the effectiveness of State criminal parental abduction laws, developing solutions to other problems arising from gaps and inconsistencies among differing State laws may prove more difficult.

People v. Gerchberg, 131 Cal. App. 3d 618, 181 Cal. Rptr. 505 (1982), a custodial interference case that arose out of a California divorce, is illustrative. The divorce court awarded custody of the children to the mother, who remained in California, and visitation rights to the father, who moved to New York. The mother later put the children on a plane to New York for a scheduled visit with their father, who then refused to return the children to California when the visitation period was over.

In the mother's subsequent criminal custodial interference action, the California courts upheld the father's defense that he had done no act (e.g., taking, detaining, retaining, or concealing) in California for which he could be held criminally liable by California authorities. Rather, the unlawful actions of retaining the children in violation of the custody decree were committed in New York. But prosecution there would have proved equally unsuccessful—since the New York statute did not prohibit custodial interference unless the children were removed from that State.

The Advisory Board recognizes that there are no easily implemented solutions to such problems. However, no solution will ever be possible at the State level without concerted interstate cooperative efforts. Cases like the one just described should spur such efforts, including work on drafting a uniform criminal parental kidnapping statute.

Should Parental Kidnapping Be a Federal Crime?

The complexities and interstate nature of the problems just discussed lead naturally to the question whether parental kidnapping should be a Federal crime. The Advisory Board believes the answer to that question is not yet clear and may well depend on whether, and how successfully, the States move to eliminate the difficulties arising from existing State custodial interference laws.

Before addressing directly the pros and cons of the argument over whether Federal criminal parental kidnapping legislation is appropriate, a brief history of past Federal action in this general area is in order.

To date, the Congress has generally resisted efforts to create any extensive Federal role in the child custody field. In the first half of this century, some 33 constitutional amendments that would have given Congress authority to regulate resolution of interstate problems in marriage, divorce, or child custody were proposed and rejected without serious chance for adoption. Pressure for Federal involvement eased somewhat after the National Conference of Commissioners on Uniform State Laws proposed the Uniform Child Custody Jurisdiction Action (UCCJA) in 1968, which was adopted by several States. Yet in 1980, after a majority of States had adopted the UCCJA, Congress made the following findings in its deliberations on the Federal Parental Kidnapping Prevention Act (PKPA):

1. There is a large and growing number of cases annually involving disputes between parents claiming rights of custody and visitation of children under the laws, and in the courts, of different States . . .
2. The laws and practices by which the courts of those jurisdictions determine their jurisdiction to decide such disputes, and the effect to be given the decisions of such disputes by the courts of other jurisdictions, are often inconsistent and conflicting.
3. Those characteristics of the law and practice in such cases . . . contributed to a tendency of parties involved in such disputes to frequently resort to the seizure, restraint, concealment, and interstate transportation of children, the disregard of court orders, excessive relitigation of cases, obtaining of conflicting orders by the courts of the various jurisdictions, and interstate travel and communication that is so expensive and time consuming as to disrupt their occupations and commercial activities.

The PKPA represents an effort to eliminate, or at least minimize, inconsistencies among child custody adjudications of different State courts dealing with the same custody dispute. Specifically, the PKPA complemented the similar goals of States'

UCCJA by adding a Federal statutory requirement that the courts of one State give "full faith and credit" to the judicial custody orders of a sister jurisdiction. The PKPA differs somewhat from the UCCJA, however, in that the Federal law mandates "full faith and credit" only for those custody orders that satisfy certain PKPA statutory criteria, which include giving priority to orders entered by the courts of the child's home State.

The PKPA has generally been viewed, and correctly so, as an important step in the right direction. However, the PKPA (like the UCCJA) has not been—and was not expected to be—a panacea for the problems created by inconsistent child custody adjudications of the courts of different States. Such problems are further complicated by these courts' inconsistent interpretations of the provisions of the PKPA and the UCCJA (now adopted by all 50 States and the District of Columbia). Moreover, the chances for greater consistency in interpretation and enforcement of the PKPA were lessened by the United States Supreme Court's decision in *Thompson v. Thompson*, 484 U.S. ____, 108 S. Ct. 513, 98 L. Ed. 2d (1987), that the PKPA does *not* create any "implied cause of action" in the Federal courts to determine which of two conflicting State custody decisions is valid.

Against this background (as well as the problems of State criminal custodial interference laws described earlier), it is clear why proponents of Federal legislation argue that the time is ripe for a Federal criminal parental kidnapping law. To support their position, advocates of this approach cite the increasing scope of the parental kidnapping problem; the difficulties of addressing the problem effectively, given the current patchwork of differing State laws and policies; and the perceived ineffectiveness (from their standpoint) of past efforts in this area, exemplified in part by the inconsistently interpreted provisions of the UCCJA and the PKPA.

Proponents of Federal criminal legislation contend that it would add an important new deterrent weapon to the antiparental kidnapping arsenal. In particular, they assert that Federal enforcement authorities would have the ability to pursue parental kidnapping investigations across State lines; that inconsistent State laws would be preempted by Federal legislation establishing a uniform body of law; and that the expense, difficulties, and complications of extradition proceedings would be eliminated.

Opponents of a Federal parental kidnapping law are skeptical that a new, Federal criminal statute would yield the benefits its advocates claim. They fear that its enactment would usurp traditional State authority in the name of unrealistic expectations for improved law enforcement that would not be realized in fact.

At the most basic practical level, those who argue against Federal criminal treatment point out that the Federal Bureau of Investigation, with approximately 400 field offices nationwide, has significantly fewer field agents in the entire country than, for example, the City of Los Angeles has police officers in a single metropolitan area. Similarly, the number of FBI field offices stands in marked contrast to the 19,000 State and local law enforcement agencies across the United States that exist to deal with criminal and related matters traditionally considered to be primarily State and local concerns.

Skeptics of the Federal criminal approach also argue that, given the basic constitutional tenets of our Federalist system, any Federal antiparental kidnapping law would perforce be limited to cases of interstate parental abduction. Hence, evidence that a child has been removed across State lines—an evidentiary hurdle under many current State laws, but one that could be eliminated by remedial State legislation—would stand as an initial and absolute prerequisite even to bringing an indictment under any proposed Federal criminal statute. Federal law enforcement authorities would likely be no more able to act in cases where the child's whereabouts are concealed than are their State counterparts in jurisdictions where removal from the State is an essential element of the crime. Further, Federal officials might lack authority even to launch an investigation until some evidence demonstrating an interstate abduction had first been adduced.

Moreover, Federal assistance is already available to State and local authorities in appropriate cases through issuance of Federal Unlawful Flight to Avoid Prosecution (UFAP) warrants in felony parental abduction cases. Conferring felony status on the crime in States where parental abduction is not currently so categorized would increase the availability of UFAP assistance without creating (and attempting to administer and enforce) a new body of Federal criminal law. Also, while some States have hesitated to request UFAP warrants for parental kidnapping cases due to the

costs of interstate extradition, it is even more unlikely, given current Federal budgetary restraints, that the Federal Government will be willing or able to absorb the costs of returning large numbers of abductor parents to the Federal district where the abduction occurred.

Any proposed scheme of Federal criminal enforcement would be complicated by other practical difficulties as well. Federal law enforcement officials would have no authority, before a State line had been crossed, to pick up the child to prevent a parental abductor from fleeing. Coordination of any arrest with issuance of appropriate judicial orders on custody would be difficult since, even with a Federal criminal parental kidnapping statute, the Federal courts would almost certainly continue to lack subject matter jurisdiction over child custody cases. Questions of legal jurisdiction aside, the Federal courts have little experience and, for all practical purposes, no expertise in the child custody area. In addition, there are essentially no Federal facilities that could handle the care and custody of children pending the outcome of any custody dispute related to parental kidnapping.

Weighing these conflicting arguments and considerations as best it can, the Advisory Board is not persuaded, as yet, that it is time to recommend Federal criminal legislation to address the parental kidnapping problem. In the absence of such legislation, the Advisory Board recommends that States work together to address the gaps, inconsistencies, and resultant problems in their criminal custodial interference laws. OJJDP can facilitate this process by supporting the development of model statutes that emphasize State-to-State cooperation.

The Advisory Board further recommends that training be made available to the professionals who deal with parental kidnapping cases. One such effort currently under way is being sponsored by the National District Attorneys Association (NDAA). With funds from OJJDP, NDAA is researching and writing a monograph on the complex legal issues pertaining to parental abductions that will be used as a guide in training prosecutors. Without efforts such as these, the Advisory Board believes that the pressure for a Federal legislative response will only increase.

Locating and Recovering Parentally Abducted Children

In addition to correcting the problems created by existing State criminal laws, further efforts are needed to assist custodial parents in locating and securing the return of children abducted by noncustodial parents. The financial burdens of a nationwide search and return endeavor are almost always beyond the means of a custodial parent whose child has been kidnapped by a former spouse.

Law enforcement agencies generally have the authority to launch investigations in these (as in other) missing person cases; they certainly have such power if the case is categorized as criminal in nature under applicable law. Unfortunately, they are often hard pressed to devote the necessary personnel and other resources required by the labor-intensive task of searching for an abducted child beyond the boundaries of a given city or county. In the parental abduction area, these difficulties are compounded by additional factors, including the refusal or reluctance of some local enforcement authorities to accept any reports of parental abductions, or to accept them if the child is subject to a joint custody order, or to investigate in the absence of pending criminal charges against the noncustodial parent.

Over the years, a variety of legal devices have been explored—with varying degrees of success—to secure the return of a parentally abducted child who has been located. Contempt proceedings, writs of habeas corpus, writs of attachment and—particularly if there are fears that the abductor parent will again flee with the child—protective service remedies have all been employed (though the last of these often requires evidence that the child has been abused, neglected, or abandoned).

None of these legal mechanisms, however, directly authorizes police to remove the child from the kidnapping parent, or to house the child pending judicial hearings on the validity of the custody order involved, or to transport the child back to the custodial parent. Fear of subsequent lawsuits alleging lack of proper authority enhances police reluctance to become involved in these processes. Also, the already overwhelming caseloads of most child protective service agencies, coupled with the nationwide shortage of foster care, increases the practical problem of caring for an abducted child after he or she has been located but before appropriate judicial processes for returning the child to the custodial parent have been completed.

The Advisory Board believes that several steps can be taken to facilitate locating a parentally abducted child and returning him or her to the custodial parent. First, State legislation expanding and clarifying the authority of law enforcement officials to investigate parental abduction cases, at an earlier stage than is usually feasible under existing laws, could materially assist location efforts. Specialized training for law enforcement officials—especially in such areas as tracing financial records and other documentary trails, employing methods that have been used successfully in white collar criminal investigations—would also aid location efforts, as would development by the FBI National Crime Information Center (NCIC) Advisory Board and OJJDP of standardized policies on entry of parentally abducted children into the NCIC Missing Person File. Finally, in the recovery area, State legislation authorizing police to remove a child from an abductor parent when there is probable cause to believe the abductor may flee with the child will help ensure that parentally abducted children who have been located are in fact returned to their custodial parents.

A Final Word on Parental Abductions

As should be evident, the Advisory Board does not for a moment condone parental abductions or other forms of extralegal “self-help” by parents locked in a custody dispute, no matter how bitter the custody battle or how sincere the parental concern. It is undeniable, however, that more than an insignificant fraction of parental kidnappings *do* involve a noncustodial parent who is deeply concerned for the welfare of his or her child.

Parental kidnapping is not the right answer; but it is an answer to which many parents resort in desperation. To the degree that judges and law enforcement officials can pay closer attention to parents with serious and apparently well-grounded fears for the physical, mental, and emotional well-being of their children, one important part of the overall parental kidnapping problem may be eliminated at its source.



Photo by Daniel Grogan/Uniphoto

Families of Missing Children

Almost every missing child incident is a story not simply of a child, but also of a family plunged into crisis. The focus of most missing children efforts to date understandably has been on finding missing children, reuniting them with their families, and prosecuting offenders. But relatively little attention has been paid to the families of missing children, who experience enormous trauma and strain—for which nothing can prepare them—from the first awareness that their child is missing until a final resolution is reached (if ever it is).

Compounding these problems is the fact that throughout this period of intense grief and anxiety, the family must cope with many practical challenges related to the event, including dealing with law enforcement and other officials, keeping in close touch with all aspects of the search and investigation, and later, pursuing justice in criminal proceedings against the offender. Even as parents and families commit their emotional, mental, physical, and financial resources to finding and restoring their child to the family, they may encounter serious frustrations with a justice system whose functioning and procedures, more often than not, seem a mysterious and unyielding maze of complexities. For example, while some families have benefited greatly from the dedication and hard work of a particular police officer or FBI agent, many have not had access to a law enforcement officer who is skilled in moving the investigation of their child's case through the complexities of the system.

The Advisory Board, whose members include a parent who has lived through the tragedy and despair of having a missing child, recognizes that research into family trauma in these situations has been scarce, and further, that the problems experienced by affected families are neither easily identified and categorized nor susceptible to simple and readily executed solutions.

The Advisory Board believes that the problems experienced by families of missing children merit greater attention than they have received in the past.

What Happens to the Family?

Though formal study of the problems experienced by families of missing children has not been extensive, there is a general consensus among researchers and mental health professionals that members of such families experience the range of responses typical of other severe personal crises—guilt, anger, extreme anxiety, depression, and fear. The type and degree of response may vary from one member of the family to the next, but the family system itself is thrown violently out of equilibrium. Disturbance becomes the norm.

A number of factors affect how and to what extent the crisis of a missing child affects the family, including parents, siblings, and the extended family. If family interactions were characterized by poor communication, discord, marital tension, and other difficulties before the child's disappearance, the loss of the child will likely exacerbate these problems. By contrast, an emotionally supportive family—where the marital bond is strong and where support exists throughout an extended family network—is in a better position to find the strength necessary to carry on with daily routines and communicate openly and helpfully with one another. These families are also more likely to establish a support network in the community and conduct a well-organized search.

The type of missing child event—i.e., nonfamily abduction, parental abduction, or runaway—also affects how a family reacts. Of the three, nonfamily abductions are almost certainly the most unexpected and disruptive, coming as a bolt out of the blue to a family that had no reason to expect a sudden crisis of such magnitude. As awareness of the child's loss and its impact sink in, as the search and investigation continue (sometimes without result, and seldom with any immediate satisfactory resolution), the crisis can become the dominant feature of the family's existence—the wound that cannot be ignored, and that heals with agonizing slowness.

Parental abductions are almost inevitably preceded by marital discord, breakup, and custody disputes that may already have been fought through several bitter rounds. While a parental abduction may seem less surprising than a nonfamily abduction, it can yield just as much anguish to the parent who has lost the child. Chances for eventual return of the child to the custodial parent are somewhat higher than for the

victim of nonfamily abduction; and serious long-range psychological harm to the child, if he or she has been treated well by the abducting parent and held for a relatively short period of time, seems less likely to occur. But such suggestions may be of little comfort to the parent left behind.

Runaway incidents are different from nonfamily and parental abductions because the child voluntarily leaves home and often returns within a few days. The trauma for the families of these children is no less significant, however, because they must not only cope with the disappearance but also must address the factors that motivated the child to leave. Some children run from (or are pushed out of) families that are so seriously troubled that home life has simply become intolerable. Still others experience grave emotional or other problems within families that are basically sound and supportive. Most families of runaways are likely to report the incident to police and missing children's organizations. They need special help in coping with their guilt and anxiety and in resolving the problems that may have led to the incident.

How Does the System Respond?

Law enforcement agencies are the first component of the response system that families of missing children encounter. While there is undoubtedly room for further advances in the effectiveness of law enforcement responsiveness to the problems of missing children and their families, the Advisory Board believes that some significant steps in the right direction have been taken over the last decade.

Improvements in Federal and State reporting procedures, for example, have clearly been made. Many States have abolished mandatory 24- to 72-hour waiting periods before a child can be reported as missing. Local police officials appear, in general, to be far more willing to take missing children reports seriously, and to do so at an earlier stage, than was probably the case 10 years ago. Many report the case to State and national missing persons files.

Yet significant problems remain. There is considerable confusion among parents about what constitutes important or useful information that should be reported

about the child or the circumstances of his or her disappearance; and local officials are less expert and helpful than one would prefer in guiding parents through this process. There is widespread lack of knowledge among parents and, too frequently, among local officials themselves, about resources such as the National Crime Information Center Missing Person File. In the parental kidnapping area, as discussed in detail in this report, State laws suffer from a variety of gaps, inconsistencies, and other problems that impose unnecessary obstacles to effective location-and-return efforts.

Another source of frustration to parents and families is the attitude, still too often encountered among local police officials, that a missing child over the age of 10 is presumptively a runaway who will return home. Whatever statistical support there may be for this assumption, runaways nonetheless face grave danger of sexual exploitation and other victimization while on the street. Thus, police disinterest almost inevitably makes parents and families feel they are not being taken seriously, and can even lead families and police to ignore important information suggesting that an abduction has in fact occurred.

The second key part of the response system—local missing children's organizations—has been a major part of the solution to these and similar problems. Almost without exception, missing children's nonprofit organizations (NPO's) include parents and other family members who have personally experienced the crisis of a missing child and who therefore understand, in a way no one else can, what the family of a missing child is going through. The best NPO's have also made it a point to become thoroughly familiar with relevant Federal, State, and local procedures, and to cultivate good working relationships with police and other law enforcement officials. This unique combination of empathy with the family, expertise with relevant legal procedures, and a trustworthy relationship with the key law enforcement officials makes the best NPO's ideally situated to bridge the gap between families suddenly confronted with a devastating crisis and the official resources and personnel that can be enlisted to work effectively on the problem.

Other parts of the missing children response system also assist families in crisis. State missing children clearinghouses make active contributions to search efforts by

distributing photographs and posters, flagging school and medical records, and facilitating communications and coordination across State and other jurisdictional lines. Some State enforcement authorities—notably the I-SEARCH program in Illinois and the Jefferson County (Louisville), Kentucky, police—are now using multidisciplinary personnel, including psychologists, as part of their retrieval and reunification efforts. I-SEARCH has expanded its operations to encompass interstate agreements in eight States (Illinois, Iowa, Indiana, Kentucky, Minnesota, Missouri, Ohio, and Wisconsin). These agreements permit regional communication, case information sharing, cooperative training and investigation, and development of model standards for law enforcement response. In Louisville, trained police officers evaluate each missing child case to determine the need for a social worker who can arrange for therapeutic family counseling services. In instances of parental or nonfamily abduction, they automatically assign to the case a social worker who maintains close contact with the family throughout the often lengthy investigatory process.

The last formal stage of the response system for families of missing children is the prosecution of offenders. This can be an especially traumatic process for the family, as parents who have had to participate in trials of those accused of abducting or murdering their missing child can attest. The testimony of children who survive an abduction is critical for any subsequent prosecution. These children face post-abduction psychological and other trauma, shared in full measure by their parents.

In cases involving the sexual molestation and abuse of missing children, the victims and their parents face additional traumas, with the scars often lasting for years. Not only do the children and their parents relive the trauma of the missing episode itself, but they suffer feelings of anger, guilt, and betrayal as well.

At the risk of overgeneralization, the Advisory Board believes that the difficulties and delays, too often characterizing the prosecutorial and judicial processes in any case, present especially troublesome problems for the families of missing children. Prosecution of offenders is important both for general vindication of justice and the law and for the salutary effect that such vindication can have on the healing process for the family. If the prosecutorial system is insensitive to the special needs of

victimized families and children, achievement of these objectives is frustrated, and the criminal justice process may even become a kind of "second victimization" for the parents and children involved.

Here, too, however, there are signs of improvement that the Advisory Board commends. For example, the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Child Victim as a Witness research project (discussed in this report's chapter titled Coordinating Federal Programs and Policies) is developing model standards for dealing with the special problems of victimized children who must relive in court the most traumatizing experience of their young lives.

Recommendations for Future Action

As noted, there are no simple or easily implemented solutions to the problems faced by families of missing children. But the Advisory Board believes that—in addition to further improvements in the problem areas just discussed—certain other issues merit future attention.

OJJDP is sponsoring a 3-year research study to identify and document effective treatment strategies for ameliorating the adverse psychological consequences of abduction and sexual exploitation for the missing child, parents, and siblings during the period of disappearance and after recovery. One of the preliminary findings from this project is that siblings are frequently forgotten victims in a missing child incident. The Advisory Board recognizes the value of this kind of research in developing and improving services for missing children and their families, and it encourages youth services professionals to respond to the needs uncovered. At the same time, the Advisory Board recommends that training based on research be developed and made available to mental health professionals, so they can better understand the complexities of a missing child incident and meet the unique needs of affected families.

Another issue that needs attention is family reunification. Often, the missing child's return to the family marks the beginning of a new set of emotional and other challenges. When a runaway comes back to a family that was already experiencing

severe dysfunction, the same difficulties that motivated the initial departure may begin all over again. In other situations—such as the return of an abducted child who was sexually abused—families feel rage, anxiety, guilt for not having prevented the abduction, and a host of other deeply rooted and difficult emotions. Though support groups, hotlines, and other counseling services do exist that could assist with reunification challenges, the need and demand for such help exceed the available supply. Moreover, current resources were not specifically designed to respond to families adjusting to the return of a missing child. One promising sign, however, is OJJDP's new research project, Reunification of Missing Children, which is developing and testing a model program that will enable law enforcement and social service professionals to guide families through the reunification process and respond appropriately to their immediate needs.

A third important focus for future action is expanding and improving the role of missing children's nonprofit organizations in aiding families. As discussed earlier, effective, professionally run NPO's can be critical both in providing emotional and other support to victimized families and in helping those families work with law enforcement and other official personnel.

OJJDP's demonstration project, Missing/Exploited Children Comprehensive Action Program, will develop model programs that will strengthen communities' ability to aid families of missing children and increase coordination and cooperation between families and law enforcement authorities. This project will stress the importance of using multidisciplinary teams to address the problems of missing and exploited children and their families.

Finally, the Advisory Board believes that far more attention needs to be directed to education and prevention efforts. Too few families are aware of the warning signs that may be harbingers of a future runaway problem. Too few parents and children are aware of basic precautions that can help minimize the risks of abduction. And at the most basic level, too few people who are about to become parents—often at shockingly early ages—realize the challenges and responsibilities of parenthood that, if ignored, will plant the seeds for serious family dysfunctions in the years ahead.

Considerable time and effort have been dedicated, through local school systems and other avenues, to education and prevention programs that can help stop the missing children problem. The National School Safety Center is identifying and analyzing existing child safety curriculums, developing national curriculum standards to address the problem of missing and exploited children, disseminating educational materials, and providing training. The Advisory Board believes that such efforts, if carried out thoughtfully and systematically, constitute an excellent approach to sparing families the severe trauma of the missing child experience.

The 1988 Attorney General's Advisory Board on Missing Children

Mack M. Vines, Chairman of the Attorney General's Advisory Board on Missing Children, is the Chief of Police of Dallas, Texas. He is a former Director of the Bureau of Justice Assistance at the U.S. Department of Justice, and has served more than 20 years in the law enforcement profession, including positions as Chief of Police in St. Petersburg and Cape Coral, Florida, and Charlotte, North Carolina.

Michael D. Antonovich is a member of the Los Angeles County Board of Supervisors. He has been involved in government at all levels, including the California State Assembly, where he authored the child stealing law and designed manuals of the State's procedures for reporting child abuse. Mr. Antonovich has also served on the Commission of White House Fellowships and President Reagan's United States/ Japan Advisory Commission.

John Ashcroft is Governor of the State of Missouri. Formerly Attorney General of that State, he helped establish landmark Supreme Court precedents strengthening the criminal law. He also created the Missouri Attorney General's Council on Crime Prevention, which was responsible for improving coordination among local law enforcement agencies. Mr. Ashcroft has served on the U.S. Attorney General's Task Force on Family Violence, dealing with family problems such as child abuse.

Joan R. Davies is the mother of John Thomas Davies, a missing child who was later found murdered. At present Mrs. Davies is the Assistant Principal of Milpitas High School in California, where she has been instrumental in designing school curriculums and training educators. She and her husband recently formed PACE (People Against Child Exploitation), a coalition of nonprofit organizations serving missing and exploited children and their families.

Joseph R. Davis has served with the Federal Bureau of Investigation since 1968 in a number of capacities, including Chief Counsel of the Legal Research Unit. Immediately prior to his current assignment as the General Counsel to the FBI and Assistant Director, Legal Counsel, he was Chief Counsel of the Drug Enforcement Administration. A graduate of the University of Alabama School of Law, Mr. Davis

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Stephen Goldsmith has been the Prosecutor of Marion County (Indianapolis), Indiana, since 1979. His administration of the Prosecutor's Office has been marked by vigorous prosecution of serious offenders and increased coordination among agencies in the criminal justice system in cases of missing children. Mr. Goldsmith is Chairman of his State's Child Support Commission, lectures frequently on criminal justice issues, and edits a journal concerning applied research for the Nation's prosecutors.

Jay A. Parker serves as President of the Lincoln Institute for Research and Education and is editor of the *Lincoln Review*. He was formerly director of President Reagan's transition team at the Equal Employment Opportunity Commission and a member of the White House Regional Fellowship selection panel. Actively involved in civic, professional, and cultural associations in the Nation's capital, Mr. Parker is experienced in coordinating efforts with the private sector.

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