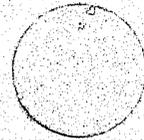
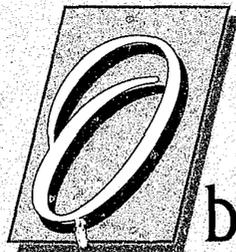


U.S. Department of Justice  
Office of Justice Programs  
Office of Juvenile Justice and Delinquency Prevention



# OTJDP Research Summary



## Obstacles to the Recovery and Return of Parentally Abducted Children

Research Summary

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A Publication of the  
Office of Juvenile Justice and Delinquency Prevention

# Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established by the President and Congress through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Public Law 93-415, as amended. Located within the Office of Justice Programs of the U.S. Department of Justice, OJJDP's goal is to provide national leadership in addressing the issues of juvenile delinquency and improving juvenile justice.

OJJDP sponsors a broad array of research, program, and training initiatives to improve the juvenile justice system as a whole, as well as to benefit individual youth-serving agencies. These initiatives are carried out by seven components within OJJDP, described below.

**Research and Program Development Division** develops knowledge on national trends in juvenile delinquency; supports a program for data collection and information sharing that incorporates elements of statistical and systems development; identifies how delinquency develops and the best methods for its prevention, intervention, and treatment; and analyzes practices and trends in the juvenile justice system.

**Training and Technical Assistance Division** provides juvenile justice training and technical assistance to Federal, State, and local governments; law enforcement, judiciary, and corrections personnel; and private agencies, educational institutions, and community organizations.

**Special Emphasis Division** provides discretionary funds to public and private agencies, organizations, and individuals to replicate tested approaches to delinquency prevention, treatment, and control in such pertinent areas as chronic juvenile offenders, community-based sanctions, and the disproportionate representation of minorities in the juvenile justice system.

**State Relations and Assistance Division** supports collaborative efforts by States to carry out the mandates of the JJDP Act by providing formula grant funds to States; furnishing technical assistance to States, local governments, and private agencies; and monitoring State compliance with the JJDP Act.

**Information Dissemination and Planning Unit** informs individuals and organizations of OJJDP initiatives; disseminates information on juvenile justice, delinquency prevention, and missing children; and coordinates program planning efforts within OJJDP. The unit's activities include publishing research and statistical reports, bulletins, and other documents, as well as overseeing the operations of the Juvenile Justice Clearinghouse.

**Concentration of Federal Efforts Program** promotes interagency cooperation and coordination among Federal agencies with responsibilities in the area of juvenile justice. The program primarily carries out this responsibility through the Coordinating Council on Juvenile Justice and Delinquency Prevention, an independent body within the executive branch that was established by Congress through the JJDP Act.

**Missing and Exploited Children Program** seeks to promote effective policies and procedures for addressing the problem of missing and exploited children. Established by the Missing Children's Assistance Act of 1984, the program provides funds for a variety of activities to support and coordinate a network of resources such as the National Center for Missing and Exploited Children; training and technical assistance to a network of 43 State clearinghouses, nonprofit organizations, law enforcement personnel, and attorneys; and research and demonstration programs.

OJJDP provides leadership, direction, and resources to the juvenile justice community to help prevent and control delinquency throughout the country.

# Obstacles to the Recovery and Return of Parentally Abducted Children

## Research Summary

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March 1994

143458

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This report was prepared by the American Bar Association under the direction of Dr. Linda K. Girdner, Project Director and Principal Investigator, and Patricia M. Hoff, Esq., Project Legal Director, American Bar Association Center on Children and the Law. The work was supported by Cooperative Agreement Number 90-MC-CX-K001, the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, through the ABA Fund for Justice and Education. The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

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The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

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# Foreword

Parental abductions run the gamut from a child being returned home a day late after an authorized visit to what OJJDP's National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children in America (NISMART) calls "policy focal" family abductions. In the latter case, the abductor may conceal the child's whereabouts or prevent contact, transport the child out of State, or keep the child.

NISMART estimated that there were 163,200 policy focal family abductions in 1988, which contrasts drastically with an estimated 200 to 300 stranger abductions for the same period. The former may be less prominent in the public mind, yet they are clearly far more common in practice.

In keeping with NISMART's recommendation that family abduction be given increased priority, OJJDP conducted research through the American Bar Association to identify the legal, policy, procedural, and practical obstacles to the recovery and return of parentally abducted children.

This summary outlines civil and criminal justice responses to the problem and describes the role of clearinghouses. Besides describing the research findings, the summary includes the researchers' extensive recommendations for congressional and State action, as well as for professionals within the justice system, concerned citizens, and advocacy groups.

I offer this summary for your consideration and applaud your efforts to help make families a safe haven for children and to reunite families separated by the tragedy of parental abduction.

**John J. Wilson**  
*Acting Administrator*  
Office of Juvenile Justice and  
Delinquency Prevention



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## Introduction

"Is my child custody decree worth the paper it is written on?" many custodial parents wonder on learning that the other parent has taken the children and fled. "How can my custody decree be enforced? Who will help me find my children? When will I ever see them again?"

An estimated 354,100 children were abducted by parents or family members in the United States in 1988, according to the NISMART study.<sup>1</sup> The abductors of an estimated 163,200 children, or nearly one-half of all of the abducted children, took the children across State lines, concealed them, or prevented contact. Some intended to keep the children indefinitely or have the custody changed.

The term "parental abduction" refers to the taking, retention, or concealment of a child by a parent or other family member in derogation of the custody rights, including visitation rights, of another parent or family member.

The parents of an abducted child may be separated, divorced, or unwed. Abductors may be sole custodial, joint custodial, or noncustodial parents, other family members, or persons acting on their behalf. Abductions can occur before or after an order regarding the custody of a child is issued by a court. Efforts to find children abducted by a parent are often based on the marital and custodial status of the left-behind parent.

Many people do not think of parental abductions as harmful. Yet abducted children have often already lived through their parents' stormy relationships, failed marriages, and difficult divorces. They are taken from the other parent and uprooted from their home, school, and community—possibly living on the run—changing names, schools, and homes. The lack of stability and continuity can have lasting detrimental effects on their development. They are children at risk.

Under 42 U.S.C. § 5778, Congress directed the Office of Juvenile Justice and Delinquency Prevention to conduct a 2-year study to identify the legal, policy, procedural, and practical obstacles to the location, recovery, and return of parentally abducted children and to make recommendations to overcome or reduce these obstacles. This *Research Summary* presents an overview of the results of the research—which combined legal and social science approaches to the problem—as well as a description of the research components and a guide to the comprehensive report.<sup>2</sup>



**A**n estimated 354,100 children were abducted by parents or family members in the United States in 1988.

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<sup>1</sup> National Incidence Studies, Missing, Abducted, Runaway, and Thrownaway Children in America, Washington, D.C.: U.S. Department of Justice, May 1990 (hereinafter referred to as NISMART).

<sup>2</sup> *Obstacles to the Recovery and Return of Parentally Abducted Children*. The report is available from OJJDP's Juvenile Justice Clearinghouse, Box 6000, Rockville, MD 20850 (800-638-8736).

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## Responses to parental abductions

### The civil legal response

**T**he civil legal response was designed primarily to prevent a child custody proceeding from going forward in more than one State, and to require States to enforce properly issued custody orders.

The civil legal response to the problem of parental abductions was designed primarily to prevent a child custody proceeding from going forward in more than one State and custody orders from being issued in more than one jurisdiction. The former results in simultaneous proceedings, while the latter may occasion conflicting orders. State and Federal laws were enacted to prevent forum shopping, whereby parents seek out a different jurisdiction for the purpose of obtaining a favorable custody determination, and to require every State to honor and enforce (give "full faith and credit" to) child custody orders properly issued by the court of another State.

Three key laws were enacted to address interstate and international parental child abductions.

### The Uniform Child Custody Jurisdiction Act (UCCJA)

The UCCJA is a uniform law enacted between 1969 and 1983, with some variation, in all States, the District of Columbia, and the Virgin Islands. The UCCJA is primarily a jurisdictional statute that addresses when a court has subject matter jurisdiction in a custody case, whether a court should exercise jurisdiction, and whether it must enforce or can modify the decree of another State.

The UCCJA stipulates that any of the following four bases could be used to establish a State's jurisdiction:

- The State is the child's "home state."
- The child has "significant connections" with the State.
- The State has emergency jurisdiction.
- The State assumes jurisdiction when no other State has jurisdiction or when another State has declined jurisdiction because it is in the best interests of the child for the first court to assume jurisdiction.

Specific sections of the UCCJA are designed to prevent simultaneous proceedings, including:

- Section 6, which requires a stay of proceedings and intercourt communications when there are simultaneous proceedings in different States.
- Section 9, which requires that an affidavit be filed providing information about past and current custody proceedings, together with addresses of the parties and the child.
- Section 16, which requires that certified copies of custody orders be filed in the child custody registry of the court where the order is to be enforced.

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## **The Parental Kidnapping Prevention Act (PKPA)**

This Federal law (28 U.S.C. § 1738A), enacted in 1980, gives priority to the home state basis for subject matter jurisdiction. Its purpose is to resolve conflicts between two States in favor of the home state when one claims jurisdiction based on significant connections and the other claims jurisdiction based on home state. The PKPA requires courts to enforce and not modify custody orders of sister States that exercised jurisdiction consistently with the Act.

The PKPA also clarifies that warrants for unlawful flight to avoid prosecution (UFAP) can be issued in parental kidnapping cases. The Federal Bureau of Investigation (FBI) can investigate interstate and international parental abduction cases in which a UFAP warrant has been issued. Finally, the PKPA allows authorized persons to use the Federal Parent Locator Service to locate an abducting parent and a parentally abducted child.

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

The Hague Convention, an international treaty signed by the United States in 1980 and ratified in 1988, addresses the problem of international parental abduction. The procedures implementing the Hague Convention in the United States are set forth in the International Child Abduction Remedies Act (ICARA) 42 U.S.C. § 11601 et seq.

The Hague Convention provides for the prompt return of wrongfully removed or retained children to the country of their "habitual residence" but governs only cases involving countries that have become parties to it (31 as of January 1994).

## **The criminal justice system response**

Federal laws mandate a role for law enforcement in the reporting of missing children, including parentally abducted children. State laws and procedures relating to missing children and to the crime of parental kidnapping vary widely.

## **The Missing Children Act of 1982**

To promote the involvement of law enforcement in the location of missing children, the U.S. Congress passed the Missing Children Act of 1982, Public Law 97-292, 28 U.S.C. § 534(a). This law requires the FBI to enter information about missing children into the National Crime Information Center (NCIC), a computer data base under the authority of the FBI, which enables law enforcement agencies across the country to gain access to descriptive information about a particular missing person or fugitive.

Under this Act, local law enforcement officials can enter information on a missing child into NCIC (dependent on State laws). The FBI is required to do so if local law enforcement does not.



**F**ederal laws mandate a role for law enforcement in the reporting of missing and parentally abducted children.



**C**ongress and States have created information clearinghouses on missing and abducted children.

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## **The National Child Search Assistance Act of 1990**

In the past, many State statutes and local law enforcement procedures required a waiting period before a child could be declared "missing" and an investigation started. Such delays made recovery of children more difficult.

To address this problem, Congress passed the National Child Search Assistance Act of 1990, Public Law 101-647, 42 U.S.C. § 5780. This law:

- Prohibits law enforcement agencies from maintaining policies requiring waiting periods.
- Requires that information about missing children be entered immediately into NCIC and that NCIC entries be made available to the appropriate State missing children's clearinghouse.

## **State criminal laws relating to parental kidnapping**

All States have enacted criminal parental kidnapping statutes, most frequently termed "criminal custodial interference" laws. These laws vary regarding whether parental kidnapping is designated a felony or a misdemeanor. In many States, parental abduction becomes a felony only after the child is transported across State lines.

The criminal liability of unwed parents, joint custodial parents, and sole custodial parents who abduct their children and prevent the other parent from having access to the children varies from State to State. In addition, in some States there is no criminal violation if the abduction occurs prior to the issuance of a custody order.

## **The creation of clearinghouses**

### **The Missing Children's Assistance Act**

Pursuant to a mandate under Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. § 5778), the National Center for Missing and Exploited Children (NCMEC), a private nonprofit organization, receives Federal funds to serve as a national clearinghouse and resource center.

NCMEC:

- Provides technical assistance in parental abduction and other missing children cases.
- Maintains a toll-free hotline (1-800-843-5678).
- Provides legal staff to consult with civil attorneys and prosecutors in child abduction cases.
- Serves as a national resource center on missing children.
- Works closely with State missing children clearinghouses.

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## State missing children clearinghouses

Forty-three States and the District of Columbia have official State missing children clearinghouses, most of which were established by statute and exist within a State criminal justice agency. Clearinghouses vary in their resources and functions. Broadly described, these functions include:

- Providing public education and information.
- Communicating and coordinating with parents, attorneys, law enforcement, and other agencies.
- Helping locate and recover parentally abducted children.
- Serving as State contact under the Hague Convention in international abduction cases.

## Research findings and recommendations

Despite the laws described above, obstacles to the location, recovery, and return of parentally abducted children persist. The following summarizes the major obstacles identified in the research and proposes recommendations to overcome them, including recommendations requiring congressional action and those necessitating State legislative changes. Also included are recommendations concerning law enforcement and prosecutors, the civil bench and bar, and the public and organizations.

## Recommendations for congressional action

### Obstacle: Conflicting custody orders

Even with the Uniform Child Custody Jurisdiction Act and the Parental Kidnaping Prevention Act, parents still obtain conflicting custody orders from courts in different States. There is no guaranteed forum for resolving which State's order is valid.

Under these circumstances both parents may believe that their order is valid and entitled to be enforced, even though it violates another State's order. To seek review of the custody orders through each State's appellate process is expensive and time consuming. Moreover, the process may not lead to a resolution, unless the U.S. Supreme Court agrees to grant review.

Prior to the U.S. Supreme Court decision in the case of *Thompson v. Thompson*, 484 U.S. 174 (1988), some Federal courts acted as tie-breakers between State courts in custody cases involving conflicting judicial claims. In *Thompson* the Supreme Court held that there is no implied right to go into Federal court under the PKPA but that Congress might wish to revisit the issue.

**Recommendation:** *Congress should amend the PKPA to include an express Federal cause of action (the right to take the case to Federal court) when conflicting child custody decrees exist as a result of the actions of courts of two or more States with respect to the same children.*



Parents still obtain conflicting custody orders from courts in different States, and legislation is needed for Federal courts to act as tie-breakers when this happens.

**C**ongress should establish a national computerized child custody registry.

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### **Obstacle: Lack of procedures for identifying other custody proceedings or orders**

There are no consistent, specific, effective, or widely used procedures for determining if a custody proceeding is pending in a court in another State, or if a custody order has been issued by a court of another State. Consequently, simultaneous proceedings and conflicting orders can occur.

Although the UCCJA requires interstate judicial communication to prevent simultaneous proceedings, these procedures are not uniformly followed, as evidenced by recent case law and by findings from a nationwide survey of judges and attorneys with experience in parental abduction cases. Fewer than half of the judges in the survey reported that they routinely initiated communication with other courts in cases that came before them. Only one-quarter of the attorneys said that judges routinely granted their requests for intercourt communication.

The UCCJA requires that courts establish registries for the filing of out-of-State child custody orders. Most courts have never established a child custody registry, and procedures for filing remain unclear. As a result, courts and law enforcement are hampered in enforcing orders.

*Recommendation: Congress should enact legislation establishing a national computerized child custody registry so that all child custody determinations and information about filings related to child custody will be readily accessible to courts throughout the country. The registry could be combined with a national child support registry.*

### **Obstacle: Confusion regarding continuing modification jurisdiction**

A key provision of the PKPA, designed to prevent forum shopping and conflicting orders, is that the State exercising jurisdiction in issuing the initial child custody decree may retain jurisdiction even after the custodial parent and child leave the State. However, it appears that this aspect of the PKPA is most often misunderstood, overlooked, or ignored.

Courts in various States have expressed diverging views as to how long a State keeps jurisdiction over the custody of a child after the custodial parent and the child have moved out of that State. Furthermore, courts in other States have often modified a custody decree when the initial State still had continuing modification jurisdiction. Thus, despite the intent of this provision, conflicting orders have resulted.

*Recommendation: Congress should amend the PKPA to provide a time limitation on continuing modification jurisdiction after the custodial parent and the child have left the State. The provision would apply only if the State had not set a specific time limit of its own.*

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## **Obstacle: Confusion regarding emergency jurisdiction**

Lack of clarity and specificity in the emergency jurisdiction provision of the PKPA, and varied court interpretations of it, compound problems of simultaneous proceedings and the enforceability of child custody orders.

The PKPA does not specify whether emergency jurisdiction may be exercised only to protect a child on a temporary basis until the court with jurisdiction to issue a long-term order can act. Court interpretations vary on this matter as well. In addition, the PKPA does not specify if emergency jurisdiction is an exception to the rule noted above that one State cannot modify the custody order of another State when the State that issued the order still has continuing modification jurisdiction. Some courts have ruled that it does create an exemption; other courts have ruled the opposite, making enforcement difficult. Finally, emergency proceedings are often held *ex parte* (without the other party receiving notice or having the opportunity to be heard). The PKPA is silent and courts have varied as to whether emergency *ex parte* orders should be enforceable in another State.

*Recommendation: Congress should amend the PKPA to clarify what constitutes the proper exercise of emergency jurisdiction, including:*

- *Specifying that it can only be temporary.*
- *Clarifying that it can be used to modify custody, but only temporarily, even when another State has continuing jurisdiction.*
- *Exempting emergency proceedings from the prohibition against simultaneous proceedings.*
- *Providing for a short-term exemption from the notice requirement in limited emergency circumstances.*

## **Obstacle: Ambiguity and inconsistency regarding the PKPA**

Definitional ambiguity in the PKPA and inconsistency in court interpretations of this Federal statute contribute to the occurrence of simultaneous proceedings and issuance of conflicting custody orders. Under these circumstances, enforcement of custody orders can be complicated.

Due to lack of specificity in the PKPA, certain definitional problems have arisen. For example, recent case law reveals varying interpretations of "custody determination." As a result, the PKPA has not been applied to cases as intended. In addition, the PKPA provides no clear guidance about what constitutes the declination of jurisdiction, or whether Native American tribes are considered States for PKPA purposes.

*Recommendation: Congress should amend the PKPA to clarify ambiguous and confusing language, including:*

- *Specifying, to the greatest extent possible, the various types of custody determinations to which the PKPA should be applied.*
- *Defining what constitutes declination of jurisdiction.*
- *Expanding the definition of State to include Native American tribes.*



**C**ongress should amend the Parental Kidnapping Prevention Act to clarify ambiguous and confusing language.

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**U**niform enforcement procedures are needed across the country, mandating a role for police and prosecutors in the civil enforcement of custody orders.

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## **Recommendations for State legislative action**

### **Obstacle: Lack of effective enforcement procedures**

No cost-effective, specific, speedy, and uniform enforcement procedures exist from State to State to help left-behind parents who seek to have their child custody order enforced, with the exception of California, which mandates a role for prosecutors to assist in the civil enforcement of custody orders.

Different States use a variety of enforcement procedures, including injunctions, writs of habeas corpus, contempt findings, and orders to enforce. The left-behind parent must generally have an attorney in the second State, and the abducting parent must receive notice of the enforcement proceeding and have the opportunity to be heard. Problems can arise. Some courts improperly modify the orders they are supposed to be enforcing, and some abductors flee with the children upon receiving notice of the proceeding.

Many parents find that enforcement efforts are too little, too late, and too costly. Sometimes they resort to "self-help" recoveries, which pose legal risks and may be traumatic for the child. Efficient and effective nationwide enforcement procedures would aid the recovery and return of abducted children and deter parental abductions.

***Recommendation:** States should adopt speedy enforcement procedures to provide for nationally consistent, cost-effective enforcement of custody orders. These procedures should mandate a role for law enforcement officers and prosecutors in the civil enforcement of child custody orders.*

### **Obstacle: Lack of uniformity and specificity in State variations of the Uniform Child Custody Jurisdiction Act**

There is a lack of uniformity in State enactments of the UCCJA and in court opinions interpreting that statute. Although developed and promulgated as a uniform law, the UCCJA took on considerable variations as it was enacted in each State's legislature. Some variations constitute improvements, but others undermine the intent of the law or create other obstacles. In addition, the lack of clarity in some UCCJA provisions results in varying interpretations by courts.

A variation constituting an improvement is one that allows temporary placement of an abducted child in foster care when immediate return of the child to the lawful custodian is not possible. On the other hand, a statutory variation undermines the intent of the law if it alters the continuing modification provision of the UCCJA in a way more likely to lead to conflicting orders. Court interpretations that have fundamentally altered the intent of the UCCJA include ones in which the UCCJA requirements were found to establish personal (rather than subject matter) jurisdiction, thus making jurisdiction a matter that can be stipulated to or waived by contestants.

Legal problems and inconsistencies in State law were identified as the major obstacles to the recovery and return of parentally abducted children in two social science components of the project. One research study examined parental

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abduction cases from three different community sites, and another was based on cases drawn from the files of the National Center for Missing and Exploited Children.

**Recommendations:** *The National Conference of Commissioners on Uniform State Laws should review State enactments of the UCCJA and promulgate amendments to the uniform law.*

*State legislatures should amend current State enactments of the UCCJA to achieve greater uniformity and specificity. These include:*

- *Adding provisions allowing temporary foster care placement of abducted children pending return to the lawful custodian.*
- *Deleting provisions that weaken the continuing modification jurisdiction mandate.*
- *Adding "subject matter" to the UCCJA jurisdiction section to clarify that the requirements are not personal jurisdiction requirements and cannot be stipulated or waived.*

### **Obstacle: Conflicts and absence of coordination between parental abduction and family violence policies**

Laws relating to parental abduction often fail to properly address the situation of parents who flee to protect themselves or their children from abuse. In some instances, moreover, the laws may increase the risks to those who have been abused.

Bodies of law and public policy relating to parental abduction have developed independently from those relating to spouse and child abuse. For example, custody orders included in orders of protection are generally not issued in conformity with the PKPA and UCCJA and, therefore, need not be enforced by another State. A parent who has fled to protect an abused child may be charged with a crime, and the child may be returned to an abusive parent who obtained custody after the abduction. Shelter workers who are mandated to maintain confidentiality with respect to their residents can find themselves sued for obstruction of justice in a parental kidnapping case.

Accusations of family violence are frequently raised in parental abduction cases. About half of the left-behind parents in the three-site study and in the sample drawn from NCMEC files reported that they had been physically abused by the abductor. In the two studies, 40 percent and over 60 percent, respectively, of left-behind parents reported that the child had been abused or neglected. Almost 80 percent of attorneys in the attorneys' survey reported having had cases involving domestic violence. However, only a quarter said they requested as part of the affidavit requirement that the present address of the abused spouse not be given to the other spouse. Only a third of the judges in the survey reported that they routinely granted requests to prevent the release of address information to the other party.

**Recommendation:** *State legislatures should review laws relating to parental*

**L**aws relating to parental abduction need to address specifically parents who flee to protect themselves or their children from abuse.

**M**any States have not yet adopted statutes and rules that would be useful in parental abduction situations.

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*abduction, spouse abuse, and child abuse to determine if battered spouses and abused children are further victimized by existing laws and procedures in the event of a parental abduction. Consideration should be given to the need to protect victims, comply with the intent of parental abduction laws, and provide due process safeguards. Changes should include:*

- *Mandating that disclosure to the other contestant of the present address of an abused contestant be waived in relation to the affidavit requirement.*
- *Extending the emergency jurisdiction provision of the UCCJA to include abuse of a parent or sibling of an abducted child.*
- *Adding child abuse and domestic violence as defenses against criminal charges of parental kidnapping.*

### **Obstacle: Lack of other useful State civil statutes and rules**

Many States have not yet adopted statutes and rules that would be useful in parental abduction situations, such as mechanisms for flagging school and birth records to locate missing children, permitting out-of-State counsel familiar with a case to appear without admission to that State's bar, and preventing parental abductions.

Some States have enacted statutes providing for the flagging of school and birth records to locate missing children, but many have not. These useful provisions alert schools and offices of vital statistics to the names of missing children. When a person requests a copy of the record of a missing child, law enforcement is notified regarding the person's name and address.

Although many States have adopted court rules permitting out-of-State counsel to appear in a court proceeding without admission to that State's bar, some have not. Such helpful provisions allow an attorney who already knows the client, the facts of the case, and the history of the first State's proceedings to handle the second State's case.

A few States have enacted useful statutory mechanisms to help prevent abductions from occurring in the first place. Such mechanisms may include supervised visitations, requirements that a potential abductor post a bond prior to unsupervised contact with the child, and automatic orders prohibiting the child from being removed from the State.

***Recommendations:** State legislatures should pass record-flagging statutes and statutes to prevent abductions. State court rules to permit out-of-State attorney appearances should also be adopted.*

### **Obstacle: Insufficient funding for law enforcement and State missing children clearinghouses**

Many law enforcement and State missing children clearinghouses lack sufficient resources to carry out necessary functions relating to the location and recovery of parentally abducted children. The result in some cases is that no attempt is made to locate a missing child.

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State missing children clearinghouses have been established in 42 States and the District of Columbia, but several of them lack funding to carry out their mandated tasks and others have insufficient funds. As a result, the involvement of many clearinghouses in assisting left-behind parents in parental abduction cases is severely restricted.

Beleaguered police departments are hard-pressed to pursue the investigation and recovery of parentally abducted children when resources are insufficient to investigate other crimes determined to be of a more serious nature. Lack of financial resources is frequently given as the reason for not getting involved in a case that would involve extradition of a defendant from another State.

***Recommendation:** State legislatures should fund State missing children clearinghouses and departments of law enforcement at a level that allows them to carry out their functions of locating, recovering, and returning parentally abducted children.*

### **Obstacle: Liability risk of law enforcement**

Many law enforcement officers are hesitant to pick up a child or to accompany a parent to recover a child without clear statutory authority or an order from a court of their State. These concerns stem from the difficulty of determining the validity of the custody order and the potential of civil liability if the order is later determined to be invalid.

A review of case law on the civil liability of law enforcement in parental abduction cases reveals a number of suits that have determined law enforcement officers to be liable if they have assisted a party who had no currently valid order. Over a third of State missing children clearinghouses responded in a survey that law enforcement practices concerning parentally abducted children were shaped with issues of liability in mind. The chilling effect of a civil liability suit is clearly a factor in law enforcement's lack of action in enforcing child custody orders.

***Recommendation:** State legislatures should clearly define the statutory authority under which law enforcement officers can act to enforce a custody order from that State or another State. Procedures for ensuring the validity of the decree should be clearly identified.*

### **Obstacle: Inadequacies and inconsistencies in criminal parental abduction statutes**

Criminal parental kidnapping statutes, also referred to as criminal custodial interference statutes, vary from State to State. Because the laws of most States do not sufficiently encompass the range of parental abduction situations and frequently provide that criminal custodial interference is only a misdemeanor, they often serve as obstacles to adequate involvement of law enforcement in the location and recovery of children abducted by parents or other family members.

Enforcing criminal parental kidnapping statutes can involve investigating, apprehending, and prosecuting parental abductors. Law enforcement is more



**L**aw enforcement officers hesitate to act in custody cases in part because they fear liability suits.

**S**tate legislatures should make parental abduction a felony.

likely to enter the child into NCIC, investigate the whereabouts of the child, and recover and return the child in the context of a criminal investigation of the abductor than when no such investigation exists.

In some States an abduction is charged as a felony only when the child has been taken to another State. Left-behind parents, whose children have been concealed, are faced with not being able to get law enforcement assistance in finding the child unless they already know that the child was taken across State lines. Thus, cases involving successful concealment of the child, which are the most serious and disruptive of parental abductions, are those least likely to receive law enforcement assistance in those States.

Felony status also means that search warrants and labor-intensive investigative methods, such as tracing of financial records, FBI assistance, and extradition, are more likely to be used. Thus, whether the abduction constitutes a misdemeanor or a felony has a substantial effect on the ability to locate and recover the child.

Some States do not treat parental abduction as a criminal offense if the custody order being violated was issued by a court of another State, even if the left-behind parent was a resident of the State at the time of the abduction.

Although several States have criminal laws prohibiting precustody decree abductions, the traditional rule has been that neither parent commits a crime if the child is abducted prior to the issuance of a custody order. Such a loophole encourages parents who anticipate an unfavorable custody order to run with the child.

Statutes are not sufficiently clear or uniform about the potential criminal status of joint-custody abductors, unwed parents, and sole custodians who interfere with the visitation rights of the noncustodial parent.

***Recommendation:** State legislatures should make parental abduction a felony when the child either is being concealed, has been removed from the State, or is otherwise at risk of harm. These circumstances should apply to any case in which the abduction is in derogation of the custody rights of another parent or family member, whether or not a custody order has been issued by a court.*

## **Recommendations to State missing children clearinghouses, law enforcement officials, and prosecutors**

### **Obstacle: Lack of compliance with Federal laws**

Law enforcement officers in many States are not routinely taking missing child reports and entering the child in NCIC, as required by law, unless the left-behind parent has an order of sole custody from that State.

Survey responses from State missing children clearinghouses reveal that criteria unrelated to the Federal law regarding missing children affect whether or not

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law enforcement officers make a missing child report or enter a missing child in NCIC.

Almost 40 percent of respondents reported that law enforcement procedures in their States required the existence of a violation of a State criminal statute before the police would take a missing child report, even though failure to do so is contrary to the Federal law. Less than half of the clearinghouses reported that law enforcement officers routinely take a missing child report and enter information about the child in NCIC when the custody order is from another State and still fewer do so when there has been no court order.

In many States, reportedly, the decision of law enforcement officers to take a report or enter the child in NCIC is based on whether the parents are married, whether and what type of a custody order has been violated, and whether there is a criminal violation. If no missing child report is taken, no investigation is begun to find the child.

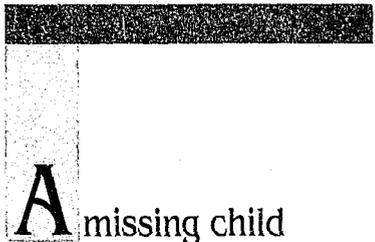
***Recommendation:** Law enforcement officers should be better informed of their mandates under the Missing Children Act of 1982 and the National Child Search Assistance Act of 1990. These can be communicated through organizational newsletters, departmental directives, and training videotapes. A missing child report and an NCIC entry should be accomplished in every parental abduction case, regardless of the marital or custodial status of the parents or the criminal status of the abductor.*

### **Obstacle: Lack of involvement and experience by law enforcement**

In a significant number of States, law enforcement officers appear to allocate a low priority to investigations of the whereabouts of a parentally abducted child. As noted above, they consider the custodial and marital status of the parents in determining whether to start looking for the child. Training and experience in the location and recovery of parentally abducted children appear to be limited.

In the survey of missing children clearinghouses, about half the respondents reported that law enforcement agencies in their States would conduct an investigation to find a child whose unwed mother had sole custody by operation of law; fewer reported that an investigation would be conducted if the left-behind parent had joint custody, court-ordered visitation rights, or no order. Forty-five percent reported that an investigation to find the child would be conducted by law enforcement in their States only if a criminal violation had taken place. A decision by a law enforcement agency not to launch an investigation of the whereabouts of a child creates a significant obstacle for the parent who may lack the knowledge or resources to pursue other avenues to locate the child.

Many clearinghouse respondents were unaware of law enforcement policies and procedures in their States regarding parental abduction cases, despite their function to provide information and assist in these cases. Over 80 percent recommended specific training in parental abduction cases for clearinghouses, law enforcement agencies, and prosecutors.



**A** missing child report and an NCIC entry should be accomplished in every parental abduction case.

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**J**urisdictions should give more technical assistance and training to investigators and prosecutors of criminal parental kidnapping cases.

In a study drawn from NCMEC files, left-behind parents appeared differentially served by local law enforcement, as officers in the study either had considerable experience or very little. About one-third of left-behind parents in the study reported that they did not find law enforcement efforts to be helpful.

***Recommendation:** State missing children clearinghouses, police departments, and sheriffs' offices should receive educational materials, training, and technical assistance relating to the location, recovery, and return of parentally abducted children. They should take advantage of Federal assistance in handling missing children's cases. For example, through NCMEC, clearinghouses can apply for funds for computer equipment and training to improve operations. Project ALERT, a recently established Federal initiative, involves volunteer retired law enforcement investigators who can assist in parental abduction cases at the request of local law enforcement.*

*Barriers relating to the marital, custodial, and criminal status of the parents should be removed so that the children of these parents can also benefit from efforts of law enforcement agencies, State clearinghouses, and NCMEC to find them.*

### **Obstacle: Lack of criminal investigation and prosecution**

Criminal investigation and prosecution of parental abduction cases receive a low priority within the criminal justice system and therefore do not serve as sufficient deterrents to parental abductors.

With only 155 appellate cases of criminal custodial interference reported from 37 States, it is likely that criminal custodial interference cases are encountering roadblocks. Whether these exist on the investigative level, at prosecutorial intake, or at trial remains unclear.

The research using 3 different community sites and 52 cases drawn from NCMEC files indicates that arrest occurred in about 40 to 50 percent of the cases. Most of these were brought to trial. Although the number of cases was small, convictions occurred in 40 to 50 percent of those going to trial. Sentencing included incarceration, regular reporting, and restricted travel.

Criminal investigation, prosecution, and sentencing in parental kidnapping cases can serve as significant deterrents to parental kidnapping but do not currently appear to do so.

***Recommendation:** Jurisdictions should increase support of technical assistance and training in the investigation and prosecution of criminal parental kidnapping cases. This could be accomplished through collaborative efforts among NCMEC, the American Prosecutors Research Institute, and the Missing and Exploited Children Comprehensive Action Program, and various professional and occupational associations. Model parental abduction charging and sentencing guidelines should be developed and disseminated.*

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## Recommendations to the civil bench and bar

### Obstacle: Lack of knowledge and experience relating to parental abduction and child custody jurisdiction

Lack of knowledge of applicable law and lack of experience on the part of many attorneys and judges emerged as major obstacles in the recovery and return of parentally abducted children. Although a small cadre of judges and attorneys have expertise in this area of law, most are not familiar with it. Analysis of recent case law has revealed that many appellate judges are unaware or improperly informed of the PKPA in cases in which it should have been applied.

In a nationwide sample, half the judges surveyed reported that counsel rarely, if ever, informed them of the PKPA in cases in which it was applicable. Over 40 percent of the responding attorneys said that judges were unfamiliar with the PKPA, and about two-thirds said that opposing counsel was unfamiliar with the Act.

Familiarity with the Hague Convention on the Civil Aspects of International Child Abduction appeared to be even more lacking, according to both judges and attorneys.

Respondents reported that attorneys and particularly judges are more informed about the UCCJA. However, survey responses indicated that many of the judges and attorneys were not routinely making use of procedures mandated by the UCCJA to prevent simultaneous proceedings, such as affidavits and intercourt communications. Recent case law confirms that these and other aspects of the UCCJA are often overlooked.

A random sample of cases drawn from NCMEC files revealed that one-quarter of the attorneys had no prior experience in these cases and that an additional third had been involved in only one or two prior cases.

Although noncompliance derives mainly from lack of knowledge, parochialism appears to be another factor. For example, a judge who favors a local party may choose not to enforce an order of another State, thus violating the PKPA and UCCJA.

***Recommendation:** Continuing education and training in laws applicable to parental abduction cases should be provided to judges and attorneys. Collaborative efforts with the American Bar Association Family Law Section, the National Council of Juvenile and Family Court Judges, the Association of Family and Conciliation Courts, and similar organizations should be encouraged and supported through funding from the Office of Juvenile Justice and Delinquency Prevention.*

*Diverse methods of disseminating information should be used, including satellite teleconferencing, interactive computer learning modules, articles in scholarly and practical publications, bench books for judges, and manuals giving practice tips for attorneys. More experienced judges and attorneys*



**J**udges and attorneys need training in parental abduction cases.

**A** national referral system for identifying experienced attorneys should be established and maintained.

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*should serve as mentors for those with less experience. In addition, a parental abduction curriculum should be developed for circulation to law schools.*

*Appellate judges should also have the opportunity for continuing education relating to the PKPA and UCCJA. If appellate judges are more informed, the desire of lower court judges not to be overturned will help deter noncompliance resulting from favoritism toward local parties.*

## **Recommendations directed to the public and to multiple groups**

### **Obstacle: Finding attorneys with expertise in parental abduction**

Parents have difficulty finding attorneys who are knowledgeable and experienced in parental abduction issues and the enforcement of child custody orders. There is currently no mechanism for identifying such attorneys. In the study of 52 NCMEC cases, about a third of the parents said they had to educate their attorneys about child recovery procedures. When parents need to have attorneys in two States, the burden of finding an experienced attorney doubles.

***Recommendation:** A national referral system for attorneys knowledgeable and experienced in parental abduction cases should be established and maintained. The Office of Juvenile Justice and Delinquency Prevention should support the development of a referral system in collaboration with such organizations as the American Bar Association Section on Family Law and NCMEC.*

### **Obstacle: Abductors succeed with help from others**

Most parents who abduct are assisted by third parties in the abduction, the concealment of the child, or the provision of financial support. It appears that parental abductions would be difficult to carry out and hiding would be harder to do if it were not for the assistance of other people. Three-fourths of the 52 closed cases drawn from NCMEC files involved the assistance of others, usually the abductor's mother or friends. Family members, friends, and others who help abductors can be sued for damages in a tort action or charged with aiding in a crime, as evidenced by recent case law. Attorneys can be sued for malpractice or referred for disciplinary action for assisting clients in abducting their children.

***Recommendation:** Educational efforts to prevent abductions need to reach the public through various media. For example, public service announcements and pamphlets could inform friends, family members, and others supporting potential abductors of the civil and criminal liability risks they face if they assist a parent in abducting or concealing a child. Civil attorneys and prosecutors should become more knowledgeable of third-party liability and seek appropriate remedies against wrongdoers.*

*Continuing legal education is needed for attorneys so they can better understand their ethical responsibility and liability in these cases. Disciplinary action should be taken against attorneys when appropriate.*

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## **Obstacle: Parents cannot afford the expenses required to have their children located, recovered, and returned**

The expense of locating, recovering, and returning abducted children may involve costly court proceedings in two States, travel, and time away from work. Lack of funds for some parents means they cannot take action to get an initial custody order or to have an existing order enforced. It can also result in the child being concealed longer and a recovered child being placed in temporary foster care until the parent can afford travel costs. Parents must sometimes mortgage their home, borrow to their limit, and get loans from family and friends to pay for the costs of having their children returned.

The attorney respondents in the NCMEC sample as well as respondents in the attorneys' and judges' samples frequently cited the parent's lack of funds as a major obstacle in the recovery and return of the child. The parents in the NCMEC study, which was limited to cases in which the children were recovered, most frequently reported that they spent between \$1,000 and \$5,000 on legal fees, with one-fourth reporting lost income within the same range. Results from the attorneys' survey indicated legal fees, not including appeals, from \$300 to \$125,000, with an average of over \$10,000. Although more than half of the attorneys routinely petitioned the court for awards of costs and expenses, under 10 percent reported that judges routinely granted such requests.

*Recommendations: No child should remain missing or be withheld from the left-behind parent because of the parent's lack of funds. National, State, and local bar associations should encourage attorneys to take parental abduction cases pro bono or on a sliding scale.*

*Legal aid and legal service programs should give high priority to parental abduction cases so that more low-income parents could have their children returned to them.*

*State laws and regulations should also be clarified so that left-behind parents are clearly eligible for financial aid under victims' assistance and criminal restitution programs.*

## **Obstacle: The prevailing belief that parental abduction is not a serious matter**

Underlying many barriers to locating, recovering, and returning parentally abducted children are a set of cultural beliefs, held by the public and many of the professionals involved in these cases, that parental abduction is not serious.

The belief system includes assumptions that being abducted by a parent is not harmful to children and that parental abduction cases are private family matters not deserving of law enforcement attention or resources. Moreover, people believe that in custody cases a parent who accuses the other parent of child abuse or requests special measures to prevent abductions (such as supervised visitations) generally has vindictive motives.

Research from other studies indicates that children who have been abducted by family members are often psychologically harmed and sometimes physically or



**N**o child should remain missing or be withheld from a rightful custodian due to the parent's lack of money.

**E**ducational efforts are needed to dispel current myths that parental abduction is not a serious problem.

sexually abused by their abductors. In addition, research on domestic violence and on child sexual abuse allegations in contested child custody and visitation cases indicates these allegations are seldom willfully fabricated and occur no more frequently than in nondivorcing families. Criminal codes establishing parental abduction as a crime and Federal laws requiring the reporting of missing children demonstrate that this is not simply a private matter.

*Recommendation: Educational efforts that bring existing research to the attention of judges, attorneys, law enforcement, and the public should be developed to dispel current myths regarding parental abduction and to change the actions taken in these cases. Professional groups and the public should learn of the deleterious effects of parental abductions on children so as to heighten their awareness of the seriousness of this problem.*

## Research design

These findings and recommendations are the outcome of a large research effort to identify the legal, policy, procedural, and practical obstacles to the return of parentally abducted children. The effort consisted of both legal and social science research.

The research undertaken by the American Bar Association Center on Children and the Law (ABA) project staff and legal consultants included:

- Comprehensive legal research on State and Federal statutes, court rules, and recent case law relating to parental abduction and custody determinations, modification, and enforcement, including a review of the legal literature.
- The development of papers on special legal topics, including suggested expedited procedures for custody enforcement, issues arising in criminal appellate decisions, and the role of law enforcement and prosecutors in the civil enforcement of child custody orders.
- Surveys of attorneys, judges, and State missing children clearinghouse personnel relating to their experiences with custody enforcement and family abduction, their perceptions of obstacles to location and return, and their recommendations for overcoming obstacles.

The research conducted by the Center for the Study of Trauma at the University of California, San Francisco, included:

- A review of the behavioral science and social service literature.
- A multisource national survey of family abduction cases based on a sample of 52 cases drawn from the files of the National Center for Missing and Exploited Children.
- An onsite systems evaluation designed to examine the interaction among civil, criminal, and social service systems of three different communities in responding to parental abductions.

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## A guide to the report

This *OJJDP Summary* has highlighted the findings and recommendations continued in the report *Obstacles to the Recovery and Return of Parentally Abducted Children*. For information on obtaining the report, see the order form at the end of this summary.

A description of the report's contents follows:

### Volume I: ABA Research

#### Part I: Introduction

**Chapter 1: The Research Design** describes the goals, objectives, and design of the legal and social science research components of the project and provides a brief overview of the literature.

**Chapter 2: Key Laws Relating to Parental Abductions and Obstacles to Their Effectiveness** briefly describes the UCCJA, the PKPA, the Hague Convention on the Civil Aspects of International Child Abduction, the Missing Children's Act, and the National Child Search Assistance Act. Obstacles to the effectiveness of these laws are summarized. Readers unfamiliar with the topic will find this chapter a useful overview.

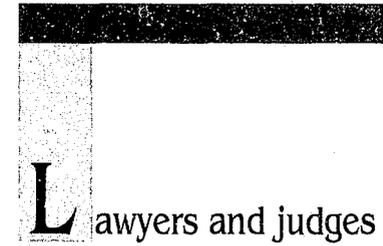
#### Part II: The Civil Legal Response

**Chapter 3: Parental Abduction: Relevant State and Federal Statutes, Court Rules, and Recent Case Law** provides a detailed analysis of the PKPA, State variations of the UCCJA, and other laws related to parental abduction. The degree to which specific provisions ease or impede the recovery and return of parentally abducted children is examined, and specific recommendations are suggested. Legislators, particularly, will find the recommendations and analysis provided in this chapter helpful in revising Federal and State statutes.

**Chapter 4: Legal and Judicial Practices in Parental Abduction Cases** is in two parts. The first part presents the results of nationwide surveys of judges and attorneys with experience in parental abduction cases. The second part examines practices that contribute to jurisdictional conflicts in child custody cases, as viewed by an experienced family law attorney.

**Chapter 5: When Friends, Relatives, and Lawyers Are Part of the Problem** examines the role of third parties in helping parents abduct or conceal their children. An examination of tort cases indicates that relatives and friends can be held liable for damages for their role in aiding abductors. Recent case law relating to the attorney-client privilege in abduction cases helps distinguish the boundaries of ethical conduct.

**Chapter 6: An Act To Expedite Enforcement of Child Custody Determinations** provides a model act to create an efficient, responsive, and inexpensive system for child custody orders to be enforced. This chapter introduces a role for law enforcement and prosecutors in the civil enforcement process.



Lawyers and judges will particularly benefit from the research on the civil legal response.

**L**aw enforcement officers and prosecutors will benefit from reading the criminal justice response.

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### **Part III: The Criminal Justice System Response in Location and Recovery**

**Chapter 7: The Role of Prosecutors in the Civil Enforcement of Custody Decrees** describes California's unique mandated involvement of prosecutors' offices in the civil enforcement of custody orders, which can serve as a model for other States.

**Chapter 8: Civil Liability of Law Enforcement Officials for Their Actions in Parental Abduction Cases** examines the cases involving civil suits against law enforcement officers who have accompanied parents or assisted them in "picking up" the child. These cases demonstrate the difficulties facing law enforcement officers asked to help recover a child.

**Chapter 9: The View From State Missing Children Clearinghouses** describes the results of a survey of State missing children clearinghouses. The survey elicited information about the role of clearinghouses in parental abduction cases as well as clearinghouse personnel's perceptions of law enforcement activities in reporting, locating, and returning parentally abducted children.

**Chapter 10: Key Issues and Obstacles in the Criminal Prosecution of Parental Kidnapping** describes the themes emerging from an examination of State appellate court decisions relating to criminal custodial interference. The chapter appendix includes a digest of criminal appellate decisions, which should be of particular interest to prosecutors.

### **Part IV: Conclusions of the ABA Research**

**Chapter 11: Summary and Conclusions Relating to Law and Legal Practice** consolidates the major findings and recommendations of the legal research and the surveys of attorneys, judges, and State missing children clearinghouses. Directions for future research and action are provided.

## **Volume II: UCSF Research**

### **Part V: Individual Experiences and Community Response in Parental Abduction Cases**

**Chapter 12: Perspectives From Left-Behind Parents and Their Helpers in Specific Cases** describes the findings of a social science survey of 52 closed parental abduction cases drawn from files of the National Center for Missing and Exploited Children. The left-behind custodial parent, the civil attorney, the law enforcement officer, and a socially supportive person identified by the parent were interviewed. Various obstacles and the interrelationship among, obstacles, abduction events, and the level of stress of the left-behind parent are examined from this multisource perspective.

**Chapter 13: Community Responses to Parental Abduction Cases—An Examination of Three Sites** describes how the process of investigating and resolving parental abduction cases operates in three communities by tracking the histories of several cases at each site.

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**The Appendixes** include a paper detailing existing legal procedures for the enforcement of child custody determinations and obstacles to their effectiveness, sample forms to implement existing legal procedures, and case summaries of criminal and civil appellate cases.



**T**he appendixes include over 250 pages of practical materials.

- Lawyers
- Judges
- Policymakers
- Researchers



More detailed information about this study and issues surrounding missing children is available through the Juvenile Justice Clearinghouse.

The full 877-page report *Obstacles to the Recovery and Return of Parentally Abducted Children* provides a detailed discussion of the study's findings and recommendations, as well as providing practical materials for the professional. The full report is useful for conducting further research, developing policy, or improving practice.

For your copy of the full report *Obstacles to the Recovery and Return of Parentally Abducted Children*, complete and return the order form below with your payment of \$22.80.

**For further information on this or other juvenile justice topics, call the Juvenile Justice Clearinghouse at**  
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## Delinquency Prevention

*Education in the Law: Promoting Citizenship in the Schools.* 1990, NCJ 125548.

*Mobilizing Community Support for Law-Related Education.* 1989, NCJ 118217, \$9.75.

*OJJDP and Boys and Girls Clubs of America: Public Housing and High-Risk Youth.* 1992, NCJ 128412.

*Preserving Families To Prevent Delinquency.* 1992, NCJ 136397.

*Strengthening America's Families: Promising Parenting Strategies for Delinquency Prevention.* 1993, NCJ 140781, \$9.15.

## Missing and Exploited Children

*America's Missing and Exploited Children—Their Safety and Their Future.* 1986, NCJ 100581.

*Child Abuse—Prelude to Delinquency?* 1985, NCJ 104275, \$7.10.

*Investigator's Guide to Missing Child Cases: For Law Enforcement Officers Locating Missing Children.* 1987, NCJ 108768.

*Missing, Abducted, Runaway, and Thrownaway Children in America, First Report: Numbers and Characteristics, National Incidence Studies.* 1990, NCJ 123668, \$14.40.

*Missing, Abducted, Runaway, and Thrownaway Children in America, First Report: Numbers and Characteristics, National Incidence Studies—Executive Summary.* 1990, NCJ 123667.

*Missing Children: Found Facts.* 1990, NCJ 130916.

*Obstacles to the Recovery and Return of Parentally Abducted Children—Full Report.* 1993, NCJ 144535, \$22.80.

*OJJDP Annual Report on Missing Children.* 1990, NCJ 130582.

*Sexual Exploitation of Missing Children: A Research Review.* 1988, NCJ 114273.

*Stranger Abduction Homicides of Children.* 1989, NCJ 115213.

## Status Offenders

*Assessing the Effects of the Deinstitutionalization of Status Offenders.* 1989, NCJ 115211.

*Runaways in Juvenile Courts.* 1990, NCJ 124881.

## Law Enforcement

*Drug Recognition Techniques: A Training Program for Juvenile Justice Professionals.* 1990, NCJ 128795.

*Evaluation of the Habitual Serious and Violent Juvenile Offender Program—Executive Summary.* 1986, NCJ 105230.

*Innovative Law Enforcement Training Programs: Meeting State and Local Needs.* 1991, NCJ 131735.

*Joint Investigations of Child Abuse.* 1993, NCJ 142056.

*Law Enforcement Custody of Juveniles: Video.* 1992, NCJ 137387, \$13.50.

*Law Enforcement Custody of Juveniles: Video Training Guide.* 1992, NCJ 133012.

*Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth—Full Report.* 1993, NCJ 143397, \$13.00.

*Targeting Serious Juvenile Offenders Can Make a Difference.* 1988, NCJ 114218.

## Courts

*The Child Victim as a Witness.* 1989, NCJ 118315.

*Court Careers of Juvenile Offenders.* 1988, NCJ 110854, \$8.40.

*Helping Victims and Witnesses in the Juvenile Justice System: A Program Handbook.* 1991, NCJ 139731, \$15.

*Juvenile Court Property Cases.* 1990, NCJ 125625.

*Juvenile Court's Response to Violent Crime.* 1989, NCJ 115338.

*Juvenile Court Statistics 1990.* 1993, NCJ 145127.

*Offenders in Juvenile Court, 1990.* 1993, NCJ 145128.

*Offenders in Juvenile Court, 1989.* 1992, NCJ 138740.

## Restitution

*Guide to Juvenile Restitution.* 1985, NCJ 098466, \$12.50.

*Juvenile Restitution Management Audit.* 1989, NCJ 115215.

*Liability and Legal Issues in Juvenile Restitution.* 1990, NCJ 115405.

*National Directory of Juvenile Restitution Programs 1987.* 1987, NCJ 105188.

*National Trends in Juvenile Restitution Programming.* 1989, NCJ 115214.

*Restitution and Juvenile Recidivism.* 1992, NCJ 137774.

*Restitution Experience in Youth Employment: A Monograph and Training Guide to Jobs Components.* 1989, NCJ 115404.

*Restitution Improvement Curriculum: A Guidebook for Juvenile Restitution Workshop Planners.* 1988, NCJ 110007.

## Corrections

*American Probation and Parole Association's Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies.* 1992, NCJ 136450.

*Conditions of Confinement: Juvenile Detention and Corrections Facilities—Research Summary.* 1994, NCJ 141873.

*Desktop Guide to Good Juvenile Probation Practice.* 1991, NCJ 128218.

*National Juvenile Custody Trends: 1978–1989.* 1992, NCJ 131649.

*National Survey of Reading Programs for Incarcerated Juvenile Offenders.* 1993, NCJ 144017.

*OJJDP Helps States Remove Juveniles From Adult Jails and Lockups.* 1990, NCJ 126869.

*Private-Sector Corrections Program for Juveniles: Paint Creek Youth Center.* 1988, NCJ 113214.

*Privatizing Juvenile Probation Services: Five Local Experiences.* 1988, NCJ 121507.

*Public Juvenile Facilities: Children in Custody 1989.* 1991, NCJ 127189.

*Reduced Recidivism and Increased Employment Opportunity Through Research-Based Reading Instruction.* 1993, NCJ 141324, \$7.70.

## General Juvenile Justice

*Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders.* 1993, NCJ 143453.

*Gould-Wysinger Awards (1992): Mark of Achievement.* 1993, NCJ 142730.

*Guide to the Data Sets in the National Juvenile Court Data Archive.* 1991, NCJ 132073.

*Habitual Juvenile Offenders: Guidelines for Citizen Action and Public Responses.* 1991, NCJ 141235.

*Juvenile Justice.* Volume 1, Number 2, Fall/Winter 1993, NCJ 145300.

*Juvenile Justice.* Volume 1, Number 1, Spring/Summer 1993, NCJ 141870.

*Minorities and the Juvenile Justice System.* 1992, NCJ 139556, \$11.50.

*Minorities and the Juvenile Justice System—Research Summary.* 1993, NCJ 145849.

*OJJDP Brochure.* 1993, BC 144527.

*OJJDP Funds 21 New Projects During Fiscal Year 1988.* 1989, NCJ 116872.

*Urban Delinquency and Substance Abuse: Initial Findings—Research Summary.* 1993, NCJ 143454.

*Violent Juvenile Offenders: An Anthology.* 1984, NCJ 095108, \$28.00.

## Statistics

*National Juvenile Justice Statistics Assessment: An Agenda for Action.* 1989, NCJ 119764.