

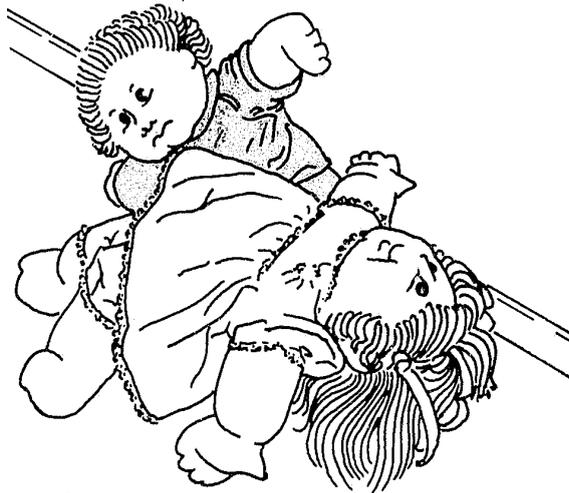


in cooperation with the
ABA Center on Children and the Law
A program of the Young Lawyers Division
American Bar Association



Family Abduction

How to
Prevent an
Abduction
and
What to Do
If Your Child
Is Abducted



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Family Abduction
How to Prevent an Abduction
and
What to Do If Your Child Is Abducted

January 1994
Fourth Edition

Patricia M. Hoff, Esquire
American Bar Association
Center on Children and the Law

Revised by
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This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. The publisher is distributing this publication with the understanding that it is not engaged in rendering legal or other professional services. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.

Acknowledgments

This is the fourth edition of *Family Abduction: How to Prevent an Abduction and What to Do If Your Child Is Abducted*. Prior editions of this book were published as *Parental Kidnapping: How to Prevent an Abduction and What to Do If Your Child Is Abducted*. The first and second editions of this publication were written by Patricia M. Hoff, Esquire. The third edition of this publication was revised by Patricia M. Hoff, Esquire, and Janet Kosid Uthe, Esquire. This fourth edition, revised by Judith Drazen Schretter, Esquire, and Donna Castle Aspell, Esquire, rearranges the original material and incorporates valuable suggestions made by many who used the previous three editions. The National Center for Missing and Exploited Children gratefully acknowledges the contributions of those listed below for their assistance with this edition.

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U.S. Department of Justice

Office of Justice Programs

*Office of Juvenile Justice and
Delinquency Prevention*

Office of the Administrator

Washington, D.C. 20531

Dear Reader:

Family abduction—the unlawful taking of a child by the noncustodial parent or other relative—is traumatic for both the child and the family.

Parents not only have to cope with the trauma of a missing child, they have to learn how to work within the justice system to recover their child.

With that in mind, the National Center for Missing and Exploited Children, in cooperative agreement with the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice, produced this book entitled *Family Abduction: How to Prevent an Abduction and What to Do If Your Child Is Abducted*.

It contains information on how to prevent an abduction and what to do if a child is kidnapped. It guides parents through the civil and criminal justice systems and explains the laws that will help them.

It also includes suggestions that police officers, prosecutors, attorneys, and family court judges can use to help them in their work with family abduction cases.

I believe you will find it useful, whether you are a parent or professional working in the field of juvenile justice.

A handwritten signature in cursive script, reading "John J. Wilson", is positioned above the typed name.

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

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A Message to the Reader

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

When a child has been taken by a noncustodial parent, the term parental kidnapping is appropriate. Because child kidnappings are also frequently committed by other family members, however, the term family abduction more accurately describes the action. Both terms are used in this handbook. The suggestions are appropriate in any case where a child has been unlawfully removed from the care of his or her parent whether by the child's other parent or by another family member. Regardless of the intentions of the abductor, the child suffers the consequences of being uprooted from a home, deprived of the other parent, and forced to spend a life on the run.

This handbook describes actions parents can take and laws that may help them when their children are the victims of family abduction, whether domestic or international. It also explains how to prevent abductions and outlines the rights of noncustodial parents.

This handbook is written for parents; law enforcement officers; attorneys; and federal, state, and local officials who deal directly with cases of parental kidnapping. It is designed primarily as a guide through the criminal and civil justice systems and provides a summary of the laws on parental kidnapping.

Parents should take this book with them as they interact with police, prosecutors, attorneys, and family court personnel. The book provides law enforcement and other officials with important information about search and recovery techniques and resources available to them in their investigation of family abduction cases.

When a parental kidnapping occurs, there are possible *criminal* remedies as well as *civil* remedies available to the victim parent. Therefore, the term *parental kidnapping* has both a civil and criminal meaning. The police, prosecutors, and the FBI are part of the criminal justice system. The parent's lawyer, private investigator, and the family court are part of the

civil justice system. It is important for parents to recognize that, in some cases, both criminal and civil remedies can be sought at the same time.

If your child is the victim of a parental kidnapping and you are experiencing difficulties with the civil or criminal justice process, you may call the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) for information and help. You may also encourage your police investigator, prosecutor, or attorney to contact NCMEC at (703) 235-3900 for advice and technical assistance in recovering your child.

NCMEC employs a select group of former criminal justice and youth service professionals who have worked on the federal, state, and local levels across the country and who have broad expertise in handling and prosecuting cases of child abduction. The legal technical assistance staff has attorneys who have expertise in the legal issues in family abduction. A number of publications are also available to help you and the professionals with whom you are working. All NCMEC services and publications are provided free of charge. For more information on these publications and the full range of services offered by NCMEC, please write or call

2101 Wilson Boulevard, Suite 550
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Prevention and Action Checklist

The following checklist summarizes the steps a parent should take to prevent an abduction or recover a child who has been abducted. Each step is explained fully in the following chapters.

Preventing an Abduction

1. Obtain legal custody of your child.
2. Specify in the custody order the exact times and locations for visitation.
3. Ask for special prevention provisions in the custody decree.
4. Consider counseling or mediation to resolve problems.

If Your Child Is Abducted

1. File a missing person report with local police, and request an investigation.
2. Have your child entered into the Federal Bureau of Investigation's (FBI) National Crime Information Center computer's Missing Person File (NCIC-MPF).
3. If you suspect your child has been taken out of the country, call the U.S. Department of State.
4. Call the National Center for Missing and Exploited Children's (NCMEC) toll-free Hotline at 1-800-THE-LOST (1-800-843-5678).
5. Contact the state missing children clearinghouse and local, nonprofit missing children's organization, if available in your state or area, and request assistance.
6. Obtain a court order for custody of your child if you do not already have legal custody.
7. Consider asking the police or prosecutor to file criminal charges against the abductor.
8. If the abductor is charged with a felony, be sure the felony warrant is entered into NCIC, and ask that this entry be cross-referenced to the NCIC-MPF entry for your child.
9. Ask the local prosecutor for a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant if the abductor has left the state to avoid felony prosecution.
10. Search for your child on your own.

After Your Child Is Located

1. Immediately file your custody decree with the local, family court in the state where your child is found.
2. Ask the police to accompany you to pick up your child.
3. Petition the family court to enforce your custody decree if necessary to obtain police assistance.
4. Take steps to prevent a repeat abduction.
5. Consider seeking psychological help for you, your child, and your entire family.

Glossary

Here are some key words that will help you use this book and communicate with your lawyer and the law enforcement community.

abducted child the child who has been wrongfully taken, kept, or concealed by the abductor parent. Also called **victim child**.

abductor parent the parent who wrongfully takes, keeps, or conceals the child.

certified order a copy of an order signed and certified as a true copy by the clerk of the court with whom the original order was filed.

child-snatching lawsuits legal actions that the victim parent and child may be able to file against the abductor parent and other people who assisted the abductor.

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

custody determination a court order awarding rights of custody (including joint custody) and visitation. Also called **custody order** or **custody decree**.

ex parte order a court order that is obtained without notice to the other parent. It is always temporary and is followed by notice to the other parent of a hearing by the court issuing the *ex parte* order. There may be a time limit on the duration of this type of order.

extradition the legal procedure by which a person suspected of a crime, or an escaped criminal, is returned to the state from which he or she has fled.

family abduction the taking, keeping, or concealing of a child by a parent, other family member, or person acting on behalf of the parent or family member which deprives another individual of his or her rights. Also called parental kidnapping, child snatching, or custodial interference.

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

interstate between two states.

joint custodian a parent who has been awarded joint custody (sometimes called shared custody) by a court.

jurisdiction legal authority of the court to make certain orders relating to child custody, visitation, or parental kidnapping.

modify to change.

noncustodial parent the parent who has not been awarded custody rights or who has been awarded visitation rights by a court.

parental kidnapping the taking, keeping, or concealing, without permission, of a child by a parent or person acting on behalf of the parent. Also called **child snatching**, **child abduction**, **custodial interference**, or **family kidnapping**.

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

personal service notification to a party in a lawsuit of a court action by handing the notice and other legal documents to the person. Some states allow additional methods of personal service.

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

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

prosecutor person in the criminal justice system who files criminal charges against and prosecutes an abductor parent who has violated the law. Also called **district attorney**, **state's attorney**, **commonwealth attorney**, or **solicitor**.

search warrant special legal order used by police and prosecutors to locate and take private records, evidence, and information from a specific location for a criminal investigation.

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

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

substitute service a substitute for personal service. Both parties to a lawsuit must receive notice of all court actions. If persons cannot be found or if they deliberately conceal their whereabouts, most states allow alternatives to personal service.

temporary custody legal custody for a limited time. A judge may issue a temporary custody order before he or she has had the benefit of hearing the full case from both parents, or after a trial, but with the expectation of reviewing the custody decision in the near future.

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

1. Preventing an Abduction

In a perfect world there would be no need for laws to prevent family abductions. During a separation and divorce proceeding, however, parents are unfortunately not always thinking clearly about the best interests of their child. In this stressful situation problems arise that may lead to an abduction creating additional stress for both parents as well as for the child.

Although there are many civil and criminal laws to assist in the recovery of an abducted child and resources available for treatment of the psychological consequences associated with a family abduction, parents should take all steps possible to legally resolve conflicts and avoid an abduction.

One of the first steps is to formally establish custody of the child and set up a legally enforceable visitation schedule for the noncustodial parent. This schedule, and the custody itself, can be altered through the court system if the need for revision arises because of changing circumstances. In cases where family violence and abuse are alleged, or where the possibility of an international abduction to a country from which recovery will be extremely difficult is present, courts can impose supervised visitation or utilize other means of ensuring the child's safety. Neither parent should feel that he or she has any option other than abduction to maintain a relationship with their child or to protect the child. This chapter covers some of the many steps parents can take to eliminate the threat of an abduction.

Custody and Visitation

Hiring a Lawyer Obtaining a custody and visitation order is normally done by an attorney, although, in an uncontested case (where parents have agreed on all matters of custody or visitation), parents may handle the matter themselves. If there are any unresolved disagreements between parents, however, it is best to consult with an attorney rather than attempt to represent yourself.

Representing yourself can be very difficult. First, some of the laws are not easy to understand without legal training. The relationships between the laws of different states can also be complicated, even for a practicing attorney. Second, a parent may be too caught up in his or her own case to approach the legal problems objectively. Third, many parents are uncomfortable dealing with lawyers, judges, police, and prosecutors. Nervousness or inexperience in trying to perform as your own lawyer may hurt your case.

For these reasons, most people should consider consulting with and hiring a lawyer. Your lawyer can go to court on your behalf to obtain a child custody order, or modify an existing order and can assist you in getting that order enforced and the child returned if the need arises. Your lawyer can also help you request the filing of criminal charges against an abducting parent and can encourage the police and prosecutor to investigate and prosecute if such action is desirable.

Finding the Right Lawyer You may contact your state or local bar association and ask if there is a lawyer referral service. If so, call and very briefly describe your situation. Ask for the names of several lawyers in your home town, or nearby, who regularly handle child custody cases. You may also look in the yellow pages of your local telephone directory under *Lawyer Referral* for the number for state or local bar referral services.

You can obtain the names of family law specialists by checking in the yellow pages of the telephone book (in many localities lawyers are listed under areas of specialization) or by contacting your state's chapter of the American Academy of Matrimonial Lawyers. You can obtain information on the chapter in your state by contacting the national office of the American Academy of Matrimonial Lawyers at 150 North Michigan Avenue, Suite 2040, Chicago, IL 60601, (312) 263-6477.

It is important to realize that, except for lawyer referral services maintained by a bar association, *legal organizations* do not make referrals to lawyers. Individual lawyers *can* make referrals to other lawyers. Accordingly, when you call one of these organizations, do not ask the organization to help you find a lawyer. Ask them to identify an organization member who is a lawyer, and then contact that lawyer and ask him or her for a referral.

You can also ask for lawyer referrals from people in the court system such as judges, court clerks, and support persons. Your local political office holders may have information about additional legal resources. Law schools in your area may have clinics that can help out. For referrals to foreign attorneys, see "Dealing with Foreign Legal Systems" on page 68. Another resource, available through the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678), is a brochure entitled *Just in case...Parental guidelines in finding professional help in case your child is missing or the victim of sexual abuse or exploitation*. See the section in that brochure entitled "What to Look for in an Attorney." A missing children's organization may also be able to provide a list of attorneys with experience in family abduction cases.

After you have identified one or more lawyers call for an initial consultation. This is usually not expensive, and sometimes it is free. Some lawyers will talk to you on the telephone. Others will set up an appointment for you at the office. Whatever the setting, *briefly* describe your situation, including your ability to pay for legal services.

Find out the hourly rate you will be charged for legal services. If you are satisfied, hire the lawyer. If you are not satisfied, interview another lawyer.

As a general rule a private attorney will charge you an hourly fee for services. There may be court costs and filing fees to pay as well. While the projected legal costs may seem staggering, the lawyer may be willing to work out a flexible payment arrangement.

Free Legal Services If you cannot afford a private lawyer you may qualify for free legal services provided by a Legal Aid attorney. Look in the government pages of your area telephone directory under *Legal Aid* or *Legal Services Corporation* for the number of the closest Legal Aid office, and call to make an appointment. If the Legal Aid office nearest you does not handle child custody cases, ask for a referral to the closest office that does.

If you fail to qualify for free legal services but also do not have enough money to hire a private lawyer, you may be eligible for special reduced-fee programs set up by local bar association groups. In addition to reduced-fee programs, many bar associations encourage attorneys to commit a part of their time to *pro bono* cases. An attorney handling a case *pro bono* does not charge for his or her services, although a parent may still be required to pay all applicable court costs and filing fees. Call your local, county, or state bar association to find out if there are any programs in your area for low-income individuals. Also check with your employer or your union to determine if legal services are provided as a fringe benefit of your employment. Sometimes local battered women's shelters or fathers' organizations can also provide assistance in finding affordable legal counsel.

Obtaining Custody It is important to obtain a valid *custody determination* (*custody order* or *custody decree*) from a court with jurisdiction (power) to make such an order. In the absence of a legal custody order, both parents have equal rights to the child. A valid order is enforceable in any state in the United States. First, you will have to file legal papers, generally called *pleadings*, in the appropriate court. Your pleadings will ask the judge to award you custody. The name of the legal papers you file and the procedures used will vary depending on your state.

There are laws that can help you obtain and enforce your custody order. All fifty states, the District of Columbia, and the Virgin Islands have enacted the Uniform Child Custody Jurisdiction Act (UCCJA). The UCCJA determines when a state has jurisdiction to make a custody order. A court has jurisdiction under four circumstances

- it is the home state of the child at the time the action is filed; or was the home state for at least six months immediately preceding the action, and the child is absent only because he or she has been removed and retained by a person claiming custody, and a parent lives in the state
- it is in the best interest of the child that the court assume jurisdiction because the child has a significant connection to the state, and there is substantial evidence available in the state concerning the child's past, present, and future care
- the child is present in the state and has been abandoned or is in danger of mistreatment or abuse
- it appears that no other state has jurisdiction, or another state has declined to exercise jurisdiction because this state is a more appropriate place to determine custody

Although the child's physical presence in the state is desirable, it is not necessary and by itself is not sufficient for a court to assume jurisdiction except in emergency jurisdiction cases.

Your lawyer should review the UCCJA to ensure that your state has the jurisdiction to make a custody order. For more information on the numerous provisions of the UCCJA, see the table entitled "Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers" on page 109. Your lawyer should also review the federal Parental Kidnapping Prevention Act (PKPA), relevant parts of

which are reproduced on pages 105-107. The PKPA establishes rules on interstate enforcement of custody determinations. Even if a state court has jurisdiction under the UCCJA to make or modify a custody decree, the decree will not be entitled to full faith and credit enforcement by other states unless the original exercise of jurisdiction was also in compliance with the PKPA. Lawyers and judges must consider the PKPA and its impact on jurisdictional decisions.

Initially you may obtain only a *temporary custody order*. Judges usually make temporary custody orders before they have had the benefit of hearing the full case from both parents, or before the case is fully investigated to determine the best interest of the child.

The court retains the right to hear the full case at a later date and then to make long-term custody arrangements. No custody decision is ever permanent, however, as custody orders are subject to change (modification) when circumstances change.

Unmarried Parents In some states the mother of a child born out of wedlock has custody of the child unless there is a contrary custody order. Even though an unmarried mother living in such a state may be able to recover an abducted child without having first obtained a custody order, it is still a good idea to go to court and obtain a custody order prior to experiencing any problems. This will expand the number of legal remedies available to secure the child's return and will lessen the confusion if the child is found in a state where officials are unfamiliar with such custody laws. It will also provide a definite plan for the child's custody once the child is returned.

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

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

Custody of Native American Children Native American tribes in the United States are guaranteed, by treaties and federal law, the right to live as their culture dictates. Generally speaking, tribes on reservations have the right to govern themselves. Custody of Native American children living on the reservation will usually be decided by applying tribal law.

Although many tribes may live on one reservation, each reservation usually has one set of laws. The laws of different reservations vary. Even if both parents of a child are members of the same tribe, their individual reservation's laws may vary.

If a Native American child living on a reservation is subject to a custody dispute between two parents who are members of different tribes, the tribe with jurisdiction may be the tribe in which the child is *enrolled* (if the child has been enrolled). Frequently, the case may be decided by the governing body on the reservation where the child lives.

Children with one Native American and one non-Native American parent may be considered by the tribe and the law to be Native American children. Custody of these children may be governed by the tribe or reservation of the Native American parent. This is especially true of children living on a reservation.

Laws involving Native American children and custody are complex. Abductions to reservations are more problematic to resolve than abductions from reservations. If a resolution of the custody dispute cannot be negotiated, you should consult experts familiar with custody proceedings and with the laws of the tribe with which you are dealing.

For information about a particular tribe's custody laws, contact the tribes involved. The Bureau of Indian Affairs, Tribal Relations Branch, U.S. Department of the Interior, Mail Stop 2611-MIB, 1849 C Street, NW, Washington, DC 20240, (202) 208-7445 can tell you how to contact the tribes. In addition, general information can be obtained from the Association of American Indian Affairs, 245 Fifth Avenue, New York, NY 10016, (212) 689-8720; the National Congress of American Indians, 900 Pennsylvania Avenue, SE, Washington, DC 20003, (202) 546-9404; and the Bureau of Indian Affairs, U.S. Department of the Interior, Division of Social Services, Mail Stop 310-SIB, 1849 C Street, NW, Washington, DC 20240, (202) 208-2536. Do not overlook your state government as a possible source of information about Native American affairs within your state.

Custody Mediation If parents are unable to agree on custody and visitation issues, they should consider *custody mediation* as a way of working out an agreement for custody, visitation, or joint custody. This involves meeting with the other parent and a trained mediator to reach an agreement on all issues relating to the custody of the child. The resulting agreement is then adopted by the court as the legal custody order. The main advantage to a mediated custody agreement is that both parents are usually willing to abide by the terms they have worked out. The same cannot be said for a plan dictated by a judge after a hotly contested trial.

Counseling Some abductors may take the child when they feel, rightly or wrongly, that their parental relationship with the child is threatened. Many parental abductions occur when a noncustodial parent discovers that the custodial parent is entering into a relationship with a new partner and may fear being replaced. Consider counseling to help ease you over such rough spots as the initial separation, the filing of legal paperwork, the final decrees, and the beginning of any new relationship that may threaten the other parent.

Child Find of America, Inc., a nonprofit organization serving missing children and their families, offers telephone counseling for parents who are considering abducting their own children. This program can be reached at 1-800-A-WAY-OUT.

Prevention Provisions in the Custody Decree

Whether you mediate, hire a lawyer to negotiate a custody agreement, or go to trial on the custody issue, you can request specific provisions in the custody order to protect against child kidnapping. These will then be made part of the original custody order. If these provisions were not included originally in a custody order but changing circumstances now make them desirable, you will have to go back to court to modify the original order.

If your child has been the victim of a family abduction these provisions may be important in preventing a second abduction. Although you undoubtedly want to stop or limit the abductor's visitation rights after an abduction, the child may want to continue to see the abductor and even a criminal prosecution and conviction for parental kidnapping does not automatically end the abducting parent's right to visitation. Counseling may help you and/or your child arrive at an acceptable compromise. If your custody order needs to be changed, you will have to file a petition to modify the custody order to restrict visitation or to add other prevention provisions. The rules of the UCCJA and PKPA determine which state can modify the original custody decree. The appropriate court for filing the petition is usually the one that issued the original custody decree.

Too many restrictions may work against you, however. If visitation is too infrequent, structured, or impersonal the parent may feel that the only way to have a satisfying relationship with the child is to abduct the child. Be careful to consider your child's needs and feelings too. Even if the child was once the victim of a parental kidnapping, the child may have a close, caring relationship with the abductor despite all the emotional pain and distress the abduction has caused you.

Clause Stating the Penalties for Abduction Include a clause in the custody decree advising each parent of the penalties for child abduction. Print it in boldface type on the first page of the order and ask the judge to advise the parties while they are both in court of the penalties for failure to comply with the order.

For information on preventing an international child abduction, see "Preventing an International Child Abduction" on page 59.

Specify Visitation It is often difficult to determine when the limits of "reasonable" visitation have been exceeded. Thus a parent may become frustrated when a planned three-week visit becomes a three-month visit with no end in sight and still the authorities do not act. It is wise to specify the beginning and ending dates and times for visitation in the original court order. It is a good idea also to specify in the court order with whom the child will spend the child's and the parent's birthdays and major holidays, since this is a common source of friction. If your court order permits "reasonable visitation" and you want this changed, you will have to file a petition to modify the custody determination to restrict visitation. The appropriate court for filing the petition is usually the one that issued the original custody decree. The rules of the UCCJA and PKPA dictate which state has modification jurisdiction.

Restrict the Removal of the Child The likelihood of an interstate or international abduction is greatest when the noncustodial parent has no strong ties to the child's home state, has friends or family out of state or abroad, or can earn a living almost anywhere. Under these circumstances, the custodial parent will benefit by limiting the right of the noncustodial parent to remove the child from the state or country. (In some cases the restriction may be more stringent. For instance, the noncustodial parent might be prohibited from taking the child beyond the town limits.)

The custodial parent may seek provisions prohibiting the noncustodial parent from removing the child from the state without prior consent from the judge or written consent from the custodial parent. In addition, the custody order can direct the noncustodial parent to surrender his or her passport to a neutral party before visiting the child. The neutral party can be a judge, a Clerk of the Court, a custody mediator, a member of the clergy, a police officer, or a lawyer, among others. Since replacement passports are relatively easy to obtain, additional assurances to prevent departure from the United States are recommended. For more information on restricting issuance of passports, *see* "Prevent the Issuance of a U.S. Passport" on page 61.

Post a Bond Where there is a history of custodial interference or a likelihood of future custodial interference, it may be wise to ask the court to order the potential abductor to post a bond (buy a special insurance policy) to ensure that the child is returned at the end of the visitation period. The parent requesting the bond will usually have to provide convincing evidence of the likelihood of an abduction. For examples of such evidence, *see* "Pick-Up Order" on page 55. (Sometimes a custodial parent will also be required to post a bond to ensure that the visitation rights of the noncustodial parent are not infringed.) In the event that an abduction (or visitation interference) occurs, the insurance money (bond forfeiture) may be used to fund the search for the abducting parent and the recovery of the child.

Bonds, however, may not be sold in all jurisdictions. Before asking the court to order that the potential abductor post a bond, check to ensure that the money will be available *to you* in the event that he or she does abduct the child. In some states, the money must be paid to the county and would not be available to help you. A bail bondsman, your lawyer, state missing children clearinghouse (if available), or missing children's organization may be able to help you find out what is available in your area. The bond should be large enough to discourage an abduction. If a cash bond is not appropriate (where the abductor has little or no money), consider having title to a car or other property placed in escrow.

If the abductor is ordered to post a bond in connection with a civil proceeding, it will remain in effect for as long as the civil judge orders. If an abductor is ordered to post a bond in connection with a criminal proceeding, such a bond remains in effect for no longer than the period of criminal punishment. *See also* "Conviction and Punishment" on page 31.

Moving Out of State A parent may want to request that the original custody order include a provision requiring the custodial parent to obtain the court's permission before moving out of state with the child. If the custodial parent plans to move, it is wise for both parents to discuss openly what effect this will have on visitation. The custody order should be modified specifically to include permission for the move and to require that parents keep each other informed of new addresses and telephone numbers.

Depending on the distances involved, it may be practical to have fewer but longer visitation periods. For instance, it may be better for the child to spend summers and major holidays with the noncustodial parent and the school year with the custodial parent. It also is a good idea to consider dividing the increased costs of visiting between the parents instead of leaving the full burden on one parent. Visitation changes due to a move should be specifically addressed in the custody order prior to either parent actually leaving the state.

Joint Custody Orders Joint custody is a valuable option for some families that have separated or divorced. When joint custody works properly, both parents actively participate in the day-to-day upbringing of their children. The child can feel secure in the love and involvement of both parents, and the parents can feel satisfaction by maintaining close contact with the child.

Nonetheless, joint custody does not work in all situations. If possible, these orders should be avoided if there is friction between the parents, if one parent opposes it, or if the parents live in different states. Even parents who part on friendly terms should make sure that their joint custody decree *specifies with whom the child is to reside at specified times*. The joint custody decree should also contain provisions regarding restrictions on removal of the child.

Police Assistance Many law enforcement officers are unclear about their role in preventing and resolving parental kidnapping cases. A provision in the custody order requesting police officers to take specific actions may produce faster, more effective assistance to you. One useful provision would direct the police to "accompany *and assist*" the victim parent in recovering the child.

If An Abduction is Threatened

Ask the Police or Prosecutor to Intervene If an abduction is threatened, ask the police or the local prosecutor to contact the would-be abductor. They should advise him or her that taking a child is a crime and that the offender could be imprisoned or fined, or both. Do not ignore threats of abduction made by the other parent, especially if the abductor has recently quit a job, sold a home, terminated a lease, closed a bank account, or taken any other action to prepare for flight. Such threats may indicate a growing frustration that may motivate him or her to disappear with the child.

Teach Your Child to Use the Telephone Teach your child his or her full name and how to use the telephone to call home. Make sure your child knows your telephone number *and* area code. Practice calling the operator and making collect calls, and tell your child that you will always accept a collect call. Your child should be instructed to call home immediately if anything unusual happens or if anyone tells the child that you are dead or do not love the child anymore. Make sure that your children understand that you will always love them and want to share your life with them.

Notify Schools, Daycare Centers, and Babysitters of Custody Orders Certified copies of your custody decree should be placed in your child's school files and given to teachers, daycare personnel, and babysitters. Tell these individuals about your custody arrangements and any threats made by the noncustodial parent to snatch the child. Ask to be alerted immediately if the noncustodial parent makes any unscheduled visits to the school, daycare center, or babysitter, and request that they not allow the child to leave the grounds with the noncustodial parent without your permission.

The best protection is to include in your custody order a provision prohibiting school authorities, daycare centers, and babysitters from releasing the child to the noncustodial parent without prior consent. Even without such a provision, though, these people should only release the child to the parent entitled to custody. It is important to keep school authorities, daycare personnel, and babysitters aware of any changes in your custody or visitation arrangements. The custodial parent must also realize that if the noncustodial parent has a tendency towards violence, school and daycare officials as well as babysitters may have no alternative but to turn the child over to the parent to prevent injury to other children in the school or daycare facility. In the event of an abduction ask these officials to *immediately* notify police of the abduction, the car the abductor was driving, any other persons with the abductor, and which direction he or she was headed when he or she left the school or daycare. A copy of the custody order should be made available immediately to police responding to the call.

If the child normally walks to school, waits without the custodial parent at the bus stop, or rides a bus or van after school to a daycare or babysitter, the custodial parent needs to be sure school officials, daycare personnel, and the babysitter are notified each day the child will not be present. The custodial parent should request that he or she be immediately notified if the child fails to arrive at any of these places as normally scheduled. A few states require school officials to verify student absences, but the custodial parent needs to be sure his or her situation and the possible abduction of the child are known to all persons who normally care for the child. Time is critical in an abduction. If a child is abducted prior to arriving at school, daycare, or the babysitter it is extremely important that the custodial parent be notified so a search can begin immediately for the child and the abducting parent.

Keep Lists of Information The custodial parent should keep a current list of the addresses, telephone numbers, and birthdays of all the relatives and friends of the noncustodial parent. It is also useful to make note of the other parent's Social Security Number (SSN) and license plate number and other information described in Chapter "4. Searching for Your Child" which begins on page 33 that will help you locate the parent if an abduction occurs. Internal Revenue Service rules require all children, older than one year of age, to have an SSN, if they are claimed as an exemption on their parents' tax return. Both parents should know the child's SSN, current height and weight, and keep current photographs or videotapes of the child.

File the Custody Decree in the Noncustodial Parent's Home County File a certified copy of the custody decree with the Clerk of the Court in the county where the noncustodial parent lives. This is especially important if the child will be traveling between states for visits. Filing the decree notifies the courts that a valid custody decree has already been made and must be honored and enforced. It also restricts the right of the court in the second state to modify the custody decree.

You may also consider filing a certified copy of the decree in counties in which the abductor parent has close friends or relatives. It may be necessary to provide the Clerk of the Court with that state's UCCJA section number authorizing this procedure. See "Enforcing Your Custody Decree" on page 54 for more information on this process.

Treat Child Support and Visitation as Separate Issues One of the greatest sources of tension after a divorce is child support. If a noncustodial parent is late in paying support or does not pay at all, the custodial parent may try to "get even" by refusing to allow visits, and the noncustodial parent may then become frustrated and angry enough to snatch the child. Or, conversely, the cycle may begin when the custodial parent interferes with visitation and the noncustodial parent retaliates by refusing to pay support.

As difficult as it may be, these two issues, child support and visitation, must be treated as separate. In most areas the refusal to pay child support is not a legal ground for denying visitation. Also the denial of visitation is not a legal ground for failing to pay child support. The custodial parent should allow visits and at the same time go to court to collect the child support. The noncustodial parent should pay support and at the same time go to court to enforce visitation rights.

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

Family Violence and Child Abuse

A parent subjected to repeated abuse by the other parent, or a parent whose child discloses that the other parent is physically or sexually abusing the child, may be pushed to the point of taking the children and fleeing to safety. Such parents are strongly advised to *consult an attorney before leaving the state* in order to obtain legal custody and other emergency protective orders. The lawyer can immediately seek temporary custody, without notice to the defendant, as well as restraining orders. This can prevent the parent who is victimized, or whose child is victimized, from later being accused of or being prosecuted for custodial interference. It will also allow the custodial parent to request the judge to include very specific visitation schedules and other protective provisions in the order, including pick-up and drop-off points or supervised and limited visitation.

If it is too dangerous for the battered spouse or the child to remain in the state, the parent should **immediately** consult an attorney upon arriving in the new state. Depending upon the circumstances, the parent may be able to obtain a temporary custody order in the new state. A court action for permanent custody can then be filed promptly in the original state. When filing the petition for custody, the lawyer can request the judge to order that all records containing the parent's new address be kept confidential.

A good resource for further information on family violence is the National Center on Women and Family Law, 799 Broadway, Suite 402, New York, NY 10003, (212)674-8200.

Rights of the Noncustodial Parent

There is no reason for noncustodial parents to resort to abduction as a means of carrying on a relationship with their children. The legal system is available to noncustodial parents as well as custodial parents to protect and to enforce their rights. Noncustodial parents have legal rights and remedies when their relationship with their child is threatened by actions of the custodial parent.

Visitation Rights Visitation rights are enforceable under both the UCCJA and the PKPA. If the custodial parent refuses to allow the noncustodial parent to visit the child, the noncustodial parent can petition the court for enforcement of the decree.

The criminal custodial interference laws of many states also protect the noncustodial parent against interference with his or her visitation rights. For a list of states with laws protecting a noncustodial parent's access to their children contact NCMEC at **1-800-THE-LOST (1-800-843-5678)** to request a copy of *Selected State Legislation: A Guide for Effective State Laws to Protect Children*.

Visitation rights are enforceable internationally as well. The Hague Convention on the Civil Aspects of International Child Abduction includes provisions for the exercise of visitation rights across international borders. For a full description of the Hague Convention *see* page 66.

Where there is a history of interference with visitation rights by the custodial parent, a noncustodial parent can consider requesting the court to order the custodial parent to post a bond to ensure that the visits occur. *See* "Post a Bond" on page 7. Be aware, however, that the custodial parent may respond by making a similar request.

Information On The Child and Custodial Parent's Residence The noncustodial parent can request the court to include a provision in the custody order requiring that both parents keep each other informed of the current address and telephone number at which the child can be reached. The noncustodial parent can also request a provision in the custody order requiring the custodial parent to notify the noncustodial parent at least a month before any proposed move out of state or out of the country or to obtain permission from a judge before moving out of state or out of the country.

If the court order prohibits the custodial parent from leaving the country without the court's consent, the noncustodial parent can write to the Office of Passport Services at the U.S. Department of State to request that the passport application for the child made by the custodial parent be denied. *See* "Prevent the Issuance of a U.S. Passport" on page 61.

2. Civil Remedies If Your Child Is Abducted

Where to Begin

Locating your child is the single most important task facing you as a parent. There can be no peace of mind until your child's whereabouts is known. Searching parents should be aware of every resource and lawful technique at their disposal to find the missing child. Many civil and criminal laws have been passed to help parents locate and legally recover their abducted children and bring the abductor parent to justice. Descriptions of many of these resources are included in this book. Parents should **pursue all remedies simultaneously** including civil remedies through the family courts and criminal remedies through police and prosecutors. In addition parents should attempt to locate and obtain the return of the child on their own.

Since you have more at stake than anyone else, it is essential that you participate actively in the search for your child. As you conduct your search, try to remain as calm as possible. This will help you think more clearly and organize your investigation. Use the location tips found in this book, and use your imagination to develop other leads.

Start a notebook. Keep records, with dates, of everything you do and every person or agency that you contact in the course of your search. Make a note of their addresses and telephone numbers so that you can contact them again, if necessary. Keep a copy of all letters that you send and receive. Note whatever actions are being taken on your behalf. Check back with your sources. When your child is located, notify every person, agency, and organization that helped you. This will allow them to focus their energies on other cases. Thank them for their help. It may also help to keep a scrapbook of articles on other cases of parental kidnapping as a source of ideas to aid in your search. See page 94 for a "Key Contacts in Parental Kidnapping Cases" worksheet to help you organize your search.

What to Do

The following list summarizes what to do if your child is the victim of parental kidnapping. Each step is described in greater detail in the text. **It is important to read the full text before you act.** Some legal or investigative steps may not flow as smoothly as a parent expects. Be patient and persistent.

- Once you are sure that your child has been abducted, call or go to your local police department and file a missing person's report. Ask the police to enter descriptive information about your child into the National Crime Information Center computer's Missing Person File (NCIC-MPF). Bring a copy of the National Child Search Assistance Act (reprinted at page 104) and the Missing Children Act (reprinted at page 103) in case the local and state authorities are unable or unwilling to list the child in the NCIC. If the police do not make this entry, contact your state missing children clearinghouse (if available) for assistance in having your child listed in NCIC. See page 89 for a list of these clearinghouses. You can also contact the local

office of the FBI and request that they enter your child into the NCIC under the Missing Children Act. Ask the law enforcement authorities to cross-reference any computer entries pertaining to criminal arrest warrants issued for the abductor with the entries about the missing child. See "Enter the Felony Warrant into the NCIC Computer" on page 28.

- Report your child missing to the toll-free Hotline of the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678).
- Contact a nonprofit organization (NPO) handling cases of parental kidnapping or missing children to help you through the process of finding your child. See page 87 for information on how to contact these organizations.
- Obtain legal custody of your child if you have not already done so. It is crucial to obtain a court order for custody, called a *custody determination*, *custody decree*, or *custody order*. A *temporary custody order* (legal custody for a limited time) will usually be enough, at least until the child is located. A court can issue a custody order even if your child has already been abducted and even if you were never legally married to the abductor. Consider hiring a lawyer to help you obtain a custody decree. If you already have a custody decree, you can get additional copies from the Court that issued the decree. You may need to obtain a few copies that have been certified or notarized. See "Obtaining Custody" on page 3.
- Consider asking the police or prosecutor to file criminal charges against the abductor if you intend to press charges after your child has been returned. Meet personally with the local prosecutor to discuss prosecution. Under the laws in effect in most states, criminal charges cannot be brought unless the abductor parent has violated a custody order that was in existence at the time the child was taken and there is proof that the abductor parent was aware of the custody order he or she is accused of violating. Check the criminal law in effect in your state to see what your state requires. Also check the criminal law in effect in the state in which the child is located. Note that your custody order cannot be enforced in the civil courts regardless of whether criminal charges have been brought against the abductor, as is further discussed in "Enforcing Your Custody Decree" on page 54.
- If the prosecutor charges the abductor with a felony crime, make sure that the state felony warrant is entered promptly into the NCIC computer. If there is evidence that the abductor has fled the state to avoid felony prosecution, also ask the prosecutor to apply to the local U.S. Attorney for a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant. If a federal warrant is issued, the FBI can then assist in the search for the abductor as discussed in "Will the FBI Search for My Child?" on page 27.
- Search for your child on your own at the same time that you are working with the police department. For details on recommended search methods see Chapter "4. Searching for Your Child" which begins on page 33.

- When you find your child, immediately send a certified copy of your custody decree for filing to the Clerk of the Court in the place where your child is located. Then request the local police to help you recover your child. *See* "Police Assistance" on page 53.
- If the police will not help you without a local court order, petition the court where the child is located to enforce your custody decree. A lawyer can help you do this. *See* "Enforcing Your Custody Decree" on page 54.
- Consider going back to family court after your child is returned to limit the abductor's visitation rights. Also, ask the judge to add provisions to your custody decree to prevent a repeat abduction. *See* "Prevention Provisions in the Custody Decree" on page 6.
- Consider seeking psychological help as you or your child may have a difficult time adjusting after the abduction. *See* Chapter "7. Psychological Issues in Recovery and Family Reunification" which begins on page 71.
- If your child has been taken abroad, *see* Chapter "6. International Child Abduction" which begins on page 59.

Working Through the Family Court

If you do not have a custody order, you should immediately obtain one. Although parents can obtain a custody order and pursue other civil remedies without a lawyer, it is a good idea to have a lawyer, who is familiar with parental kidnapping laws, assist you.

Ask the lawyer whether he or she has handled cases similar to your case and what the results were. Ask if the lawyer is familiar with the criminal custodial interference laws in your state and in the state where you suspect your child may be, the Uniform Child Custody Jurisdiction Act (UCCJA), the Parental Kidnapping Prevention Act (PKPA), and child-snatching lawsuits. If the lawyer has extensive family law experience but little experience with family abduction cases, ask if he or she is interested in your case and is willing to do whatever legal research may be necessary. If you are concerned about the cost of legal assistance, you can *ask* the judge to order the abductor to pay *all* your legal expenses at the end of the proceeding. While an award of attorney's fees and related expenses is not mandatory, judges have discretion under the UCCJA to make such awards. *See* "Free Legal Services" on page 2 for information on low cost or free legal assistance.

Obtaining Custody After Your Child is Abducted

Your lawyer should assist you in obtaining a valid custody decree. If you do not already have one, *see* "Obtaining Custody" on page 3. A valid custody decree can then be legally enforced in whatever state the child is located, and the child can be returned to the lawful custodian.

Even a temporary custody order will give you enough authority to initiate an effective search for your child. Judges usually make temporary custody orders before they have had the benefit of hearing the full case from both parents. They are commonly made in the early stages of the proceedings in parental kidnapping cases when the court is unable to hear from both parents because one parent has abducted the child and is in hiding with the child.

Notice to the Abductor Under the U.S. Constitution, all parties to a lawsuit, including a custody action, must have a chance to present their side of the case. Because of this, even child abductors are entitled to notice (service of civil process) of court actions and hearings. The best way to accomplish this is to deliver the notice in person.

Service of Civil Process In some states local law enforcement agencies may serve *civil process*, the legal paperwork that tells a person that he or she is a party to a lawsuit (such as a court action to obtain or enforce a custody order). The agency notifies the abducting parent that a custody action has been filed by delivering a copy of the legal documents to that parent. Frequently the sheriff's office or the county police department serves civil process. Usually you have to inform these agencies where to find the person they will serve. The agency serving civil process will be one serving the area where the abductor is located, not a law enforcement agency in your own area.

Once the abductor parent has been located and you are ready to start an action to enforce your custody order, you must work closely with the law enforcement agency that serves the civil process in order to prevent the abductor parent from fleeing again with your child. Try to obtain a civil pick-up order from family court to allow law enforcement to pick up your child at the same time the civil process is served. See "Pick-Up Order" on page 55.

In the event that the local law enforcement agency in the area in which the abductor is living does not, or cannot, serve the abductor with the civil process, it is possible to obtain the services of a private process server. Your lawyer can advise you whether to use the local law enforcement agency or a private process server in the state in which the abductor is living.

After the Abductor Has Left the State The UCCJA has special notice provisions that may be particularly helpful when a child is abducted before a decree has been made *and the abductor's location is unknown*. The ways in which notice of custody actions are provided to the abductor vary from state to state but *may* include

- sending copies of the custody petition to the abductor's closest relatives, friends, employer, and lawyer
- publishing information in a newspaper's classified advertising section

Since the preferred method is delivering the notice in person, it is advisable (and in many states required) to ask the court to specify the actual method of notice to be used if you cannot locate the abductor to serve him or her personally.

Occasionally a lawyer unfamiliar with the UCCJA will tell a parent that there is no way to obtain a custody determination after the abductor and child have disappeared. A parent who hears this advice should ask the lawyer to reread the *Jurisdiction* and *Notice* provisions of the UCCJA and review the general legal concept of *substitute service*. You may want to consult an attorney with more UCCJA or parental kidnapping case experience, however.

Note: Copies of the UCCJA containing the Comments of the Commissioners on Uniform State Laws may be obtained from the National Conference of Commissioners on Uniform State Laws, 676 North St. Claire Street, Suite 1700, Chicago, IL 60611, (312) 915-0195. The state code references to the UCCJA in each state are found in the table entitled "Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers" on page 109.

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

When and Where to Petition for Custody As a general rule, in order to get a custody determination, you must file a custody petition in the "home state" within six months of the child's removal. In general the *home state* is the state where the child lived for at least six months just before the custody action. When a child is abducted before there is a custody order, the UCCJA extends the period of filing for custody for an additional six months, giving the victim parent up to a year to file for custody in the home state. (You or your lawyer can find this information in the Comment to Section 3 of the UCCJA). During this time the abductor cannot establish a new legal home state for the child, and any custody order obtained in the home state is enforceable wherever the child is found. The best advice to a victim parent who does not already have legal custody is to petition for custody in the child's home state **immediately**. Do not delay!

What If My Spouse Is in the Military? The Soldier's and Sailor's Civil Relief Act of 1940, beginning at Section 501 of Title 50 Appendix of the U.S. Code, provides some protection against lawsuits for active duty military personnel whose duty assignments seriously hinder their ability to represent their interests in lawsuits. The protection afforded active duty military personnel is not necessarily enough to *prevent* the court from acting, however. The judge will decide whether to postpone the lawsuit based on the circumstances and facts of the particular case. Your attorney will have to take some extra procedural steps in order to obtain and enforce your custody order if the abductor is on active duty. This is more complex when the parent in the military is stationed overseas. See "Military Worldwide Locator Services" on page 40 and "Special Enforcement Problems If the Abductor Is in the Military and Stationed Overseas" on page 57.

A good resource for military families who need help in obtaining compliance with court orders is the Department of Defense Office of Family Policy, Support and Services. While this office cannot help you obtain a court order, it develops and implements policies pertaining to members of the armed services and their families. In addition, the Office of Family Policy, Support and Services assists in individual cases that cannot be resolved within the service member's chain of command. The Office of Family Policy, Support and Services may be contacted at 4015 Wilson Boulevard, Room 903, Arlington, VA 22203-5190, (703) 696-4555, or toll-free at 1-800-336-4592. NCMEC, in cooperation with the Office of Family Policy, Support and Services, has prepared a brochure entitled *Just in case... Guidelines for military families in case your child is the victim of parental kidnapping* which is available from the installation Family Advocacy Program.

Native American Children Custody of Native American children living on reservations is governed by tribal law. The abduction of Native American children to and from reservations raises many legal complications. Some cases have interpreted the UCCJA as applicable to resolve jurisdictional disputes between state and tribal courts while others have held it does not apply. There is also the question of whether the PKPA applies in these cases.

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

Child-Snatching Lawsuits Child-snatching lawsuits (tort suits) allow victim parents and children to sue the abductor and anyone who assisted the abductor for the suffering caused by the abduction. The persons bringing the suit may seek money damages. The request for substantial money damages sometimes prompts the abductor or person assisting the abductor (such as grandparents, brothers or sisters, or new boy friends or girl friends) to reveal the child's location in return for an agreement to drop or settle the lawsuit against them.

Child-snatching lawsuits include claims for unlawful imprisonment, custodial interference, enticement, infliction of emotional distress, outrageous conduct, and civil conspiracy. A few states have laws that expressly allow suits of this kind under specified circumstances. Child-snatching lawsuits have been successfully brought in both state and federal courts. Some state courts have rejected new causes of action in child-snatching cases and have left victims to seek relief in another way.

Although these suits are sometimes used to recover the cost of searching for a child and counseling for the child and family after a recovery, those costs can also be obtained through other legal means. Both the UCCJA and PKPA include provisions for costs and in many states victim assistance laws allow the court to order the abductor (or those who assisted him or her) to repay the searching parent for some or all costs incurred in the location, recovery, and post recovery treatment.

Caveat: Child-snatching lawsuits are not advisable in every case. No matter how strong the case, it may not be worthwhile to sue someone who is unable to pay the judgment you may win. Not only would you recover little or no money, but there would be little incentive for the persons being sued to tell you the location of the child and the abductor. Also, do not invent a groundless lawsuit just to discover the child's whereabouts. If you do, you could be the target of a counter-suit for "abuse of process," and you could be forced to pay money damages to those you originally sued.

Abduction by the Custodial Parent

Although in many cases the child is abducted by the noncustodial parent, it is not unusual for the custodial parent to go into hiding with the child. In this situation the noncustodial parent has many of the same rights and remedies as the custodial parent. Information on using the civil and criminal justice systems and on searching on your own is applicable in either situation.

If the custodial parent has disappeared with the child, the noncustodial parent may initiate a missing person's investigation by the local police by filing a missing person's report. *See* "Missing Person's Report for an Abducted Child" on page 95. Prior to 1990, only some states permitted the noncustodial parent to initiate a search. The National Child Search Assistance Act (42 USC §§ 5779 and 5780), however, requires law enforcement to immediately enter into NCIC each case of a missing child that is reported to the law enforcement agency. The Act does not include any restriction on who may make the report, forbids law enforcement from establishing any waiting period before accepting the report and entering the information into NCIC, and mandates that law enforcement "maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in...missing children cases." *See* text of the National Child Search Assistance Act on page 104. NCIC is a computer network maintained by the FBI. All cases of missing children should immediately be entered into the Missing Person File (MPF) of NCIC.

When your child's name is entered into the NCIC-MPF, obtain the police report number from the law enforcement agency or request that the agency send it to the missing children's organization with which you are working. If the local police will not enter your child into the NCIC-MPF, obtain assistance from your state missing children clearinghouse (if available) or NCMEC to ensure that this entry is made.

If your state law permits, clearinghouses may also provide their services to noncustodial parents seeking to enforce their visitation rights. *See* page 89 for a list of state missing children clearinghouses. Some missing children organizations and several advocacy groups will also assist noncustodial parents in maintaining a relationship with their child.

The Federal Parent Locator Service (FPLS) is available to help noncustodial parents as well as custodial parents. *See* "Parent Locator Services" on page 41. Unless restricted by court order, noncustodial parents have the same rights as custodial parents under the Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g. *See* "School Records" on page 45.

All books and brochures published by NCMEC are available to noncustodial parents, many of which will be of assistance. Many of the informational resources listed in "Additional Reading" on page 83 are available to the noncustodial parent in the event that the custodial parent has disappeared with the child. The noncustodial parent, however, must be prepared to be a *very* active participant in the search for the child. It may be necessary, in some instances, to obtain court orders for the disclosure of the information.

There may be grounds for the *original* court to modify its custody decree to award the noncustodial parent custody, even after the child has been abducted. This is far from automatic, however. It is difficult to modify custody and typically requires evidence of a major and significant change in circumstances that makes it in the child's best interest to change custody. State law requirements vary. Abduction of the child may not, alone, be enough justification to change custody. If the evidence warrants a change of custody, in most states, even an award of *temporary* custody by the court will allow you to use all the resources listed in this publication to find your child, including those offered by NCMEC. See also "Notice to the Abductor" on page 16.

The noncustodial parent may be able to sue and collect money damages from the custodial parent for violating visitation rights. There are cases that support this. Lawsuits for interference with visitation rights may discourage obstruction of visitation as well as compensate the noncustodial parent for the costs incurred in enforcing the visitation rights. See "Child-Snatching Lawsuits" on page 18.

Noncustodial parents may find that they face far more difficulties than custodial parents in locating and recovering their children. Gaps and inconsistencies in the laws and law enforcement policies will frustrate even the most patient of noncustodial parents. You may find it helpful to join with other victimized parents to advocate for changes in the laws and in local law enforcement policies. State clearinghouses, missing children's organizations, and victim advocacy organizations can also be helpful.

3. Criminal Remedies If Your Child Is Abducted

Working With the Police and Prosecutors

Every victim parent should understand how the criminal justice system, police, prosecutors, and the FBI can help in locating and recovering their abducted child and in bringing the abductor to justice.

The *local* police and prosecutors may serve three different functions in a missing child case. They may investigate a missing person case, investigate and prosecute the crime committed by the abductor parent; or provide assistance in serving the legal paperwork (civil process) necessary before the courts will enforce your custody order.

The circumstances of the abduction and the scope of the criminal laws in effect in your state will determine which of these activities, if any, can be undertaken by your local police and prosecutors and what other help you can expect from them. A victim parent should use all the criminal remedies described in this chapter that are appropriate, but must also use all other civil (noncriminal) remedies at the same time.

Missing Person's Investigation

Because the first few hours of an investigation are crucial, you must act quickly when you discover that your child is missing. After checking with friends and relatives to ensure that the ex-partner is not legitimately delayed in returning the child, immediately go to the police to file a missing person's report and request that they enter your child's description in the FBI's National Crime Information Center computer's Missing Person File (NCIC-MPF).

Missing Person's Report Different states have different laws and policies governing the taking of a *missing person's report* in the case of a child abducted by a parent. The National Child Search Assistance Act requires law enforcement to take promptly a report of a missing child. Most states will take a missing person's report if a custodial parent reports that the child has been taken in violation of a custody order. A few states will take a missing person's report from a noncustodial parent whose visitation rights are violated by the disappearance of the custodial parent with the child. There is no legal requirement that the abducting parent know that a custody order has been issued before a missing person's report will be taken or that criminal charges be filed before a missing person's investigation is opened.

Law enforcement policies are not uniform when parents have joint custody. Most agencies will take a missing person's report if a parent has joint custody, especially if the joint custody order provides specific times that the child is to be with each parent.

For a child born out of wedlock the mother may not be required to obtain a court order for custody if the state law presumes that she is the custodial parent. *See* "Unmarried Parents" on page 4 for a complete discussion of special considerations pertaining to children born to unmarried parents.

Enter Your Child's Description into the NCIC Computer Once you have reported your child as missing, state or local law enforcement authorities (police, sheriffs, and sometimes prosecutors) can enter the complete description of your abducted child into the FBI's NCIC computer system.

The abductor does not have to be charged with a crime in order for the information on the child to be entered into the NCIC Missing Person File (NCIC-MPF). Criteria for entry into the NCIC-MPF are similar to those of local law enforcement missing person's reports. Be sure to specify the nationwide NCIC, as law enforcement agencies may mistake area "Be On the Lookout" bulletins, also known as BOLOs, or teletypes for the national computer.

The National Child Search Assistance Act (42 USC §§ 5779 and 5780) requires law enforcement to immediately enter into NCIC **each** case of a missing child that is reported to the law enforcement agency. The law provides that no waiting period be established by law enforcement before accepting the report and entering the information into NCIC.

According to the Missing Children Act, you must go to the local law enforcement authorities first to have information about your missing child entered into the NCIC. If you are still unsuccessful at having this information entered, the federal Missing Children Act directs the FBI to enter this information at your request. The relevant part of the Missing Children Act is on page 103. State and local authorities have the primary responsibility for entering information into the NCIC computer system and are also governed by state law and policies.

Parents should make every effort to have the child entered into the NCIC computer system. An entry in the NCIC computer concerning your missing child can serve many purposes. The missing person's section of the computer database is primarily designed to provide law enforcement officers with easy access to basic information about persons whose whereabouts are unknown. Official agencies around the country may also use the NCIC-MPF to verify case information for other purposes. For instance, if the child is in the NCIC system, there is the remote possibility that he or she may be detected if the abductor is stopped for a traffic violation or any other offense.

The following steps should be followed

- call your local police or state missing children clearinghouse (if available) to find out what documentation you must present
- go to your local police station immediately with the necessary documentation and report your child missing. Provide a complete description of the child, including physical description, date of birth, age, grade in school, dental records, circumstances of disappearance, and the name and complete description of the abductor and his or her vehicle. Provide a recent photograph of the child and the abductor, if possible. *See* page 95 for a worksheet, entitled "Missing Person's Report for an

Abducted Child," that you can use to compile information for the report. If some of this documentation cannot be obtained easily, do not wait to gather all of it. You can make arrangements to send it to the police later. You may want to take a copy of the National Child Search Assistance Act with you. See page 104 for a copy of the full text.

- record the name, badge or ID number, and telephone number of the police officer who takes the missing person's report and the name of the department
- request a copy (or obtain the case number) of the missing person's report
- ask that all data regarding the missing child be entered into the NCIC-MPF. This data will include the names of the officers on the case, with office telephone numbers and instructions that they be contacted immediately. If the police are reluctant to perform this task explore the possibility of obtaining the NCIC forms from the investigating officer and filling them out yourself or with the assistance of a missing children organization.
- wait one day, and then check with police to ensure that the complete description of your missing child has been entered into the NCIC computer. Ask for a copy of the printout. If you cannot obtain a copy of the printout, obtain the police report number.
- if the information has not been entered into the NCIC computer, contact a local missing children organization or your state clearinghouse (if available) for assistance
- if your state does not have a clearinghouse or if your state clearinghouse or local missing children organization is unable to have your child entered into the NCIC-MPF, go to the local office of the FBI with the appropriate documents and ask them to enter the information. It may be a good idea to take a copy of the Missing Children Act (see page 103) and the National Child Search Assistance Act (see page 104) along with you.
- wait one day, and then visit the local FBI office and request confirmation that the entry was made
- NCMEC can check if your child has been entered into the NCIC-MPF. For this information call toll-free 1-800-THE-LOST (1-800-843-5678). NCMEC, however, is not authorized to enter a missing person's report into NCIC.

Ask the Police to Pursue a Missing Person's Investigation When your child's description is entered into the NCIC-MPF, ask the police to pursue a missing person's investigation to locate your child. A number of possible search techniques are listed in "Sources of Information" on page 35.

It is important to understand, however, that although most police agencies are authorized to investigate missing persons, the primary job of the police is to investigate criminal activity and bring criminals to justice. Accordingly, most police resources, personnel, and training are devoted to criminal investigations.

Missing children investigations present unique difficulties to police departments. They are labor-intensive investigations and frequently require that significant resources be expended to extend the investigation beyond the local city or town. Moreover, sophisticated document searches also require the services of investigators trained in white-collar crime.

Contact State Missing Children Clearinghouses Many states have established missing children clearinghouses in law enforcement agencies with statewide law enforcement authority. Many of these clearinghouses have the ability to assist a law enforcement agency with a missing child investigation. See page 89 for a list of these clearinghouses and their telephone numbers.

Criminal Charges

All states and the District of Columbia now have criminal laws that prohibit parental kidnapping and provide for the punishment of convicted abductors. Before a criminal investigation can be initiated, however, there must be evidence that a parent has broken the law. Most states require that the abductor have knowledge of the custody order he or she is accused of violating. This frequently means that if the child is taken before a custody order is made, no crime has occurred. Not all states also require evidence that the child has been taken from the state. Not all state criminal laws cover violations of visitation rights.

Because each state's custodial interference law is unique, you should read your own state's parental kidnapping laws. You may be able to obtain a copy of your state criminal laws from the state clearinghouse (if available), local missing children's organization, your lawyer, the police, the prosecuting attorney, or NCMEC. See the table entitled "Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers" on page 109 for the statute numbers of criminal custodial interference laws in each state.

Bear in mind that parental kidnapping might be punishable under the laws of the state to which the child was taken as well as the state from which the child was abducted. Read the parental kidnapping law for the state in which the child is located. If the local prosecutor is unwilling to prosecute, consider investigating whether criminal charges can be filed in any other state in which a crime has been committed. Also check the state's general kidnapping law and other laws that might apply to your case such as burglary, car theft, assault and battery, and so on. Share information about the abduction with the **police and prosecutor** so that they can evaluate whether these other statutes apply.

What is the Crime of *Parental Kidnapping*? Most states consider custodial interference, or parental kidnapping, a serious (*felony*) crime under some circumstances because of the grave risk of harm and danger to the child and the disruption to the stability of the parent-child relationship. Felony crimes are punishable by jail or prison terms longer than one year, or by payment of a stiffer fine, or both.

Less serious crimes are called *misdemeanors*. Misdemeanors are punishable by incarceration in jail for up to one year, or by payment of a fine, or both. In the case of both misdemeanors and felonies, the judge does not have to incarcerate a convicted offender, or may place an offender on probation and impose various conditions of probation such as a fine, restitution, community service, or restrictions on leaving the community.

Nearly every state treats interstate (between states) parental kidnapping as a felony crime. Extradition (the return of the defendant to the state where the crime was committed) is permitted for felony crimes. Extradition is not usually possible for misdemeanors. A warrant for the federal crime of Unlawful Flight to Avoid Prosecution (UFAP) can only be issued if the crime is a felony under state law for which extradition is sought by the local prosecutor. Only if a UFAP is issued can the FBI fugitive units assist in your case. A UFAP will not be issued if the fugitive parent's location is known.

Some states have made the concealment of the child a felony crime. Since the most serious cases of parental kidnapping occur when the child is concealed and the victim parent spends his or her life and livelihood searching for the child, it remains a major defect in many state laws that concealment is not treated more seriously.

Should You Press Charges Against the Abductor Parent? Many police agencies do not treat parental kidnapping as a serious criminal act because of their belief that some victimized parents press charges initially in order to barter for the return of the child only to drop them later when the child is located. When the police do not feel that parental kidnapping is a serious crime, they are reluctant to commit the police resources necessary to investigate fully.

You must give serious consideration as to whether you want to see the other parent charged as a criminal. Now is the time to think about how your child will feel when Mommy or Daddy is arrested, tried, or sent to jail. It may not be possible for you to drop the charges later on. Both you and your child may be called upon to testify in the criminal trial. This will prolong your involvement with the criminal system investigating and prosecuting the case and may make psychological recovery more difficult for both you and your child. Also you must be aware that a criminal conviction does not automatically terminate the abductor parent's visitation rights. For helpful information if your child is called to testify as a witness, call NCMEC's toll-free Hotline **1-800-THE-LOST (1-800-843-5678)** to request a copy of *Just in case...Parental guidelines in case your child is testifying in court.*

If you are determined to have the abductor criminally charged, prosecuted, and punished and are willing to assist the police, prosecutors, and court as requested, then criminal charges are appropriate to pursue, if your case meets the requirements of the criminal statute.

How to Pursue Criminal Charges Follow these steps in order to pursue criminal charges against the abductor

- obtain a copy of your state's custodial interference laws and a copy of the laws of the state in which the child is located. See the table entitled "Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers" on page 109 for references to the custodial interference laws of each state.
- be prepared to show the police or the prosecutor how the laws apply in your case. You may find it useful to talk to your lawyer, state missing children clearinghouse officials (if available), or a missing children's organization before you talk to the police or prosecutor.

- keep in mind that there is confusion about whether criminal charges can be brought against a parent who abducts a child in violation of a joint custody order. Some states have passed laws that make it clear that the criminal custodial interference laws apply to joint custody orders. In states that do not have such laws, legal arguments can be made that neither parent with joint custody can abduct the child without violating the rights of the other parent, and there is case law in some states to support this. The more detailed the joint custody order is about when, where, and with whom the child will live, the easier it will be to establish that a violation of the criminal law has occurred.

Even if criminal charges are not filed against the abductor parent, your rights under the joint custody order can still be enforced in civil court against the abductor parent once he or she is located.

- there may be confusion about which state can charge the crime. Is it the state in which the court order was obtained? Or is it the state from which the child was taken? Generally speaking, the state from which the child was taken charges the abductor with a crime. In cases in which the initial taking was lawful (such as during visitation), it is usually the state in which the unlawful acts (such as retaining or concealing the child) occurred, although the failure to return the child may also be covered by the law of the state from which the child was taken. It should not matter that the court order that was violated was obtained in another state if the order was a valid one.
- call the local prosecutor's office and find out who makes the decision to file criminal charges in the state where the crime occurred. Is it the police? Is it the prosecutor? Is it the local magistrate? Then make an appointment to speak to the person who makes the decision. You may want to have your lawyer or a representative of a missing children's organization attend this meeting with you. Take a certified copy of your custody decree with you which you can obtain from the Clerk of the Court or other appropriate official.

If the police, prosecutor, or magistrate has questions about the operation of the criminal laws, have them call NCMC's Legal Department at **1-800-THE-LOST (1-800-843-5678)** or the American Prosecutors Research Institute at (703)739-0321.

- make sure to ask the police officer, prosecutor, or magistrate to file *felony* charges rather than *misdemeanor* charges, if appropriate under the state law. Felony charges are more serious charges and more law enforcement resources can be assigned to resolve them, including some that make it easier to search outside your state, if necessary. Felony charges will enable the prosecutor to issue a nationwide warrant for arrest of the abductor through the Wanted Person File of the FBI's NCIC computer. Felony charges will also enable the prosecutor to seek a UFAP warrant and the FBI to offer investigative assistance if the abductor has left the state and concealed his or her whereabouts.

If you cannot obtain a felony charge, ask for misdemeanor charges. Use this opportunity to discuss with the police or prosecutor the use of subpoenas or search warrants and other special investigative tools to obtain private records in the search for the abductor and child. See "Sources of Information," on page 35, for additional search methods.

- if the prosecutor issues an arrest warrant, ask for the warrant number, along with the NCIC Wanted Person File number. You should use the warrant number on posters or fliers of your missing child. The NCIC Wanted Person File number should be cross-referenced to the NCIC Missing Person File number for your child and vice versa.

Will the FBI Search for My Child? The FBI plays a very limited role in cases of family abduction. The FBI is a federal law enforcement agency and, as such, investigates only federal crimes. Parental kidnapping is not a federal crime. State laws make parental kidnapping a crime, not federal laws. The federal crime of UFAP, however, can sometimes be used in parental kidnapping cases just as it is used in other kinds of state-law crimes.

The federal crime of unlawful flight to avoid prosecution can only be charged if the state crime has been charged as a *felony*. The state prosecutor must request the U.S. Attorney to charge the federal crime (18 USC § 1073). The state prosecutor must give assurances that the offender will be extradited and prosecuted. There must also be evidence that the abductor has left the state. A federal UFAP warrant will usually not be issued if the abductor's whereabouts are known, since in such cases the prosecutor can begin extradition without the help of the FBI. An exception might be made for cases of international abduction.

Parents cannot ask the FBI or the U.S. Attorney for federal UFAP charges, but parents can ask the local prosecutor to pursue UFAP charges. If a UFAP warrant is issued, the FBI is permitted to assist in the search for the abductor, make the arrest, and turn the abductor over to the state authorities for extradition and prosecution. A UFAP warrant, however, does not authorize the FBI to search for or recover the child. It only authorizes the arrest of the abductor.

If the child is with the abductor at the moment of the arrest, the FBI can turn the child over to the state authorities. The parent, therefore, should be prepared to recover the child by any legal method at the time of arrest. Further, it may be necessary in some cases for the parent to continue the search for the child after the arrest of the abductor.

Convincing the Prosecutor to Pursue Charges If the state prosecutor fails to file criminal charges *without justification*, ask to speak to the supervising prosecutor. Consider making an appointment to speak with or send a letter directly to the elected or appointed prosecutor. Rallying public support for prosecution may be very persuasive. Five ways to influence the prosecutor's decision are to

- ask local, state, and federal politicians to contact the prosecutor on your behalf
- obtain help from your state missing children clearinghouse (if available) or missing children's organization

- organize your family and religious/community organizations to begin a letter-writing campaign
- ask local law enforcement agencies to draft and publish law enforcement policies about parental kidnapping or missing child cases
- seek media coverage of your child's abduction, with emphasis on the need for criminal prosecution

A more permanent solution may be to join with other victimized parents to advocate for changes in the laws and in local law enforcement policies. Request that local law enforcement officers and prosecutors receive training in how to handle parental kidnapping or missing child cases. State missing children clearinghouses and missing children organizations may be of assistance. Do not overlook the influence of your local political parties and their election platforms.

NCMEC can send you *Selected State Legislation: A Guide for Effective State Laws to Protect Children*, which contains recently enacted law reforms affecting missing children. Call NCMEC to request a copy at 1-800-THE-LOST (1-800-843-5678).

The Criminal Investigation

If criminal charges are filed, the police can investigate in many ways. There may be instances in which the police or prosecutor can obtain information in the course of their official investigation that you cannot obtain yourself. You may suggest that the police review the search techniques suggested within this section, resources listed in "Sources of Information" on page 35, and discussion of the "Parent Locator Services" on page 30.

After the Abductor Is Criminally Charged Once the abductor has been charged with a crime, press for an active investigation by the police. You should simultaneously use all other available methods of investigation as well. It is important to work cooperatively with your police investigator, but you must be prepared to be an active participant in the search for your child. You may find it useful to talk to your lawyer, your state missing children clearinghouse (if available), or a missing children organization for ideas. This does not mean, however, that you should take over the police investigation.

At the same time, you must also work with the civil courts to secure and preserve your rights and to use all available civil remedies. Do not rely on the criminal process to vindicate your civil custody rights. The prosecutor is not your private lawyer. He or she represents the public interest in having the state's criminal laws enforced. Your own lawyer represents your personal interest in having your child returned and can go to family court on your behalf to accomplish this.

Enter the Felony Warrant into the NCIC Computer Most important, if the abductor is charged with a felony, the police should immediately enter the warrant for his or her arrest into the NCIC Wanted Person File for national dissemination to law enforcement agencies. Misdemeanor warrants will go only into a statewide computer system. This is not the same as entering the missing child's description into the NCIC-MPF of the computer, since the information on wanted persons and on missing persons is contained in different computer

databases. If a missing person's report has been entered into the NCIC computer, make sure that the entries in both the Missing Person File and Wanted Person File cross-reference each other.

"Be on the Lookout" Bulletins Police can issue "Be on the Lookout" bulletins, also called "BOLOs," "Attempts to Locate" ("ATLs"), or "All Points Bulletins" ("APBs"), to help other police agencies find the vehicle of the abducting parent. Such bulletins can be issued across state lines if a felony warrant has been entered in the NCIC computer. These are of limited value unless the police are in hot pursuit of the abductor or have a reasonable idea of where the abductor is fleeing.

Mail Covers This investigative tool is only available to law enforcement authorities and can only be used when a felony has been charged. It allows the U.S. Post Office to note return addresses and postmark information on mail believed to be useful in locating a fugitive. The mail is *not* opened. A mail cover can be used on individuals other than the actual abductor and can be used on someone who lives in another state. Mail covers can last for only thirty days at a time unless an application for additional time is approved. Information obtained in this manner can only be given to law enforcement officials for use in an official investigation.

Do some research first and find out what events in the lives of the abductor's family and friends might compel the abductor to send a letter or a card. Birthdays, anniversaries, the birth of a baby, the death of a family member or close friend, and so on might trigger a communication from the abductor. Make sure to tell the police investigating your case about these important dates.

Cross-Check SSN Against DMV and Nationally Through NLETS In some states it is possible for the police to run an abductor's name and Social Security Number (SSN) in a computer match program against the Department of Motor Vehicles (DMV) records of all fifty states and the District of Columbia. Information about new or additional driver's licenses held by the abductor or about motor vehicle violations received in another state may be useful in locating the abductor parent. Further, police in most states are able to run a similar computer match program through the National Law Enforcement Telecommunications System (NLETS) teletype, that may pick up additional information about the abductor parent's movements or whereabouts.

Search Warrants and Subpoenas Police investigators can use search warrants to gain access to the abductor's former residence to determine if the abductor left behind any clues. It will frequently be necessary to trace the abducting parent's source of income or financial support. Parental kidnapping investigations can be very much like investigating white-collar crime. See "Sources of Information," on page 35, for information on the types of documents the police should try to obtain.

File Charges Against Accomplices If an abducting parent is receiving assistance from friends or relatives in the concealment of the child (and if sufficient evidence exists to prove this), then law enforcement authorities should not overlook filing charges against the accomplices to the crime.

Outstanding Warrants Police investigators can check with the local law enforcement agency to see if the abductor has prior convictions of other crimes, and can check periodically for outstanding warrants.

Contact State Missing Children Clearinghouses Many states have established missing children clearinghouses in agencies with statewide law enforcement authority. Many of these clearinghouses have the ability to assist with a missing child investigation. *See* page 89 for a list of these clearinghouses.

Parent Locator Services The *Federal Parent Locator Service (FPLS)* is a computerized national location network operated by the Office of Child Support Enforcement (OCSE) in the U.S. Department of Health and Human Services. It was originally established to provide address and SSN information to state and local child support agencies to locate absent parents for child support purposes. The Parental Kidnapping Prevention Act (PKPA) broadened the function of the system by allowing its use in parental kidnapping and child custody cases for the limited purpose of criminal actions and civil custody proceedings. *See* page 41 for a detailed description of the Parent Locator services.

Project ALERT In partnership with America's leading law enforcement associations, NCMEC has established a program to utilize retired law enforcement professionals as volunteer resources available to law enforcement agencies grappling with missing child cases, child homicides, and child exploitation issues. This volunteer assistance is offered solely for the benefit of the investigating agency. In addition to providing assistance to evaluate, develop, and suggest new approaches to cases, the volunteers are also available for public speaking and community awareness programs. Law enforcement agencies may call NCMEC at 1-800-THE-LOST (1-800-843-5678) for more information on this program.

The Arrest

You should ask the police to keep you informed about the status of your case, especially when they are about to make an arrest. Follow the instructions of the arresting officer concerning where you should be at the time of the arrest. **Do not go to the scene of the arrest unless you are requested to do so by the arresting officer.**

Extradition When the abductor is arrested in another state, he or she may agree to return voluntarily to the state in which the criminal charges are pending. If not, the state prosecutor will have to *extradite* (legally force the return) and pay for the return of the abductor before a criminal trial can take place. Remember, the decision to extradite involves considering the seriousness of the crime and the financial resources of the local prosecutor's office to extradite the offender. Not every offender is extradited. Family abduction cases must compete with all the other felony crimes for priority in the budgeting of extradition funds.

What Will Happen to My Child After the Abductor's Arrest? In most states the police are not required by law to give the child to the searching parent when they arrest the abductor. The police are also not required to search for or pick up the child if the child is not with the abductor at the time of the arrest. It may be necessary to go to civil court to enforce your custody order and obtain a court order which both requires the return of your child and directs the police to assist in picking up your child. *See* "Pick-Up Order" on page 55. Have

the police or prosecutor obtain a pick-up order for you if your child is in an area of the country where this can be done. If not, be prepared to have your lawyer coordinate with the police and obtain a pick-up order in advance of the arrest so that the child can be picked up at the same time.

It is best if you are available to take physical custody of the child at the time of the arrest. If you cannot afford to travel to the town where the arrest will be made, it may be possible to obtain financial assistance. For more information about possible assistance, contact NCMEC at 1-800-THE-LOST (1-800-843-5678), your state missing children clearinghouse (if available), your nearest missing children's organization, or a victim assistance program in the jurisdiction where your child is located.

If you are unable to pick up your child yourself at the time of the arrest, it may be possible to ask a friend or relative to do so. *Make arrangements with the police department in advance* to make sure that they will be able to turn over your child to someone other than you. If the police are unable to accommodate you in this matter, it may be possible in some states for you to place your child temporarily with a state or county child protective services agency. If this occurs, an additional court hearing may be required before the child is released to your custody.

Conviction and Punishment

If the abductor is convicted of or pleads guilty to parental kidnapping, it is very important for the victim parent to ask the prosecutor to seek an appropriately strict sentence. Try to attend the sentencing hearing yourself.

There are a number of reasons incarceration (a jail or prison term) might not be ordered. The judge might be unwilling to impose it. You might not want it. It might prove to be too stressful for your child to see Mommy or Daddy go to jail. If incarceration is not ordered, the judge should be asked to consider a stiff fine as well as restitution to you for the costs of locating and recovering your child.

Additionally, a good precaution against another abduction is to have the prosecutor ask the judge to order the abductor to report regularly to a probation officer. Also, you can ask the judge to prohibit out-of-state travel without prior written approval. The court might also consider requiring the abductor to post a bond that would remain in effect during the period of probation prior to resuming visitation with the child. The victim parent may also seek a bond of unlimited duration in civil proceedings. *See "Post a Bond" on page 7* for additional information about such bonds.

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

After the Recovery

Victim Assistance All states have enacted laws that give certain rights to the victims of crime. These laws vary. Some states give the victim the right to be heard at the sentencing of the offender. You should consult with the prosecutor or probation officer about submit-

ting a "Victim Impact Statement" to the court prior to sentencing. Many state laws provide that convicted offenders can be required to pay restitution to the victims of their crimes.

Some states have enacted laws specifically addressing the needs of the families of missing children. Other states have certain *victim assistance laws* that may help you to obtain financial and other assistance after the crime. Although most of these programs were designed to aid victims of violent crimes, a few may apply to nonviolent crimes, including parental kidnapping.

Your state crime victim compensation program should be able to tell you about what your state law provides to crime victims. For information on your state's crime victim program and how to reach it, contact the National Organization of Victim Assistance, 1757 Park Road, NW, Washington, DC 20010, (202) 232-6682 or the National Victim Center, 2111 Wilson Boulevard, Suite 300, Arlington, VA 22201, (703) 276-2880. Your prosecutor's office may also be able to tell you if such programs are available in your state.

For information on special laws to help the families of missing children, contact NCMEC's Legal Department at 1-800-THE-LOST (1-800-843-5678).

Suits to Recover Expenses Incurred Searching for the Child Under the Uniform Child Custody Jurisdiction Act (UCCJA) and the Parental Kidnapping Prevention Act (PKPA) a searching parent may recover the money spent to locate and secure the child's return from the abductor, if the judge so orders. These should be requested by the searching parent's attorney in the pleadings. These laws, however, do not compensate the parent and child for the emotional anguish they suffered. They also do not hold those who assisted the abductor financially responsible for their actions.

Child-snatching lawsuits allow victim parents and children to sue the abductor and anyone who assisted the abductor for the suffering caused by the abduction. The persons bringing the suit may seek money damages. Parents should consider pursuing both types of suits to recoup expenses and obtain compensation. For more information on these lawsuits see "Child-Snatching Lawsuits" on page 18.

4. Searching for Your Child

Once you have filed a missing person's report with the local police, requested assistance from the police and prosecutor, and hired a lawyer to obtain or enforce your custody decree, there are many ways that you can help the investigation on your own.

First, you should contact your state missing children clearinghouse (if available) or nearest missing children's organization for information and advice. Then you can begin investigating the whereabouts of your child and the abductor by contacting a number of information sources listed in this chapter.

You should expect to be an active participant in the search for your child. No investigator knows the case as well as you, and no one else has as much at stake as you do. It is not, however, realistic to believe that obtaining information to help your search will be easy. Remember to try the abductor's married name, maiden name, and variations of the name, for instance, the first and middle names only.

Privacy laws and policies may make it difficult to obtain some information. Be persistent (but polite), and be prepared to present assurances of your right to the information you are seeking. If you cannot get the information one way, you may be able to obtain it in another way.

If all else fails, try to obtain a subpoena or court order for the disclosure of the information you are seeking. You can conserve your financial resources (and save time) by identifying first those sources that will not release information without a subpoena or court order, and then choosing those most likely to have information about your case. Then work with your lawyer to obtain the necessary subpoenas and any other civil court orders for this information. If criminal charges are being investigated, the police or prosecutor may be able to obtain issuance of criminal subpoenas or search warrants to obtain the desired information.

Use the following sources of information, in cooperation with police, attorneys, and missing children's organizations, to help you find out where the abductor has taken your child. Remember that major libraries frequently provide a call-in information service and will check many information listings for you. *Note:* Because the abductor may change addresses several times, you should repeat your investigation every six months to a year.

The National Center for Missing and Exploited Children

The National Center for Missing and Exploited Children (NCMEC) is a national clearinghouse and resource center created to provide technical assistance in cases of child abduction, missing children, and child sexual exploitation. NCMEC employs former criminal justice system and youth services professionals who have worked on the state and local levels around the country and who have broad expertise in handling cases involving missing or exploited children. Primary funding for NCMEC comes from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice.

NCMEC maintains a toll-free Hotline **1-800-THE-LOST (1-800-843-5678)** for use by individuals who believe they have information that could lead to the recovery of a missing child. Parents can call this toll-free number and report a missing child. Hotline Operators and the Case Management staff assist parents in exploring all available resources at the time the report is received. Hotline Operators can also confirm whether or not the child has been listed in the FBI National Crime Information Center computer's - Missing Person File (NCIC-MPF). Parents can use NCMEC's toll-free Hotline number on posters displaying information on their missing child *once the child is registered with NCMEC*. A case may be registered with NCMEC if a custody decree has been issued granting the caller custody rights, a missing child report has been made with the local law enforcement agency, and the child has been entered into the NCIC-MPF.

NCMEC staff members are available to talk over problems in the search process with victim parents. NCMEC's legal staff members will consult with your lawyer or the prosecuting attorney on legal issues. Every parent calling the Hotline to report their child as a victim of parental kidnapping will receive this handbook and single copies of other helpful publications. NCMEC distributes a number of publications designed to help parents, law enforcement, and lawyers find and recover missing children.

If the abductor has been charged with a crime, NCMEC can arrange for national distribution of your child's photograph and description. NCMEC staff members may also be able to help qualified parents who must travel in order to recover their missing children. Contact NCMEC's toll-free Hotline at **1-800-THE-LOST (1-800-843-5678)** to determine if you are eligible for assistance from one of these programs.

State Missing Children Clearinghouses

Many states have established agency programs to assist parents in locating and recovering their missing children. The scope and extent of each program varies, but may include statewide photo dissemination, assistance in obtaining information from state agency records, assistance in having your child entered into the FBI's NCIC-MPF, law enforcement training programs, or technical assistance on case investigations. Please contact your state missing children clearinghouse (if available) to find out what services it can provide in your case. *See* page 89 for a list of these clearinghouses.

Missing Children's Organizations

Missing children's organizations (nonprofit organizations or NPOs) are usually small, local groups of victimized parents or other concerned citizens dedicated to the issues of missing and exploited children. Frequently, they can offer direct assistance to a parent searching for a child. They may be familiar with local law enforcement, legal, and social services policies and procedures. In addition they may be able to help a parent organize the search and recovery process. They may be able to help you locate information or provide assistance with media coverage. Through the missing children's organization network, you may be able to obtain assistance in another state.

Missing children's organizations vary widely in their scope of services. Most of them are nonprofit organizations and do not charge for their services. If your area does not have a local missing children's organization, contact the one nearest to you or try to work with a state or local victim assistance program. You are probably not the only parent in your area with a missing child. You may receive help from other parents, concerned citizens, church or synagogue members, or community organizations. Call NCMEC at 1-800-THE-LOST (1-800-843-5678) and request the *Nonprofit Service Provider's Handbook* if you want more information on nonprofit organizations.

Sources of Information

There are many sources of information available that a searching parent can utilize in locating the child and the abductor parent. Although a searching parent should attempt to use every available resource, it is important to realize that because of privacy laws, not all sources will be available to a parent. Some can only be used by law enforcement, and others will be available only by court order or subpoena. If a court order and the assistance of law enforcement is needed, your lawyer can assist you in requesting such an order. See page 50 for an "Information Source Checklist."

Airlines, Bus, and Train Contact the airlines to find out if the abductor and the child had reservations on a flight. If the abductor has left the area recently, show pictures of the abductor and the child to employees in the local airline terminals. You may have even better success if you give copies of your child's picture to airline employees to post in employee meeting places. You should also go through the airport parking lots and look for the abductor's car. This can help verify that the abductor did leave the area and a parking stub in or on the car can help narrow the time of his or her departure and let you focus on particular flights the abductor may have taken. Likewise, local bus and train terminals should be checked to find out if the abductor and child used those modes of transportation to leave the area.

Alcohol and Drug Rehabilitation Centers If the abductor has an alcohol or drug dependency problem, check with alcohol or drug rehabilitation programs or the local Alcoholics Anonymous chapter in the location you believe the abductor to be living.

Banks Check with the abductor's bank to find out whether an account has been closed and whether funds have been transferred to another account or another bank. Obtain records of transactions for several months prior to the abduction and ask for copies of cashed checks returned after the abduction. If the account was closed and the funds were taken in the form of a cashier's check, find out where it was cashed or deposited. Determine if there has been a history of direct deposits and, if so, from where the funds came. If a checking account remains open, find out whether any checks have been used since the abduction. If so, keep track of any new transactions. Banks usually keep records of checks for five years and deposits for two years.

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

Birth Records From time to time a parent will be required to produce a birth certificate for the child, for instance, if there is a likelihood of the child being taken out of the country or if the child is enrolling in school. The birth certificate should be "flagged" by the Bureau of Vital Statistics. The "flagging" laws described in "School Records" on page 45 also apply to birth certificates.

Child-Snatching Lawsuits While not suited for all child-snatching cases, in appropriate cases these lawsuits may result in disclosure of information useful in discovering the location of the abductor and child. See "Child-Snatching Lawsuits" on page 18.

Clubs and Organizations Contact any clubs or organizations to which the abductor belonged to find out if the abductor notified them of a change of address. Think of any hobbies and sports the abductor has pursued. Once you focus your search on a particular location, check local team registrations and hobby material suppliers for additional information.

College and Trade School Records If the abductor attended college or trade school and would need transcripts to apply for jobs or higher education, contact the college or trade school registrar and find out where the transcripts were mailed. Ask to be alerted promptly if the abductor requests these documents. Contact the placement office to see if the abductor has requested placement services or job references.

Compelling Disclosure by the Abductor's Lawyer A few courts have required that the abductor's lawyer reveal the location of the abductor or the abducted child. This will not always work because the lawyer-client privilege usually allows the attorney to keep confidential any information about the client. Parents have been successful in a few such cases, however, especially if they can convince the judge that such disclosure is in the child's best interest.

Computerized Databases Much information, such as real property records and telephone directories, is available through commercial database searches. While some of these services can be expensive, they may provide more current information than is available in telephone books, cross-directories, and other printed sources.

Court Records Once you focus your search on a particular geographic area, it may help to check court records of all nearby counties, districts, or parishes to find out if any criminal or civil actions have been filed against the abductor parent. Information contained in those records could be valuable both in locating the abductor and in ensuring the return of your child. Also check with the local child protective services agency to find out if there have been any reports of child abuse, abandonment, or neglect concerning your child.

Credit Bureaus Several commercial companies, such as TRW Credit Data and Equifax, maintain national files on each individual's credit purchases. Contact these companies and find out what address they have for the abductor. Follow up with checks on individual credit accounts. Check your local telephone book for the office nearest to you. Ask the court to order the credit bureau to "flag" its records and notify you if the credit bureau receives any information on the abductor's whereabouts.

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

Cross-Directories Several companies publish *cross-directories* that cross-reference addresses with telephone numbers and provide additional information about the residents of an address, if available. For example, if you have a telephone number, the cross-directory will provide the address for that number. If you have an address, it will list the telephone number. You may be able to obtain a telephone number even if it is unlisted. Cross-directories have been compiled for most metropolitan areas. Law enforcement agencies frequently have a copy of the local cross-directory and may allow you to use it, upon request. Also check public libraries, child support enforcement offices, local Chamber of Commerce, or your nearest missing children organization.

Customs Service The U.S. Customs Service computer system collects information at border checkpoints and in airports. See page 64 for more detailed information about the U.S. Customs Service.

Department of Motor Vehicles Ask the state Department of Motor Vehicles (DMV) to check on recent car registrations, title transfers, new licenses, and license renewals for the abductor. In the case of a new car registration, it may be possible to find out the name of the car dealership that sold the car. Contacting the dealer may lead to other information about the abductor.

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

Employers Check with the abductor's last known employer to find out where paychecks and health benefits are being forwarded. You may also be able to find out from the employer whether the abductor has requested job references and, if so, from where the request came and where the references were sent. Ask to be alerted if the company is contacted by the abductor. Find out who the abductor listed as the next of kin for emergencies and as a beneficiary for insurance policies. Interviews with co-workers may be productive.

Federal "Forward a Letter" Programs A few federal agencies, such as the Social Security Administration and the Internal Revenue Service, will forward a letter written by you to the child if the child's address is known to them. This can be especially helpful in cases of long-term parental abduction in which the children are now teenagers or grown. For more information about this program, contact NCMEC, your state missing children clearinghouse (if available), your nearest missing children's organization, or your United States Senators or Representative.

Firearm Registrations If the abductor owns firearms, contact the state agency that registers such weapons in the state you believe the abductor to be living to determine if the abductor has a record of registration. A teenage child may be required by state law to obtain a license in his or her own name.

Friends and Relatives of the Abductor Since an abductor is assisted frequently by other people in taking or concealing the child, all relatives, friends, and coworkers of the abductor parent should be contacted and questioned. Give the police and your lawyer a list of full names, addresses, and telephone numbers of all such persons, and dates of birth if possible, and suggest that they be interviewed. Your lawyer may decide to subpoena them to testify under oath. If criminal proceedings are being investigated, the local prosecutor may also be able to subpoena them to testify under oath.

If you are on good terms with the abductor's parents or siblings, it is helpful to stay in touch with them. They may tell you if they hear from the abductor. Ask them to save any letters and envelopes from the abductor for the postmark.

Focus your search in places where the abductor might like to visit or live. Find out where the jobs in the abductor's occupation are readily available. Find out where the abductor once lived and interview old friends and neighbors since the abductor may have sought the help of an old friend. Talk to the abductor's former coworkers and former employers. If the abductor has left with a new spouse or a new partner, check all sources on the new companion as well as the abductor.

Garbage If you are quick enough, you may be able to examine the garbage left behind by the abductor for clues as to where he or she went. Old letters, old telephone bills, holiday and birthday cards, etc., may contain information about the abductor's intentions. Also consider checking the garbage of anyone who may be helping the abductor conceal the child. Some courts have extended privacy rights to garbage, and so you should determine the legality of this technique before you use it. If your state protects privacy rights to garbage, obtain a court order allowing you access to it. Be careful not to trespass on private property.

"Hangouts" Check the kind of "hangouts" (bars, racetracks, poolhalls, and so on) frequented by the abductor parent in the area you believe the abductor is living. Show people pictures of the abductor or the child.

Hunting and Fishing Licenses If the abductor is a hunter or a fisherman, contact the state department of fish and game in the state you believe the abductor is living and find out if a license has been issued to the abductor. A teenage child may be required by state law to obtain a license in his or her own name.

Immigration and Naturalization Service (INS) Abductors who are foreign nationals may attempt to return to the United States after taking a child out of the country or may need to be in contact with INS regarding their visa status. See "Contact the Immigration and Naturalization Service" on page 63 for more detailed information about INS.

Insurance Contact the life, health, and automobile insurance companies that insure the abductor. Ask if they have heard from the abductor with either a change of address, a request to transfer coverage, or a claim. If insurance coverage has been purchased for a new car, find out where the car was bought and where it is being kept. If the abductor has changed insurance companies, contact the second insurance company as well. Find out if there has been a recent change of beneficiary or if the abductor has taken a loan out against the policy. Ask the insurance companies to notify you if they hear from the abductor.

Loans If the abductor has any loans outstanding, contact the lender (bank, finance company, car dealership) to find out whether payments on the loan are being made. If so, ask the lender to save the envelopes in which payments are mailed so that you can check the postmark. If payments are made by check, contact the bank that has the account for address information on the abductor. Find out if the lender still has the title to the abductor's car. If so, ask where they will send it when payment is complete. If the abductor has defaulted on the loan, the lender may also be trying to locate the abductor. Find out what collection agency the lender is using and offer to exchange information. Collection agencies for car-leasing companies are also good candidates to approach. Do not forget to consider student loans.

Libraries Check to see if the abductor has provided a change of address for his or her library card in your community or has applied for a card in the community where you think he or she may now be living. Also check for cards issued in the child's name.

Magazine or Newspaper Subscriptions Many people continue to keep up with activities in their home towns by subscribing to the local newspaper. In some cases abductors have placed messages in their home town paper to communicate with friends and family members left behind. Contact the abductor's home town paper periodically to find out if the abductor has obtained a subscription. If the abductor has subscriptions to any magazine or newspaper, contact the company's business office to find out whether the abductor has submitted a change of address.

Marriage License Applications In cases where there is a likelihood that a female abductor may have remarried, check marriage license records in your community and places where the abductor may have gone to get information on a new name the abductor may be using.

Media Coverage Television, radio, newspaper, and magazine coverage of your case may help you find your child. Contact local and national media with your story. Make sure to have a recent photograph and complete description of your child and the abductor, with the numbers of the criminal warrants against the abductor. Give telephone numbers (with area codes) where you can be reached at all times. If you cannot obtain the media's help, you should seek assistance from your state missing children clearinghouse (if available) or missing children's organization. If a criminal warrant has been issued (misdemeanor or felony) relating to the kidnapping, NCMEC can help with media coverage. Call NCMEC's toll-free Hotline at 1-800-THE-LOST (1-800-843-5678). It is best to target a specific area for media coverage. A television story aired in one town has little chance of recovering a child concealed in another part of the country. National media coverage is helpful but may be difficult to obtain.

Medical and Dental Records It may be necessary to confirm inoculations for childhood diseases in order to enter a daycare program, school, or summer camp. Ask the medical provider to alert you or the authorities if any request for the records is received.

Contact doctors, dentists, pharmacies, and hospitals that have provided healthcare to your child or the abductor. Ask if they have received any requests to transfer records to another doctor, pharmacy, or hospital in a new location. If so, find out where the request originated and where the records were sent. Some national or regional chain pharmacies keep computerized records of customers' prescription purchases and you may be able to learn if the abductor has filled a prescription at a pharmacy within this chain at a new location. Ask the healthcare provider to notify you or the investigating officer if any contact is made by the abductor parent.

Military Worldwide Locator Services To locate an abductor, write to the *Worldwide Locator Service* for the branch of the military service that employs or employed the abductor. Request the most recent duty assignment and location of the abductor. Include the abductor's full name, Social Security Number (SSN), date of birth, rank, and last known assignment. There is a small charge for this service. Following are the addresses and telephone numbers of the military locator services.

United States Army

Army Worldwide Locator Service
Fort Benjamin Harrison, IN 46249-5301
(317) 542-4211

United States Air Force

Headquarters, AFMPC/BPMD 003
Attn: Worldwide Locator Service
Randolph AFB, TX 78150-6001
(210) 652-5774

United States Navy

Naval Military Personnel Command 036CC
Navy Locator Service
Washington, DC 20370
(703) 614-3155

United States Marine Corps

Commandant of the Marine Corps
Headquarters, Marine Corps
Code MMRB-10
Attn: Worldwide Locator Service
Washington, DC 20380-0001
(703) 640-3942

United States Coast Guard

Commandant, U.S. Coast Guard
Coast Guard Locator Service
2100 - 2nd Street, SW
Washington, DC 20593
(202) 267-1615 (pertaining to enlisted personnel)
(202) 267-1667 (pertaining to officers)

Office of Personnel Management If the abductor is a retired military or retired civil service member and receives a retirement check or is an active civil service member, consider contacting or obtaining a subpoena for records of the Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, (202) 606-2424.

Parent Locator Services The *Federal Parent Locator Service (FPLS)* is a computerized national location network operated by the Office of Child Support Enforcement (OCSE) in the U.S. Department of Health and Human Services. The FPLS receives SSN and address information from the Social Security Administration and the Internal Revenue Service. It receives address information from the National Personnel Records Center, the Department of Defense, the Veterans Administration, the Selective Service System, and the Department of Labor.

The FPLS was originally established to provide address and SSN information to state and local child support agencies to locate absent parents for child support purposes. The Parental Kidnapping Prevention Act (PKPA) of 1980 broadened the purpose of the FPLS by allowing its use by *authorized persons* in criminal parental kidnapping cases and civil child custody proceedings. An authorized person can request an FPLS search through the records of the seven federal agencies in order to locate an absent or abducting parent for purposes of making or enforcing a child custody order and for investigating or prosecuting a criminal parental kidnapping case. With respect to civil custody proceedings, the Office of the General Counsel of the Department of Health and Human Services has interpreted the PKPA to mean that a civil action to make or enforce a child custody order must have been filed prior to seeking address information from the FPLS.

The address information maintained by each agency is updated only once a year. The FPLS is most useful in those cases in which the abductor parent has been gone for more than six months or is receiving some sort of federal benefit or entitlement from one of the six agencies.

The law does not permit parents to initiate inquiries on their own behalf: Parents are **not** "authorized persons." In order to use the services of the FPLS for parental kidnapping and child custody cases, a parent should contact an authorized person in his or her state of residence. Generally speaking, *authorized persons* include

- *state court judges*, in an action to make or enforce child custody or visitation orders, can authorize an FPLS inquiry
- if the state has an agreement with the OCSE, *police officers* and *prosecutors* (if criminal custodial interference charges are being pursued) and *state officials* and *state attorneys* (acting to enforce child custody or visitation orders) can initiate an FPLS inquiry

- if a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant has been issued, *FBI agents* and *U.S. Attorneys* can initiate an FPLS inquiry directly to the FPLS. The state need not have an agreement with OCSE when the request is made by the FBI or U.S. Attorney.

To initiate an FPLS inquiry the parent should request that the authorized person (other than the U.S. Attorney or FBI agent) write a letter or sign an authorization form certifying that inquiry is made in pursuance of a criminal custodial interference case or is needed for a child custody or visitation case and should request that the state or local child support agency submit the case to the FPLS to locate the abductor. See page 97 for a sample request for authorization to use the FPLS. *Note:* state court judges may request that you file a *motion* (a formal court request) to obtain this authorization.

The authorization should be sent to the *State Parent Locator Service* along with the information necessary to identify the abducting parent. See the table entitled "Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers" on page 109 for a list of the telephone numbers of the State Parent Locator Services. To submit a case to the FPLS you will need to provide the abducting parent's name and SSN. If the SSN is not known, it may be possible for the FPLS to identify the abducting parent's SSN. For the FPLS to do this you must provide them with additional information about the abductor.

If the FPLS obtains any information on the abducting parent, it will be returned to the State Parent Locator Service (or local locator service) and then to the authorized person. Federal confidentiality laws require that the information obtained in the FPLS be used by the authorized person for official purposes and not given to unauthorized individuals.

The FPLS charges 70¢ to process a parental kidnapping search. The state has the authority to charge an additional processing fee to cover its costs. Parents must be prepared to pay these fees at the time the request is submitted.

For more detailed information about the use of the Federal Parent Locator Service, see the brochure entitled *Just in case...Guidelines on using the Federal Parent Locator Service in cases of parental kidnapping and child custody*, available from NCMEC at 1-800-THE-LOST (1-800-843-5678).

Each state maintains a **State Parent Locator Service** that performs a similar service searching for information about absent parents among the records of the state government. Not all states allow the State Parent Locator Service to be used in cases of parental kidnapping or child custody. Your state parent locator service can provide further information about record information in a parental abduction case.

Passports and Visas Find out if a passport has been issued to the abductor or to your child. If so, ask what address is listed on the passport application. The Office of Citizenship, Appeals, and Legal Assistance, U.S. Department of State, is located at 1425 K Street, NW, Room 300, Washington, DC 20522-1705, (202) 326-6168. Also contact the embassies and consulates of any foreign countries that the abductor would be likely to visit to find out if the abductor has applied for any visas or foreign work permits. Determine what address is listed on the application and in what countries the abductor and child will be traveling.

Pet Licensing and Veterinarians If the abductor parent took the family pet or is likely to have acquired a pet, check the records of the local government agency that licenses pets in the area you believe the abductor to be living. If the abductor took the family pet, it may be productive to contact the local veterinarian and ask to be alerted if he or she receives a request for the inoculation records of your animal. If the abductor contacts the veterinarian, the police should be notified. Also check veterinarians in areas where the abductor may be living. Show pictures of the abductor or child and give copies to those who may be willing to help.

Photograph Dissemination It is very important that parents have a clear recent photograph of their child. It should be a close up of the face with a background that does not distract from the appearance of the child. A videotape of the child with a clear nondistracting background is also helpful. You will want to print a *flier* or *poster* of your missing child with a recent photograph and complete description including age, hair and eye color, height, weight, birthmarks, grade in school, hobbies, sports, and so on. Also include the telephone number for the police department investigating the case (obtain the department's permission first). If there is a warrant out for the abductor's arrest, include the warrant number on the flier. You may also want to include the abductor's picture on the poster. Send the flier or poster to the media, schools, and nonprofit organizations located in the area you believe your child to be living. Consider offering a reward for information that results in the child's safe return. See page 98 for a sample missing child flier or poster you can use. If the abductor has been charged with a crime, NCMEC can arrange for national distribution of your child's poster.

Searching parents can write to the state superintendent of schools (or the secretary of education) in every state in the country for help in locating their children. You should send a photograph or poster of your abducted child with the child's complete description including age, date of birth, and last grade and school attended. Also send a copy of your custody order (certified, if possible) and indicate in your cover letter the warrant number of any criminal warrant issued against the abductor. Provide your name and telephone number at home and at work. Ask that the child's photograph and description be circulated throughout the state's school system.

If the superintendent of schools is unwilling to circulate your child's picture, ask for a list of all the schools (public and private) in the state so that you can write to them yourself. Some nonprofit organizations serving missing and exploited children and their families may be able to help circulate your child's picture to school systems around the country. Also find out if the state superintendent of schools maintains information about students in home education programs and, if not, who in the state has that information.

In the case of preschool-aged children, obtain a list of all preschools, licensed daycare centers, and babysitters and write to them. You may be able to obtain a list of licensed daycare providers from the state or county child-care licensing agency.

Send a poster or press release and photograph of your child with a letter to after-school, child-care, recreation, and park programs; public libraries; Scouts; Campfire Girls; YMCA / YWCA child-care and youth activity programs; homeless shelters; and any mayor's youth programs. Scouting organizations and state Parent Teacher Associations can provide the address of local chapters. Contact individual cities and counties to learn about their park and recreation programs as well as other civic child-care and youth activity programs.

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

In cases in which the child has been missing long enough for age to alter his or her appearance significantly, you may want to explore the possibility of having your child's photograph "age-enhanced." Using computer technology, medical knowledge, and photographs of parents or older siblings, it is possible to estimate how a child's features will change with age and to produce an "age-progressed" photograph or illustration. Further information about this technique and its availability can be obtained from NCMEC at **1-800-THE-LOST (1-800-843-5678)**.

Places of Worship Check with the church, synagogue, mosque, or other place of worship where the abductor had been a member to find out if there has been a request to forward membership information to a new place of worship. Check with similar organizations in the location where you think the abductor may now be.

Postal Service Follow your local post office's procedures for discovering the abductor's forwarding address. If the post office has not been notified of an address change, ask if a hold has been placed on the mail. If so, try to find out who is authorized to receive the mail. See "Mail Covers" on page 29 and ask your police department to seek a mail cover if felony charges have been filed.

Private Investigators If you are considering hiring a private investigator to help locate your missing child, it may be worthwhile to investigate the investigator first. You may want to check with your attorney for a referral.

If a license is required in your state, make sure the detective has one. Contact the Better Business Bureau or Consumer Protection Office to make sure that the investigating agency or detective is reputable, and find out if any complaints have been made. Ask the detective for references and check them. Avoid any detective (or lawyer) who promises to perform a "snatch back," as this is disruptive and harmful to the child and may prejudice the legal case of the parent who authorizes such conduct. In some states a "snatch back" is a crime.

Another way to find a trustworthy and effective private investigator is to ask missing children's organizations for their recommendations. Some missing children's organizations employ a private investigator as a consultant. Talk to other victimized parents who have used the investigator. Once you have hired the investigator, notify all those working on the case, such as the police and the District Attorney. Search activities should be coordinated to the fullest extent possible to avoid costly and time-consuming duplication of services.

Warning: It is a good idea to have your lawyer review any contract with the investigator before you sign it or pay any money. Many people have complained about contracts with no limit to the fee or that do not provide protection against unauthorized add-on fees. Be sure to negotiate a fee before signing the contract, and include the fee within the written contract. You can request the court to have these fees included in a court ordered reimbursement from the abductor when the case is concluded.

Probation and Parole Officers If the abductor had been on probation or parole for a prior offense, check with the local probation and parole office to see if the abductor has reported a new address. If they have no new address, they may also be willing to provide assistance in locating the abductor who may be in violation of the terms of the probation or parole.

Professional Licenses If the abductor practices a profession (for example, medicine) or a trade that requires a state or county license, contact the state or county licensing board where you think the abductor may be living. Ask if a license has been issued to the abductor and where in the state the abductor is practicing. Request to be alerted if an application for a business license is received. Contact professional associations (bar and medical associations) if membership is needed to practice the profession in that state.

Rental Cars Sometimes the abductor will rent a car or van to leave the area. Check with area car and truck rental agencies to determine whether a vehicle has been rented and, if so, when and where it was returned.

School Records Federal law, the Family Educational Rights and Privacy Act (FERPA) 20 USC § 1232g, permits a parent to find out from school officials whether his or her child's school records have been transferred to a new school or if copies have been sent to the other parent. If the records have been forwarded to a new school, the parent is entitled to learn the name, address, and telephone number of the new school. Once that school is contacted the parent is entitled to the child's new address and telephone number. When you contact the school officials, state clearly that because you are the child's parent, FERPA entitles you to the information. *See* page 107 for the relevant FERPA text. Give the school officials the reference to the federal law. Ask them not to notify the other parent of your inquiry. *See* page 99 for a sample letter requesting records under FERPA. For more information contact the Director of FERPA, FERPA Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4603, (202) 732-1807.

A parent can prevent the transfer of school records by giving the school a copy of a court order that specifically prohibits access to school records by the other parent. If the abductor parent then requests the transfer of the child's records, the records will not be transferred, and the custodial parent will be notified.

The noncustodial parent may realize that his or her location is known to the victim parent when the school refuses to transfer the records. Therefore, you should carefully consider whether or not you want to prevent the transfer of records. Without preventing the transfer you can ask to be notified of any request for transfer of the records and you can find out the address of the requesting school.

A few school districts are performing computer match programs with their school enrollment and NCIC-MPF to identify missing children. If your school or your state department of education has no such program, you may want to join with other concerned parents and missing children's organizations to encourage them to start one. Further information can be obtained from NCMEC at 1-800-THE-LOST (1-800-843-5678).

Several states have enacted laws requiring that certain government entities (such as school districts) "flag" the records of missing children. In the event that the agency receives a request for the school transcript of a missing child the school holding the record is to give the name and address of the person requesting the records to the investigating police officer. A state missing children clearinghouse or missing children's organization should be able to provide you with information about how your state law (if any) works and which agencies are required to participate. Usually the state laws only require the government agencies to "flag" the records if they are requested to do so by a law enforcement agency (which may include your state clearinghouse). Many agencies and organizations that are not compelled to do so by law will voluntarily do so if requested by a parent. You may consider seeking a court order directing agencies and other entities to "flag" records regarding the abductor. See the table entitled "State Missing Children Laws" on page 111 for a list of states that have flagging statutes.

School Reunions Contact the abductor's old schools for the names and addresses of the committee members of the school reunions for his or her class. Ask them to notify you if they obtain any information that would help you locate the abductor.

Secretary of State Prior to opening a business the abductor may have to register with a state agency such as the secretary of state. Contact the state government to find out what paperwork must be filed with the state (such as fictitious name statements or articles of incorporation) and what state agency handles the paperwork. Then contact the appropriate agency in the state you believe the abductor to be living in to find out if it has any record of the abductor.

"Skip Traces" Several companies in the United States perform "skip traces" to locate individuals for a variety of reasons. These companies usually check many of the resources listed in this chapter, but they may have access to others not listed or may be able to obtain access to records that are inaccessible to you. These companies commonly advertise their services in publications directed to lawyers. Your lawyer may be able to help you contract with a company for a "skip trace," or you may check for information in legal publications available in your closest law library. *Note:* Before contracting for a "skip trace," see the cautionary instructions given within the section entitled "Private Investigators" on page 44.

Social Security Number (SSN) In 1987 the U.S. Tax Code was revised to require that all taxpayers claiming an exemption for a dependent child provide the Internal Revenue Service with the child's SSN. Contact the Social Security Administration office in your area to determine if your child has been issued a Social Security card and, if so, where and to whom it was sent. If you cannot obtain this information directly from the Social Security Administration, request it by court order.

Telephone Records By using a subpoena or search warrant, the prosecutor or your attorney may be able to obtain copies of the telephone company's records of toll or collect calls made by or received by the abductor prior to his or her departure. You may also be able to obtain copies of the telephone company's records of toll or collect calls made or received by friends or relatives of the abductor before or after he or she disappeared with the child. Do some research before you apply for these records. Try to identify the events which would most likely trigger a call from the abductor such as birthdays, anniversaries, births, and deaths. Request the telephone records for those months. Also, do not forget to obtain the telephone records for the month of your child's birthday. Consider whether the grandparents or other close family or friends would call your child on his or her birthday. Do not forget to seek records from all long-distance carriers such as AT&T, GTE, MCI, and Sprint.

Check telephone operators for new listings. Also check telephone books in any area you believe the abductor to be living. You can usually obtain telephone books for any area from the telephone company or the public library. Try the abductor's married name, maiden name, and variations of the name, for instance the first and middle names only.

Check for records on collect calls the abductor may have made. Ask the operator for time and charges and try to get the number from which the call was made.

Title Searches If the abductor owns property, a title search (conducted periodically) may uncover either a sale of that property or a loan obtained by the abductor using that property as collateral. To conduct a title search, review the records of state or local agencies recording transfers of title for real estate. If these records indicate a transfer or a loan but not a current address for the abductor, you should note the escrow company, title company, or settlement attorney and the escrow number and review the escrow instructions pertaining to this transaction.

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

Also check with real estate agents or apartment leasing companies in any location in which the abductor might be living. Do not forget to check the records of the state or local agency taxing real estate for address information on where the tax bills are being sent.

Tracing Calls You may want to consider asking the local telephone company security office to place a "trap" on your telephone or the telephone of the abductor's friends or relatives (if they will agree). The telephone company may be willing to do so if the abductor calls regularly. A "trap" is a mechanical device that allows the telephone company to trace calls. It is not an illegal "tap" or "bug" of the telephone. Have the person whose telephone line is "trapped" keep a notepad next to the telephone and record the date and time any telephone calls are received from the abductor. The telephone company will give any trace information on the call to the police. In some areas the telephone company offers "caller-ID" that will identify the number that the other party is calling from.

Traveler's Checks Write or call traveler's check companies to determine whether checks have been purchased by the abductor. If so, ask to be kept informed of the date and place the checks are cashed.

Underground Organizations If charges of abuse have been raised against you, the abductor might have contacted an "underground" network that could be providing support and assistance to the abductor. Some groups are well organized and can provide airfare, safe houses, false identities, and other support. Although the left-behind parent may have great difficulty in penetrating this network, he or she should be on the lookout for any signs that such groups are helping the abductor. Share this information with the investigating law enforcement agency.

Unemployment Compensation and Other Benefit Files Ask state benefit programs to check the abductor's name and SSN against the records of state benefit programs such as **State Unemployment Compensation, Worker's Compensation, Wage-Credit, Aid to Families with Dependent Children (AFDC or ADC), food stamps, or other welfare programs.** You may have more success with these agencies if you contact their Security or Fraud sections. Confidentiality provisions, especially with respect to welfare and AFDC, may make access to this information difficult. If you are unable to check these files directly, see if you can do so by utilizing your State Parent Locator Service. See "Parent Locator Services" on page 41. If you still cannot obtain this information the police may be able to obtain it for you. You may have to seek a court order. *Note:* If the abductor parent has lodged a report of domestic violence or child abuse against you with these agencies, you may have greater difficulty obtaining information from them.

Union Records Depending on the occupation of the abductor parent, union records may provide a good lead. If the occupation requires the use of an intermediary or agent, you may want to examine his or her records pertaining to the abductor. When failure to pay union dues affects the ability to work, or when reinstatement is difficult, the abductor may arrange to continue payment. Check to find out how dues are paid and when the next payment is due. Ask to be alerted if contact is made by the abductor. Also check union locals in areas in which you think the abductor is living to find out if the abductor has asked for assistance in getting work or has requested any services available to members. You can find out information about national union offices in the *Encyclopedia of Associations*, available at most libraries.

Utility Companies Once you think you have located the abductor telephone, electric, and gas companies may be willing to tell you if a new account has been opened in the abductor's name. Police investigators may be able to obtain this information if you cannot. Also find out what arrangements have been made to return the deposit for utility services at the former residence to the abductor.

Veterans Administration If there is a possibility that the abductor may be receiving benefits or medical treatment through the Veterans Administration, check with them for the most current address they may have for the abductor and for information on which VA facilities the abductor may have recently visited.

Voter Registration Check the voter registration records in any state in which you believe the abductor parent to be living. These records may be kept by the state or by the local government agencies.

Western Union Check to see if any money has been wired to the abductor. If so, try to obtain the location to which the money was sent and the person and location from which the money came.

Women's Shelters Like underground organizations, women's shelters may be providing assistance to a female abductor who has made allegations of abuse against you. Shelters keep information on any resident strictly confidential and you may encounter resistance in determining if the abductor and the child are being helped.

Pursue All Legal Means Available

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

Information Source Checklist

Information Source	Telephone or Address	Name of Contact Person	Date Contacted	Date Received	Court Order Required
Airlines, Bus, Train					
Alcohol and Drug Rehabilitation Centers					
Babysitters					
Banks					
Birth Records					
Clubs and Organizations					
College and Trade School Records					
Computerized Databases					
Court Records					
Credit Bureaus					
Credit Cards					
Cross-Directories					
Customs Service					
Daycare Centers					
Department of Motor Vehicles (DMV)					
Employers					
"Forward a Letter" Program					
Firearm Registrations					
Friends and Relatives					
Garbage					
Hangouts					
Hunting & Fishing Licenses					
Immigration & Naturalization Service					
Insurance					
Loans					
Magazine Subscriptions					
Marriage License Application					
Media Coverage					
Medical Records					

Information Source	Telephone or Address	Name of Contact Person	Date Contacted	Date Received	Court Order Required
Military Locator Services					
Office of Personnel Management					
Parent Locator Services					
Passports & Visas					
Pets					
Photographs					
Places of Worship					
Postal Service					
Private Investigators					
Probation & Parole					
Professional Licenses					
Rental Cars					
School Records					
School Reunions					
Secretary of State					
Skip Traces					
SSN					
Telephone Records					
Title Searches					
Tracing Calls					
Traveler's Checks					
Underground Organizations					
Unemployment & Other Benefit Files					
Union Records					
Utility Companies					
Veterans Administration					
Voter Registration					
Western Union					
Workers' Compensation					
Women's Shelters					

5. Legally Recovering Your Child

Once you have located your child the next step is to get your child back legally. In almost every case you will need a custody decree. If you have not already filed for temporary or permanent custody, do so immediately. See "Custody and Visitation" on page 1. A decree awarding you temporary custody can be enforced in the same way as a decree awarding you permanent custody. Once you have a decree, make sure that you file it in the state in which your child is located.

Warning: Do not commit any illegal actions. This could hurt your chances of recovering your child. For instance, do not break into the noncustodial parent's house and snatch the child back. Instead of going safely home with your child, you could find yourself facing a number of criminal charges including disturbing the peace, burglary, assault and battery, and so on.

Voluntary Return

In the last several years Child Find of America, Inc., has developed a conflict resolution program that utilizes a toll-free telephone number to offer professional mediation services to parents who have abducted their own children. Child Find has found that telephone mediation may be effective when face-to-face mediation is impractical. *Pro bono* mediators (*i.e.*, no fee) offer a parent the opportunity to work out differences with the other parent and act as a go-between for the in-flight parent and the left-behind parent in an effort to return the child to a legal environment.

Once both parents agree to mediate and sign a commitment to do so, a voluntary professional mediator is assigned and the process begins utilizing the toll-free telephone number 1-800-A-WAY-OUT. If warrants are outstanding, court and law enforcement officials are informed of the mediation, goals of the program, and name and address of the mediator.

Child Find's experience has been that court and law enforcement agencies have generally been willing to let parents work things out themselves through the mediation process.

You do not need a custody decree to negotiate with the child's abductor, but it will improve your bargaining position. In addition the decree will provide the framework for custody and visitation rights once the child is back with you. You should not rely upon any oral or written agreement with the abductor. You should have a court order that sets forth the agreement you reach.

Police Assistance

In a few states the police are directed by law to return a child to the lawful custodian when the abductor is arrested. While most state laws do not require this, many police officers will turn your child over to you as long as they are not prohibited by law from doing so. This is true whether or not the abductor has been criminally charged.

The custodial parent usually has to furnish a certified copy of the custody decree and proper identification. It may be necessary to file a custody order with the local court in that state. It is also a good idea to have the child's birth certificate and a photograph of the custodial parent with the child. Normally the custodial parent must actually be present in the state in order to ask for police assistance and to pick up the child.

Civil Legal Actions

If the police and prosecutors either cannot or will not help you recover your child and voluntary return is out of the question, you will have to start a civil (noncriminal) action to enforce the custody decree. The legal grounds for enforcing the custody decree are found in the Uniform Child Custody Jurisdiction Act (UCCJA) and Parental Kidnapping Prevention Act (PKPA). Information about each act is found on pages 104 and 105 respectively.

Enforcing Your Custody Decree If your child is abducted to another state, it may be necessary to bring a legal action in that state to enforce your custody decree. A valid custody decree should be enforceable in every state under the UCCJA, the PKPA, or both. These two laws give the victim parent the legal grounds to have a child returned from an abductor parent who has taken the child to another state.

The UCCJA requires state courts to recognize and enforce custody orders made by courts in other states in compliance with its provisions. It also establishes a procedure for filing a certified copy of a custody decree in whatever state you seek to have it enforced. This procedure may be called a *registration of foreign custody order*.

Your lawyer can register the order for you, or you can do this yourself if you send a properly authenticated copy of your custody order to the Clerk of the Court in the county, district, or parish of whatever state you are seeking enforcement. You should pay the appropriate filing fee at the time you send the copy. Call the Clerk of the Court first to find out what documents and fees to send. If the Clerk of the Court is unfamiliar with this procedure, send a copy of the section of the UCCJA in effect in that state that authorizes this process.

Once a court order is filed it is treated as if it were an order made by the courts in the state in which it was filed and can be enforced by whatever methods a local order can be enforced. The proper procedure for enforcing your custody decree depends upon the state in which enforcement is sought. In some states a "writ of habeas corpus" is used, while "contempt" proceedings are used in others. Some states recognize a "petition for enforcement." Check with the Clerk of the Court where registering the order for information on the appropriate procedures in that court. If the Clerk of the Court is not able to assist you, consult with your lawyer.

The PKPA is especially helpful in enforcing custody decrees that were made in the child's home state. This law requires state courts to enforce and not modify custody decrees made in conformity with the requirements of the PKPA.

Note: The jurisdictional provisions of the UCCJA and the PKPA are not identical. Under the PKPA, a custody determination made by a "home state" court has priority over a decree made by a state exercising "significant connection" jurisdiction in accordance with the UCCJA. If the provisions of the federal PKPA are followed, the resulting decree is valid and

enforceable nationwide. It must even be enforced by a court that issued a conflicting custody decree while exercising jurisdiction consistently with the state UCCJA. If the provisions of the PKPA and the UCCJA are *not* followed, the resulting decree is not valid and is not entitled to be enforced by other state courts. It is important to understand that both the UCCJA and the PKPA assume that the courts of the second state might hold a hearing solely to determine whether your custody order is valid. To be valid and enforceable the order must have been made in compliance with the *Jurisdiction* and *Notice* requirements of the applicable laws.

Hiring a Lawyer in the Second State Parents who have represented themselves up to this point should seriously consider hiring a lawyer to enforce the custody decree in the state to which their child was taken. Experienced counsel may be crucial to getting the child returned. If you already have a lawyer, he or she may be able to represent you in the second state if licensed to practice law in that state or if the lawyer obtains permission from the judge in that state. The main advantage to using your original lawyer is his or her familiarity with the case. The drawback is that your lawyer may be unaware of practices and procedures unique to the other state.

An error or oversight by your lawyer could lead the judge to rule against your request to enforce your custody order. You should, therefore, consider hiring a lawyer in the state where your child is located—either to handle the case or to assist your original lawyer. Your original lawyer may be able to recommend a lawyer in the second state. You may want to have your original lawyer appear as co-counsel with the new lawyer, especially if the case history is long and complicated.

Note: An enforcement proceeding should not reopen the case concerning the merits of the current custody decree. The court, however, may examine the validity of your custody decree to determine whether it was issued by a court having jurisdiction and whether notice was given to all custody contestants.

Will the Federal Courts Force the State Courts to Enforce My Custody Decree? Unless the U.S. Congress enacts a law giving a custody contestant the right to ask the federal courts which of two state courts has the authority (jurisdiction consistent with the PKPA) to make or enforce custody and visitation orders, the federal courts will not intervene. This is the result of a 1988 U.S. Supreme Court decision, *Thompson v. Thompson*. The U.S. Congress may consider legislation to change *Thompson* in the near future. For more information on changes to the PKPA contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678).

Attorney's Fees Your petition for enforcement should also contain a request for attorney's fees and other expenses you incurred in trying to locate and recover your child. In addition to ordering the abductor to return the child, the court may order the abductor to pay the victim parent's legal costs and other expenses.

Pick-Up Order There may be some risks to using the legal system to enforce a custody decree if the abductor is likely to flee upon receiving notice of the enforcement proceeding. You can, however, petition a judge (usually a judge in the state in which your child is located) for a *pick-up order* directing law enforcement officers to pick up the abducted child and take the child to the judge for temporary placement, usually with the searching parent,

until the enforcement hearing. A *pick-up order* may be called a *writ of habeas corpus*, a *writ of enforcement*, a *writ of attachment*, or a *warrant in lieu of a writ of habeas corpus*, among other terms.

Most states will allow you to obtain an *ex parte* order for law enforcement to pick up the child and place the child temporarily (see "Temporary Care for the Child" below) until the enforcement hearing can be held, if you can provide convincing evidence that the abductor is likely to flee with the child prior to trial. Some examples include prior abductions, threats of abduction, and evidence that the abductor has

- quit a job
- sold a home
- terminated a lease
- closed a bank account

Ex parte orders are orders obtained without notice to the other parent. They are always of short duration and are followed by a hearing *in the court issuing the order*. Notice of the full enforcement hearing is usually served by the police on the abductor parent at the same time the child is picked up.

Modifying the Custody Order Another risk associated with enforcement actions is the possibility of the abductor filing a counter-claim asking for modification (change) of the custody decree. Fortunately, though, the custodial parent should be able to stop the court from hearing a request for modification if the enforcing court lacks jurisdiction to modify. A court that is required by the UCCJA, the PKPA, or both to enforce another court's custody determination does not automatically have jurisdiction to modify that custody order. Only certain states have the right to modify existing decrees under the UCCJA and the PKPA. The searching parent's lawyer can file a motion to dismiss the counter-claim to modify the decree if the court is prohibited from modifying the order by the UCCJA or PKPA. This may slow things down, but it should not hurt the outcome of the enforcement proceedings.

Temporary Care for the Child If you cannot be present to pick up your child, you may be able to designate a relative or other adult to take the child temporarily. Check in advance with the police, the prosecutor, your lawyer, or the judge issuing the pick-up order. The state missing children clearinghouse (if available) or a missing children's organization in that area may be familiar with local practice.

You may be able to request the county child protective services agency to take temporary custody of your child, if state law permits. The role of the child protective services agency (which ordinarily cares for abused, abandoned, or neglected children) is simply to house and transport the child after he or she has been recovered. If you must apply for assistance to the child protective services agency, thoroughly discuss your situation in advance, as local social workers may be unfamiliar with parental abduction. You may want to discuss with them the consequences of alerting the abductor to your actions. In some states it may be necessary to present evidence that the child is abused, abandoned, or neglected before it will be possible to involve the child protective services in caring for the child.

Check the telephone directory under *County Government* for the local child protective services agency. It may be known as the child abuse and neglect office, the office of social services, or the office of human resources. You can also call the family court for a referral to this agency.

It is helpful to have the judge include in the original custody order a provision directing appropriate officials of every state to take whatever actions are necessary to enforce the court order including taking custody of the child. Even if the custody order contains such a provision, however, parents should try to be present to pick up the child in order to minimize any trauma.

A state missing children clearinghouse (if available) or missing children's organization in the area in which your child is located may be able to help with suggestions for other placement alternatives. Some parents have obtained assistance through the church or synagogue in their area or the community in which the child is located.

Some companies such as Greyhound, Quality Inns, and American Airlines have programs that provide assistance to parents who must travel to recover their missing children. Contact NCMC at 1-800-THE-LOST (1-800-843-5678) to determine if you are eligible for assistance from one of these programs.

Special Enforcement Problems If the Abductor Is in the Military and Stationed Overseas
Special problems in enforcement of a custody order may arise when a member of the military on active duty takes the child to a duty station overseas. State courts have little authority to enforce their orders overseas. Assuming that it is financially possible for the victimized parent to litigate in a foreign court, members of the U.S. armed forces are generally protected against lawsuits (including those to enforce American custody orders) brought in the civilian courts of the country in which they are stationed by treaties called the Status of Forces Agreements (SOFAs).

Failure to comply with custody or visitation orders is not generally regarded by the U.S. armed services as cause for disciplinary action against the service member. Nor, surprisingly, is the existence of state criminal arrest warrants for custodial interference a cause for disciplinary action. The armed services may be more cooperative if a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant has been issued for the abductor.

Department of Defense Directive 5525.9, which is codified at 32 C.F.R. Part 146, identifies procedures for the return to the U.S. Department of Defense (DoD) members serving overseas, and other actions with regard to DoD employees and family members, who have been held in contempt of court for failure to obey a court order, have been ordered to show cause by a court why they should not be held in contempt of court for failing to obey a court's order, or have been charged with or convicted of a felony. They may include individuals who unlawfully remove a child from the custodial parent to an overseas installation. In appropriate cases, the service member is required, and the employee and family member is strongly encouraged, to return to the United States to report to the court in which custody was granted. Further information on the use and procedures of this Directive can be received through the installation's Legal Assistance Office.

Self-Help Recovery: Is it Advisable?

In some places, once you have filed your custody decree, you may be allowed to go and get your child as long as you commit no criminal acts in the process (such as disturbing the peace or breaking and entering). Check with a lawyer and the police or a local prosecutor to see if self-help recovery is legal there. If the answer is yes, it is still a good idea to ask the police to accompany you when you pick up your child.

If there is any doubt about the legality of self-help recovery, you should file a petition with the local court to enforce your out-of-state custody decree. When the judge rules in your favor, he or she will issue an order directing the abductor to return the child to you. Ask the judge to include in the court order an instruction directing the police to "accompany and assist" you in recovering your child.

6. International Child Abduction

International child abduction cases are among the most complicated and frustrating of parental abductions. Foreign courts often do not honor custody orders, including restraining orders, issued by courts in the United States. The U.S. Department of State has received reports of more than 5,000 children, who are citizens of the United States, who have been taken or detained abroad since 1973. It is estimated that at least 500-600 children a year will be taken or detained in an international child abduction.

The most important development in international parental kidnapping cases is the United States' participation, as of July 1, 1988, in the Hague Convention on the Civil Aspects of International Child Abduction. The treaty provides that, subject to certain exceptions, a child who has been wrongfully removed or retained in a ratifying country should be returned to the ratifying country where the child habitually resided prior to the wrongful removal or retention. *See* page 66 for a full description of the Hague Convention.

Many, if not most, of the cases reported to the U.S. Department of State involve a parent who was born or raised in a foreign country or who has close family, business, or religious ties to a foreign country. Foreign parents who have been assimilated into the United States' culture as adults may feel strongly that their children should be raised as they were. There may be sharp religious or cultural conflicts between the two parents.

Children born to a foreign parent may have dual citizenship—that is, in addition to being a citizen of the United States, they may also have the citizenship of the foreign parent. This may be true even if the foreign parent has become a naturalized citizen of the United States. Foreign governments may therefore help the foreign parent obtain foreign passports and other visa and exit and entry permits for the children. Many foreign governments believe that children of their nationals should be raised in the home country.

A significant minority of cases of international child abduction, however, involve a child born to two parents who are citizens of the United States. In those cases the abducting parent relies on the fact that it will be more difficult to find the abductor and child once abroad, and the searching parent will have great difficulty in enforcing the custody order in foreign courts.

Preventing an International Child Abduction

Prevention Provisions in the Custody Decree To prevent an international child abduction include a provision in the custody decree specifically prohibiting the removal of the child from this country. This provision may be useful in preventing the issuance of a passport from any country or other travel documents to your child.

Also include a provision in the court order requiring the noncustodial parent to post a bond to ensure that the child is not taken abroad or to ensure that the child is returned from a lawful visit abroad. In case you have not included such a provision in the initial custody decree, consider filing a motion to have the court require the noncustodial parent to post such a bond before any international travel with the child is permitted. The bond should be

large enough to discourage an abduction and should take into account the financial status of the potential abductor. In the event that a cash bond is inappropriate, consider placing title to property in escrow. Be sure that you review the advice given in "Post a Bond" on page 7.

If possible ask that a foreign parent obtain an order or decree from the government or courts of his or her home country recognizing the validity of the court order issued in the United States and acknowledging that the United States has exclusive continuing jurisdiction over the custody matter for any modifications of the order. The order or decree should also stipulate that, upon expiration of any foreign visits, the government or courts of that foreign country will order the child returned to the United States. If the foreign parent will not do so voluntarily, and if you have not obtained this kind of provision in the original custody decree, consider asking the court to order the foreign parent to obtain such a document before any proposed international travel with the child.

You may find it necessary to request that the court in the United States restrict any visitation rights the noncustodial parent has until sufficient guarantees have been given that the parent will not abduct the child. In the event that temporary suspension of visitation is not appropriate, consider asking for supervised visitation.

Be sure to ask the court to order the noncustodial parent to surrender his or her passport (and the child's passport, if in the possession of the noncustodial parent) to a designated person (the lawyer or Clerk of the Court, for example) prior to exercising visitation rights with the child.

Foreign Policies and Practices If your former spouse or partner is not a citizen of the United States, contact the embassy or the closest consulate of his or her country and find out about the policies of that government regarding parental kidnapping and child custody. Foreign embassies are located in Washington, DC, and many countries maintain consulates in major American cities. Ask the representatives of the foreign country

- will the foreign government or courts honor a custody order issued in the United States?
- will the foreign government assist in obtaining the return of a child unlawfully taken from the United States?
- what kind of assistance will the searching parent receive?
- how will the parent recover the child from the foreign country?
- are there any social, political, or religious attitudes (or unrest) in that society that may hinder efforts to recover the child?
- will the foreign government issue a foreign passport or other travel documents to the children at the request of the foreign spouse or partner?

- will the foreign government issue these travel documents if courts in the United States have forbidden the child's removal from the United States and a certified copy of the court order is sent to the embassy?
- will the foreign government (embassy or consulate) notify the searching parent if the foreign spouse or partner applies for travel documents for the children?
- what can the searching parent expect if he or she has visitation rights and the abducting parent has custody?
- are the children considered citizens of that foreign country as well as the United States (dual citizenship)?
- does the foreign spouse or partner retain citizenship in the foreign country—even after he or she has become a citizen of the United States?
- what are the policies of the foreign government toward extradition if the former spouse or partner is charged in the United States with the crime of custodial interference? Will it make a difference if the abducting parent is charged by the state but not the federal authorities?
- will the foreign government cooperate less readily if you share custody with your former spouse or partner?

If the embassy or consulate cannot provide you with answers to the above questions, ask the United States embassy located in that country for assistance or for a reference to an English-speaking lawyer in that country. Contact the Office of Citizens Consular Services, U.S. Department of State, Room 4817, Washington, DC 20520, (202) 736-7000, and ask if in the past the foreign country has been willing to honor custody decrees issued in the United States or help citizens of the United States recover their children. If that country has ratified the Hague Convention on the Civil Aspects of International Child Abduction, ask the U.S. Central Authority in the Office of Citizens Consular Services for assistance.

Prevent the Issuance of a U.S. Passport You may be able to prevent the issuance of a United States passport to your child if you are the sole custodian or if there is a court order restraining the removal of the child from the United States. To do this, send a *certified* copy of your court order and a written request for the denial of a U.S. passport to your child to the Office of Citizenship Appeals and Legal Assistance, Office of Passport Services, U.S. Department of State, 1425 K Street, NW, Room 300, Washington, DC 20522-1705. If you are pressed for time you can call them at (202) 326-6168, but you must follow your call with a letter and a copy of the court order without delay.

If you do not have a custody or restraining order yet and you fear that your child will be taken immediately, call the Office of Passport Services and ask to be notified if your former spouse or partner applies for a passport for your child. The office may be able to "flag" its system and delay the issuance of the passport for a few days to enable you to obtain the necessary court orders. The flagging process applies to requests for U.S. passports made both within the United States and at United States embassies and consulates abroad.

If a passport has already been issued for your child, government regulations do not permit the Office of Passport Services to revoke your child's United States passport. In this event, request that the court order your child's passport surrendered or impounded. Then follow the above-described procedure to ensure that a replacement passport for your child is not issued.

If your former spouse or partner is not a citizen of the United States, consider sending a *certified* copy of your custody decree to the embassy or consulate of your former spouse's country with a letter asking those officials not to issue a passport or visa for your child, and requesting to be notified if an application is made for a passport or visa for your child. No international law requires them to comply with your request, but many countries will voluntarily comply. A provision in the court order directing the foreign government not to issue travel documents may help, although the foreign government is under no legal duty to follow such an instruction from a court within the United States.

Other Prevention Strategies Many parents fearful of, or experiencing, an international parental abduction have obtained assistance from a missing children's organization specializing in international abduction. Keep lists of information about your former partner and his or her friends and family, both in the United States and abroad. Keep a record of passport numbers, immigration status, and visa and work permit numbers.

A parent who feels that his or her relationship to the child is threatened may be likely to abduct. Further, in international cases, a foreign parent may want the child raised within a certain culture or religion. As in all cases where parental abduction is threatened, a custody mediator may help to refocus the attention of the parents on what is *best for the child* and may assist in developing workable cross-cultural, child-rearing strategies.

Avoid joint custody orders in families with citizenship in more than one country. If the foreign parent abducts the child to his or her home country, an order called "joint custody" may be interpreted as authorizing the retention of the child in that country. If joint custody is nevertheless awarded, make sure that a "primary residential custodian" is named and that the order specifies where and with whom the child is to live at what times.

What to Do in a Case of International Child Abduction

First Steps You must obtain custody of your child if you have not already done so. Report your child missing to the police and have an entry made for your child in the FBI's National Crime Information Center - Missing Person File (NCIC-MPF). Also report the child missing to the National Center for Missing and Exploited Children (NCMEC) and to the Office of Citizens Consular Services, U.S. Department of State, (202) 736-7000. Request a copy of the U.S. Department of State publication *International Parental Child Abduction*. Explore the possibility of having criminal charges filed against the abductor. If felony charges are possible, ask that the abductor be charged with a felony.

Obtain a Federal UFAP Warrant If felony charges are filed, ask the prosecutor to apply for a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant. This requires assurances that your local prosecutor will pay the costs of extradition. If a UFAP warrant is issued, your chances of successfully locating the abductor and recovering the child are improved. Foreign governments may not be significantly impressed if criminal charges are brought by the state, but they may fear angering the United States government.

Revoke U.S. Passport If you have obtained a federal UFAP warrant for the abductor and he or she is traveling on a passport issued by the United States government, ask the Office of Passport Services of the U.S. Department of State to revoke the abductor's United States passport. This may not be a burden to an abductor who is a dual national. A United States citizen, however, becomes an undocumented alien in a foreign country once his or her United States passport is revoked. Many countries will deport, or at least harass, an undocumented alien.

Even if a UFAP warrant has not been issued, a passport may be revoked if the holder of the passport is subject to a criminal court order, condition of probation, or parole—any of which forbid departure from the United States, and the violation of which *could subject* the applicant to a provision of the Fugitive Felon Act.

Contact the Immigration and Naturalization Service Abductors who are foreign nationals may attempt to return to the United States following an international abduction. Most of the Immigration and Naturalization Service (INS) border checkpoints are equipped with computers that have access to the FBI's National Crime Information Center computer's Wanted Person File (NCIC-WPF). (This file contains the names of persons charged with crimes only, and does not contain the names of missing children.) If a state or federal felony warrant has been entered into NCIC, the INS may be able to arrest the abductor parent when he or she reenters the United States. Police investigators should also ask that the abductor be entered into the INS "Look-Out Book."

In 1990 the U.S. Congress passed a law that any alien who, after the entry of a custody order giving custody rights to a United States citizen, retains or detains the child outside the United States interfering with the custody rights of the other parent, who is a citizen of the United States, can be denied an entry visa into the United States as long as the child is kept out of the country. If the child is in a country that is a signatory to the Hague Convention, however, then this provision does not apply.

If a foreign parent who abducts a child continues to hold a visa to enter the United States or has a United States work permit ("Green Card"), it may be useful to explore with INS the circumstances under which these permits may be revoked or suspended. Contact the Immigration and Naturalization Service (INS), 425 I Street, NW, Washington, DC 20536.

Consider International Extradition If state felony charges have been issued against the abductor parent and your local prosecutor is willing to extradite, it may be possible to pursue international extradition. To explore the possibility of international extradition, your local prosecuting attorney may consult with the U.S. Department of Justice, Criminal Division, Office of International Affairs, 1400 New York Avenue, NW, Washington, DC 20530, (202) 514-0015.

The United States has renegotiated criminal extradition treaties with many countries specifically to include parental abduction as an internationally extraditable crime. Also, the U.S. Department of Justice will seek international extradition with many other countries whose treaties do not specifically exclude parental abduction if both countries agree to extradite such offenders.

Note: Many countries, however, refuse to extradite their own citizens.

Be aware that although extradition proceedings may force the return of the abductor, they may not be effective in securing the return of the child. The abductor may return to the United States to stand trial while leaving the child with family or friends in the foreign country.

If you cannot get the abductor extradited, a federal UFAP warrant may still be useful. It may serve to remind the abductor's country that the abduction of the child was in violation of United States law. You may also be able to obtain political benefits from the issuance of a UFAP warrant.

Locating Your Child

While searches in domestic cases are often complicated, expensive, and frustrating, a search in an international case can be even more difficult. Nonetheless, the following are sources of help in locating your child.

Obtain Help from INTERPOL If criminal charges have been lodged against the abductor, your police department can request help from INTERPOL, the international police brokering agency. NCMEC acts as liaison with INTERPOL for cases involving missing children. Your investigating police officer should contact NCMEC (NCIC/NLETS ORI VA007019W) and request liaison services from the Case Management Division. The investigating officer can also contact INTERPOL directly at INTERPOL, U.S. Department of Justice, Washington, DC 20530, (202) 272-8383 (NCIC/NLETS ORI DCINTER00).

INTERPOL can issue a **blue notice** which is designed to collect information about a person to verify an identity, obtain the particulars of someone's criminal record, locate someone who has not been fully identified, or locate someone for whom extradition *may* be requested.

In cases in which state criminal felony charges have been issued and the prosecutor will pursue international extradition, the prosecutor or investigating police officer may wish to request the issuance of an international wanted notice, called an INTERPOL "Red Notice." A "Red Notice" is issued to police and border agents in foreign countries to which the abductor may travel.

If the abductor can be arrested in a country from which extradition to the United States is possible, extradition of the abductor might be accomplished even though the abductor ordinarily resides in a country that will not extradite for this crime.

Obtain Help from the U.S. Customs Service The U.S. Customs Service has a computer system linked with the NCIC-WPF at U.S. Customs Service checkpoints along the borders and in airports in the United States. Customs officials run "random sample" checks on a small percentage of citizens returning to the United States from abroad. In the event that a state or federal felony warrant has been entered into the NCIC-WPF, it is possible that the abductor might be arrested as he or she passes through a U.S. Customs Service checkpoint.

Obtain Help from the U.S. Department of State Request the U.S. Department of State to conduct a Welfare and Whereabouts check for you. United States embassy officials in the country in which the abductor is living will attempt to obtain information about the child's location and well-being from local government officials.

To report your internationally abducted child to the U.S. Department of State and initiate a Welfare and Whereabouts check, contact the Office of Citizens Consular Services, U.S. Department of State, Room 4817, Washington, DC 20520, (202) 736-7000. Be prepared with all identifying information about the abductor and child.

The United States embassy, as part of the Welfare and Whereabouts check, will send a consular official to visit your child quarterly (more often, if necessary). If the abductor parent refuses to allow the United States consular official to see your child, the official will ask the local authorities for help in seeing the child but cannot compel the local authorities to act.

If the consular official cannot visit your child, he or she will ask the local social workers to do so. If there is evidence of child abuse or neglect, the United States consular officials will try to have the child removed from the home and child abuse and neglect proceedings initiated by the local government. If you have serious concerns about your child's health or welfare, you may consider contacting the International Social Services Organization. Information about their overseas branches may be obtained from the New York office at 95 Madison Avenue, New York, NY 10016, (212) 532-5858.

United States embassy officials, however, are not private investigators. Try to be as specific as possible about the abductor's likely travel plans or location. United States embassy officials will also seek information about your child's whereabouts from entry and residence records kept by local governments. In many instances, however, these records are not kept in an easily retrievable form by the abductor's country and, on occasion, the country will not release information from such records to officials of the United States.

If a parent succeeds in negotiating the release of the child and obtains physical possession of the child, and there is no court order prohibiting the removal of the child from the foreign country, the United States embassy or consulate in that country can provide passports and assist such parents, who are citizens of the United States, in obtaining exit permits. Under certain circumstances, United States embassies and consulates will loan funds with which to travel home (repatriation loans) to United States' citizens who are stranded abroad.

Search on Your Own There are many search techniques that you can use. Review Chapter "4. Searching for Your Child" which begins on page 33 and adapt the search strategies to international use. Seek out the advice of other parents victimized by international parental abduction. Contact a missing children's organization that specializes in international parental kidnapping. Discuss your case with your state missing children clearinghouse (if available). Ask for technical assistance from NCMC at 1-800-THE-LOST (1-800-843-5678).

If the abductor parent has assets remaining in the United States, consider bringing a civil child-snatching lawsuit against the abductor in United States courts and attaching his or her United States assets. This may serve as leverage to obtain the return of the child, and it may finance an overseas investigation or legal battle. See "Child-Snatching Lawsuits" on page 18.

If the abductor parent has received help from friends or relatives who remain in the United States or who have assets in this country, consider bringing a child-snatching lawsuit against them. If you obtain a judgment against them, attach their United States-held assets.

If there is any hope at all that the abductor's friends or relatives are sympathetic to your cause, try to use their concern for your child's welfare to obtain their assistance.

Try to trace the abductor's sources of financial support such as the proceeds of bank accounts, loans, and credit cards. If you are successful, you will usually find the abductor. Find out how the abductor left the country. Contact airlines, rental car companies, and so on. Show pictures of the abductor and your child. Do not forget to canvass U.S. Customs Service agents and border guards. Consider the possibility that the abductor did not take a direct route. He or she may have traveled to Canada or Mexico before boarding an airplane.

Other sources of information that have proved particularly fruitful in past cases of international parental kidnapping include mail covers, telephone bills, "flagging" of medical and school records, prosecution of accomplices, and use of the Federal Parent Locator Service (FPLS).

The Hague Convention on the Civil Aspects of International Child Abduction

The Hague Convention on the Civil Aspects of International Child Abduction is an international treaty governing the return of internationally abducted children. It was negotiated in 1980 and ratified by the United States in 1988. The Hague Convention became law in the United States on July 1, 1988.

The Hague Convention (Child Abduction Convention) provides for the prompt return of internationally abducted children, usually to the country of their habitual residence, subject to very limited exceptions. Custody decisions are to be made by the courts of the country of the child's habitual residence. The Convention establishes new administrative and judicial remedies to secure the return of an internationally abducted child and to facilitate the exercise of visitation rights across international borders. The remedies established under the Convention are not exclusive. A parent can file any other authorized court action for the child's return in addition to, or instead of, pursuing remedies established by the Convention.

Each ratifying country must establish a Central Authority to help parents in locating and securing the child's return. In the United States, the Central Authority is the Office of Citizens Consular Services, U.S. Department of State, Room 4817, Washington, DC 20520, (202) 736-7000. Parents should contact the U.S. Central Authority for instructions on how to proceed under the Hague Convention.

The Hague Convention will govern the return of the child only if both countries have ratified the Convention. As of the printing of this book the Convention is in force in Argentina, Australia, Austria, Bahamas, Belize, Burkino Faso, Canada, Denmark, Ecuador, France, Germany, Greece, Hungary, Ireland, Israel, Luxembourg, Mauritius, Mexico, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, the United Kingdom, United States, and Yugoslavia. Although Yugoslavia became a

party to the treaty in 1991, it had not established a Central Authority to process applications before the country's dissolution. Croatia, one of the former Yugoslav republics, has, however, established a Central Authority. Contact the Office of Citizens Consular Services at (202) 736-7000 or NCMEC at 1-800-THE-LOST (1-800-843-5678) for updated information about countries ratifying the Hague Convention since publication of this book.

The Hague Convention will apply only to cases occurring after its entry into force in both countries, and it is not expected that all countries will ratify. Nonetheless, it sets international policy condemning parental abduction and seeks promptly to restore children to their pre-abduction circumstances, thus limiting the harm they suffer as a result of the abduction. It also provides international laws and procedures for the resolution of these difficult disputes.

Parents whose children have been abducted to countries that have not ratified the Convention or whose cases arose prior to ratification by the United States must pursue other avenues to secure the return of their child.

The United States has enacted federal legislation that explains how the Child Abduction Convention is to be implemented in the United States. The International Child Abduction Remedies Act, P.L. 100-300, 42 USC §§ 11601-11610. A description of the Act is found at page 107.

Recovering Your Child

Some countries, particularly those with which we share a common culture and heritage, may be receptive to arguments in favor of returning children. Several European countries, Canada, Australia, and New Zealand officially oppose parental kidnapping. If the Hague Child Abduction Convention is in effect, the prompt return of abducted children is required. If not, the cultural and religious conflicts between the United States and certain other countries may make your task very difficult. Some of your legal options include

- going to court in the foreign country and requesting that they honor your United States custody decree
- going to court in the foreign country and asking that court to award you custody in the best interests of the child (as judged by their standards)
- accepting the situation and, perhaps, being allowed visitation
- negotiating with the abductor and his or her family
- securing political support within the United States to give you leverage in the foreign country

You should discuss your lawful options with those most familiar with international kidnapping and the country in which the abductor is living. The U.S. Department of State Office of Citizens Consular Services may be a good source of information about the policies and customs of foreign countries. Obtain from the agency all possible information about what actions have worked in the past.

Dealing with Foreign Legal Systems If you decide to litigate in a foreign court, you may obtain a list of foreign lawyers from the Office of Citizens Consular Services at the U.S. Department of State, (202) 736-7000. United States embassies abroad have compiled a list of foreign lawyers who speak English and who are willing to represent citizens of the United States. They may or may not have child abduction or child custody experience. Other sources of referrals to foreign lawyers include

- the International Academy of Matrimonial Lawyers, U.S. Chapter, 211 Congress Street, Suite 400, Boston, MA 02110, (617) 542-3881
- the Family Law Division of the International Bar Association, c/o 6950 North Fairfax Drive, Arlington, VA 22213, (703) 532-9300
- the bar associations of the foreign country in question
- the International Legal Defense Counsel, 111 South 15th Street, 24th Floor, Packard Building, Philadelphia, PA 19102, (215) 977-9982

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

If you seek to have your custody order, as issued in the United States, recognized in a foreign court, your lawyer should be familiar with the principles of *comity*, in which courts of different nations recognize each other's orders. Comity is voluntary, not mandatory, and usually requires reciprocity. In other words, citizens of the United States seeking to have their United States court orders recognized by a foreign court must prove that courts in the United States will recognize and honor orders made by foreign courts.

Your attorney should be familiar with Article 23 of the Uniform Child Custody Jurisdiction Act (UCCJA), which requires that foreign custody orders be honored in courts in the United States if the foreign court proceedings were conducted with notice to all affected persons and an opportunity to be heard. Article 23 of the UCCJA was enacted by all states except Missouri, Ohio, Oregon, and South Dakota. A summary of many of the international custody cases under the UCCJA can be obtained from the Office of Citizens Consular Services, (202) 736-7000. NCMEC's Legal Department is also available as a resource at 1-800-THE-LOST (1-800-843-5678).

Do Not Attempt a "Snatch Back" Newspaper articles from time to time relate stories of parents resnatching their child from foreign countries. Such a course of action is strongly discouraged. It is dangerous both for the child involved and the parent attempting a snatch back and can be very expensive. As is further described in Chapter "7. Psychological Issues in Recovery and Family Reunification," which begins on page 71, the psychological effects of the abduction can have a serious effect on the well-being of the child and the left-behind family. Attempting a snatch back can only cause further substantial risk of physical and emotional harm to the child and the parent.

Many countries closely regulate their borders and may maintain special lookouts for children likely to be re-snatched. Officials of the United States stationed in the foreign country will be unable to assist a parent, who is a United States' citizen, who is attempting a re-snatch. If a parent is caught attempting a "snatch back," he or she could be arrested and imprisoned in foreign jails. If the parent is not imprisoned, he or she may be deported. Deportation, however, may preclude any future visitation with the child in that country or elsewhere.

7. Psychological Issues in Recovery and Family Reunification

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

During the period of a family abduction searching parents actively engage in the search process for their missing child and experience considerable distress and concern over their child's welfare. Fortunately many of these children are recovered and returned home. Each searching parent looks forward to the day of the child's recovery. To assist the searching parent and family in the reunification process, this section will describe the psychological issues involved in child recovery and family reunification, make recommendations for arranging the initial reunification meeting, and describe psychological issues after reunification.

When children who have been abducted by a parent are recovered there are three important factors that will affect the child's ability to successfully return home and reenter the family that they were taken from.

First, each family abduction case is different. Some children are away from home for a very short period of time and are told only that they are on an extended visitation. Other children are away from home for periods of months or years, given new names, kept out of school, told that the left-behind parent has harmed or was intending to harm them, and experience a fugitive lifestyle.

Second, each abducted child is different. Some children are very perceptive and understand more quickly that the abducting parent's explanation that they are on an extended vacation is not true. These children then experience both significant emotional distress for themselves and concern for the left-behind parent even though the actual length of the abduction may be limited. The children may find the fugitive lifestyle different and exciting or may cooperate in order to maintain the abducting parent's increased level of positive attention toward them.

Third, the reunification expectations of the searching parent and the recovered child can be quite different. For some families the reunification is indeed the happy and joyous event that has been hoped for. For other families the child may not, however, be initially happy to be recovered. This is especially true if the child's absence from home has been lengthy resulting in the child becoming attached to a different home, friends, and activities. Still other children are angry with the left-behind parent, believing that they may have been abandoned or that the parent may have allowed the abduction to occur. Frequently children appear fearful that the left-behind parent will be angry and will blame the child for the abduction.

In summary, the recovered child's reunification with the family and readjustment is then determined by the combination of all three factors

- the particular set of events that occurred during this child's abduction
- the internal way in which the child tried to understand and cope with the abduction
- the expectations of the searching parent and the child about recovery and family re-entry

Specific Issues Prior to Recovery

The behavior of the abducting parent prior to the abduction is a key point to understand. You should pay particular attention to the degree of preparation the abducting parent took to abduct the child (if known) and the child's level of participation (if any) in the abduction planning. Parents who carry out well organized, carefully planned abductions have thought out justifications for the abduction. The result of such a well thought out abduction is that the child experiences rapid, planned movement marked by plausible explanations for removal from the other parent. The child's initial perception, then, is one of being cared for and attended to, reducing stress or confusion over leaving the home of the other parent. Unfortunately the child may later learn that the abducting parent's behavior was not really focused upon the child's best interests. This creates substantial disappointment and disillusionment for the child. Alternatively, disorganized abductions create confusion for the child. In an effort to create order out of confusion, the child frequently responds by attempting to take care of the disorganized, emotional abducting parent. Upon recovery, such children are very concerned with the welfare, health, and arrest status of the abducting parent, and are less interested in the reunification process with the searching parent.

During the abduction the abducting parent may believe, in addition to convincing themselves that the taking of the child is the right thing to do, that it is necessary to convince the child as well that the abduction is justified. Frequently this means talking to the child about the harm being done to him or her by the left-behind parent until the child will verbally repeat back the adult's concerns. These communications to the child about the left-behind parent may vary from representing the abducting parent as simply the better parent to labeling the left-behind parent as harmful or having abandoned the child. Children may be told that the left-behind parent is alcohol or drug addicted. An abducting parent may tell a child that he or she loves the child more than the left-behind parent or that he or she cannot live without the child or that the child in fact belongs to him or her alone. In a few cases children have been told that the left-behind parent will hurt or kill them if they are found.

Living conditions during the abduction are important to the child as well. While some abducting parents and children create a new identity while living in a new home environment, most live with relatives or friends or move frequently living out of motels or campers. These children suffer from school denial, frequent school changes, and a lack of other children with whom they can interact. Parentally abducted children at times are subtle victims of medical neglect and deferred medical care. This can occur through failure to obtain preventative care such as immunizations, diagnostic care such as medical exams, remedial care such as regular medication or nonemergency surgery, or prosthetic care such as eye glasses.

Reunification Meeting Recommendations

Experience with the reunification of recovered children with their families indicates that each member has an individual set of needs.

The needs of the recovered child are

- a safe transition from the abducting parent to law enforcement and then to the recovering parent
- an explanation about what is happening during this transition process
- evaluation and treatment, as necessary, for physical injury and psychological distress related to the disappearance

The needs of the recovering family are to be informed of

- the recovery of the child
- the circumstances of recovery
- preliminary knowledge of the child's physical and mental health
- reunification meeting options
- media contact options
- psychological counseling resources
- the anticipated next steps in criminal/civil court proceedings

The needs of both the recovered child and the recovering family can be met by taking the following actions to establish a reunification plan.

Prior to the Reunification The searching parent and the law enforcement officer in charge of the case should work together to agree upon recovery notification procedures; the investigating officer's level of on-site involvement if the child recovery is in another state or country; and what reunification assistance resources may be available through the National Center for Missing and Exploited Children (NCMEC); state missing children clearing-houses (if available); and any local, nonprofit missing children's organization.

The searching parent and the law enforcement officer in charge of the case should work together to agree upon what efforts should be made to provide support and information to the child pending the arrival of the recovering parent. The child needs to have an explanation about what is happening and what will happen next. If the return of the child is voluntary or without resistance, it is possible and preferable for the abducting parent to provide such an explanation to the child and for good-byes to be said. If the return of the child is involuntary and involves resistance or arrest of the abducting parent, the law enforcement officer or child protective service worker will need to provide an initial

explanation to the child of what is happening and of what will happen until the other parent arrives.

Upon Notification of the Location of the Child In addition to arranging travel, to the recovery location, for him- or herself and any other family members, the searching parent needs to prepare legal documents and consult, as needed, with local authorities in the jurisdiction where the child is found. Arrangements should be made with someone, perhaps a neighbor, family friend, or relative, to care for the needs of the remaining family members in the home who will not be going to the reunification. During his or her absence the recovering parent should keep in regular contact with the caregiver to keep the other children in the family informed about reunification events and return travel plans.

The searching parent should provide for welcoming the recovered child. This may include bringing to the reunification location a favorite possession left behind and/or past and present photographs of family members, family events, or family pets (especially if the child was close to a certain pet). These items can be useful for helping the child recall past positive memories, as well as providing something to discuss during the initial reunification meeting. Depending on the age of the child, it may also be useful to take missing child posters or newspaper articles with the child's name or picture to provide concrete indicators to the child of your efforts to find him or her.

At the Reunification Meeting The recovering parent should request that the law enforcement officer or other agency personnel at the planned reunification location provide a room and time for the child and parent to become reacquainted before leaving for home.

The recovering parent should recognize that in highly publicized cases, media attention may be intense. It is important to remember that the needs of the recovered child and the family always come first. The recovering parent desiring privacy should request assistance from the other professionals involved in the reunification process.

Psychological Considerations/What a Parent Can Expect The recovering parent should be aware that during the reunification the recovered child may be hesitant, fearful, angry, or confused. In some cases the child may not even remember you. In such situations, the recovering parent's best response is to continue to proceed to let the child know how happy he or she is that the child has been found and focus upon welcoming the child home.

The recovering parent should recognize that on the child's first night home, the child is most likely to be focused on being in the room in which his or her bed is located, becoming reacquainted with other family members, and relearning other aspects of family interaction rather than talking about the disappearance. The recovering parent may experience mixed feelings. On the one hand, there is undeniable relief that the child has been recovered. On the other hand, there is also a degree of anxiety and concern over not knowing what happened to the child during his or her absence and the possibility of future contact with the parent who abducted the child.

Specific Issues After Recovery

Most recovering parents are interested in knowing what specific psychological and adjustment issues have been encountered by other children and families after child recovery from parental abduction.

Most children who have been parentally abducted have initial concerns about safety and reabduction expressed through dreams, play/sleep difficulties, and specific fears about reabduction. Reabduction dreams more characteristically have to do with a child being taken away by a nonspecific adult from their current parent. Reabduction play involves reenacting the abduction itself or activities with themes of abduction fear and protection. In one case a young boy who was fearful of reabduction discovered a mouse under the kitchen sink. He then took little weapons from his ninja turtle toys to give to the mouse creating a ninja mouse who became the boy's protector against reabduction.

Most recovered children struggle with guilt and shame around the abduction event. It is important to understand the child's knowledge of being abducted. If the child is aware that he or she was being abducted, the child frequently feels responsible for not seeking help or calling home. Further, when the child realizes that the abducting parent's statements about the left-behind parent were not true, the child feels guilty for having not seen this earlier. In a few cases the child truly does not understand what happened and feels responsible for not having known. Abducting parents also sometimes involve the child as a co-conspirator, asking the child to assist in the process of not being discovered. In the child's mind evading discovery as part of the fugitive lifestyle may be like a game until real life intrudes. In one case a 7-year-old child described, in an animated and excited manner, hiding in a building when she and her mother knew that the police were looking for them. This game took on a very different meaning, however, when the police came into the building, arrested the mother, and took them away.

After recovery children are often caught in conflicting loyalty demands. Overall, children tend to be very good at assessing adult reactions to them, especially in situations where the risk of loss is high. In order to preserve a sense of safety the child will most likely assume the attitudes and behavior expected of them by the abducting parent. Meanwhile the recovering parent must go through a lengthy and frustrating process of locating and recovering the child, inevitably producing a degree of anger toward the abducting parent. After the recovery, the recovering parent may find it difficult not to communicate such anger and hostility about the abducting parent directly or indirectly to the child. This may result in the child feeling pressured to choose sides. In one case, nine months after his recovery and return, a child was very aware of the ongoing legal actions between the custodial mother and the father who had abducted him. In his play, the boy would always represent the mother and father figures in the family as being in conflict. As the legal disagreements increased, the boy finally announced that his "playmates" wanted to get rid of both parents and get new ones in their place.

Planning for the Future

In the weeks and months after recovery many families find themselves facing significant readjustment difficulties. Relatives and family friends can be important sources of help and support during this time. Psychologists and other mental health professionals can also play an important role. There may be a need for counseling for the whole family including the child, parents, and siblings. Local and state psychological, mental health, and medical associations can help identify mental health resources in your community. If possible, find a therapist who has experience in parental abduction or missing child cases. Remember, a child's readjustment may not be quick or easy, especially if the child has been absent for a long period of time.

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

8. The Impact of Abduction on Children

This chapter was written by Geoffrey L. Greif, DSW, and Rebecca L. Hegar, DSW, School of Social Work, University of Maryland. Portions of this chapter have appeared in the American Journal of Orthopsychiatry and are reprinted with permission of the Journal, Geoffrey L. Greif, and Rebecca L. Hegar, 1993.

Parental abduction occurs within the context of failed adult relationships. A parent snatches a child either as a marital or nonmarital relationship is breaking up or within a period of time ranging from a few days to a few years afterward. Whereas a great deal of attention has been focused on children of divorce, the consequences of this related traumatic event have been virtually ignored.

Child custody disputes and marital breakups tear at the fabric of the family placing children and sometimes parents in impossible situations to which there rarely are resolutions that satisfy everyone. At the far end of the divorce continuum are those relationship problems or custody disputes that include a kidnapping or other illegal acts.

This chapter attempts to advance an understanding of children who are abducted by reporting on the findings of a study and sharing the abduction experience of one family.

The Study

We compiled a sample of 371 searching parents, nearly half of whom had recovered their children, by enlisting the assistance of fifteen missing children's organizations throughout the United States and Canada. The organizations mailed eight-page questionnaires to parents who had approached them for help in locating their children. The following findings help to frame the parents' perspectives on their pre- and post-recovery situations.

A significant number described their home life prior to the abduction as chaotic, thus placing the children at risk for psychological problems even before the abduction. Domestic violence was present in 54 percent of the relationships. The abductor's substance abuse (15 percent) or emotional problems (16 percent) were blamed for the breakup in a significant percentage of the relationships, and abduction was threatened in advance of the actual event in almost half of the situations. Children were taken overseas and subjected to a new culture while hiding in 21 percent of the abduction cases studied.

Some children who were recovered were described by the recovering parent as having been physically abused (23 percent), sexually abused (7 percent), and both physically and sexually abused (5 percent). Children were also exposed to a range of other abusive behaviors (being screamed at, threatened, and witness to adult-to-adult fighting, etc.).

The findings indicate that the age of the children may affect how they experience abduction. Older children may suffer differently than younger children if, for example, they blame themselves for not contacting the searching parent when they had the capacity to do so. A sense of guilt for having not made such a contact may emerge. On the other hand, younger children may be abducted at a time when crucial developmental bonds are being formed

with the searching parent. Such a break may result in serious emotional problems at the time or in the future.

Overall functioning was believed to have declined in more than half of the children between the time they were taken and the time they were returned to the searching parent. This finding was offered with caution, though, as parental assessment of pre-abduction functioning appeared to be unrealistically high. Similarly, assessment of post-abduction functioning could be affected by a parent's desire to characterize the child's situation as negative in order to show how badly the child was treated when missing. Behavior at home was the most problematic area with grades, school behavior, and health showing a smaller decline. Three-quarters believed that the abduction had some negative effect that persisted. Over time, a majority of the children had been seen for psychological counseling.

One Family's Experience

In order to provide the reader with a picture of one extended and traumatic abduction, following is the case of David and Susan. These children were 6 and 5 years old, respectively, when they were located and returned to their mother, Ava, following more than three years of being held by their father.

David and Susan were the objects of a series of abductions when they were both quite young. Their parents, Ava and Ralph, were married for a very short time before Ralph became verbally and physically abusive toward Ava, as well as addicted to amphetamines. Huge fights between the parents ensued. While never the intentional targets of their father's angry outbursts, the children would occasionally get nicked when objects were thrown. Ava finally fled with the children to her mother's house following one particularly abusive episode. Ralph located them and forced them back home, beat up Ava, and locked her in a closet. She escaped again with the children, this time to a women's shelter in a different state. With the shelter's assistance she established a new life. Ralph once more found them and snatched the children after promising he was only interested in visitation. Three months later Ava tracked them down and snatched the children back. Weeks later her new hiding place was revealed to Ralph who once again took them and went into hiding, this time for three and one-half years. During that time the children had no contact with Ava who continued to search for them. She eventually remarried and had another child.

Life on the run was alternately exciting and terrifying, especially for David. He and Susan were trained not to trust the police and to avoid telling anyone their real names. They often went hungry but were given toys whenever they asked for them. They were never enrolled in school. Most traumatic for David was being exposed to his father's drug taking, pornographic movies, and sexual abuse at the hands of a female sitter. Susan apparently was spared much of this type of activity.

With assistance from a friend of Ralph's, Ava located both children who were in foster care in a different state following Ralph's arrest and incarceration on charges unrelated to the abduction. Ava said,

The foster care workers were shocked to see me. They and the children had been told first that I was dead and then that I was a prostitute and drug user. Then here I was looking like a normal mother. While there was a battle going on between the foster care people and me as to who the children belonged to, Ralph was released from jail (where he was serving time on other criminal charges) and snatched David from the foster home. The workers hadn't known who to believe, but when he snatched David right out of the foster home, they knew. I was then able to get a court order to return custody to me which set the stage for my getting them back.

Susan, then 5 years old, was returned to Ava. As Ava described it, Susan greatly enjoyed seeing her again. "It was just like in the movies. We ran and hugged each other and were crying and everything. [My new husband] was there and he was crying too." Even though Susan did not remember Ava, it only took a few days before she began feeling comfortable with her. Her experiences in foster homes and with her father had been so unhappy that the relationship that Ava offered her easily overcame any initial hesitations she had about living with her mother.

It would be another few months before David would rejoin the family. After Ralph abducted him from the foster home, they drove to Canada. Ralph and David finally were tracked down and caught after a high speed chase which ended with their car crashing into a barrier and David flying through the windshield. Ava recovered David, and Ralph went to prison for five years on kidnapping, drug, and theft charges.

Susan's and David's Adjustment The authors interviewed the children on four separate occasions, beginning a few months after David's return to their mother and spanning the next three years. At the first interview Susan, who had been living with Ava for five months at that time, was quiet and shy. She sat very close to her mother and gave the bare minimum of responses. She was alert and answered appropriately but, perhaps because of her experiences while in hiding or in foster care, had learned to offer very little information when questioned. Home schooling, initiated by her mother, was progressing well and she was adjusting to her new half-sister. She stated that she did not want to see her father and was afraid to speak to or write him in prison.

David's experiences left him in a more emotionally precarious position. He had been missing longer, spent a number of months in a less satisfactory foster care setting than Susan, and been exposed to much more abuse while with his father. He had also established a stronger identification with his father. His adjustment to his mother, sister, new step-father, and new half-sister was problematic. Ava described David as not knowing right from wrong, constantly throwing tantrums, crying fifteen to twenty times a day if he was refused anything, and frequently beating his head against the wall. Whereas Susan was seen as being "a little lady," David was perceived as acting out in ways similar to his father. He entered counseling at a sexual assault center immediately upon his return home.

At the first interview with David he was extremely friendly and outgoing, had difficulty with impulse control, could not sit still, and drew a picture that reflected the skill level of a child much younger than 7 years of age. Like many children with his experiences, he had learned to get attention through being affectionate and responsive to adults. Because he was very young when first abducted, critical stages in his development were missed and had to be experienced for the first time with a loving parent like Ava. In addition his moral development was stunted from living with a father who showed no regard for the law and encouraged illegal behavior.

Six months later, at the time of the second interview, improvement was noted. David remained very outgoing and loved the attention he received, yet he appeared to be learning more clearly where appropriate boundaries between adults and children should be drawn. Therapy was progressing and improved behavior was noted at home. While he had at first been rooming with his youngest sibling, David had moved into a room of his own in the basement of the family townhouse. This was done in part to give David his own living space but also because Ava was somewhat worried that he might harm his half-sister.

During this time both children continued to be home-schooled by Ava. Because they had never been in school, they both needed a great deal of remedial work to catch up to their peers. In addition they had been away from Ava for so much time that she wanted to avail herself of every opportunity to be with them. Given their previous separations, home schooling enabled them to form a strong relationship which in turn improved the children's self-concept.

At the third visit, eighteen months later, Susan continued to show improvement but other issues loomed for David. Susan seemed to have formed a close bond with Ava. She was moving on with her life and peer relations were not a problem for her. David had spent an unsatisfactory year in public school and, with Susan (who had performed well academically in school), was being taught at home again. Apparently David was picked on a great deal by the other children and, even though he was reportedly getting along well with children in the neighborhood, lacked social skills in the school setting. His academic performance was not at issue.

In addition contact with Ralph, who was still in prison, was upsetting the family. David stated, "He calls and starts screaming at us and my mom and we all start to cry. My mom just hangs up on him." Despite the past dangers, David talked about thinking about him a lot and wanting to see him. Then, with Ava's permission, David produced a photograph of his father as well as a picture Ralph had drawn from prison. Ava feared that Ralph might try to reabduct the children when released from prison. Both children spoke fondly of their step-father who was described by Ava as being a positive influence in all of their lives.

On the fourth visit, one year later, the family had again undergone a change. Ava's husband had been ill and had spent a number of months home from work. This required the children to return to school outside of the home so that he would have quiet during the day as well as Ava's attention. This time, and at a new school, David began to flourish. As Ava stated, with a laugh, "I think they like it [being in school] a lot more and I think they like me a lot more now, too! We were getting on each other's nerves. They are really finally adjusting well."

Case Analysis This case illustrates many issues. The children were kidnapped following months in an unstable home environment. They went into hiding, moved constantly, were told lies about their mother, had their identities changed, were taught to avoid legal authorities, were neglected, and, at least one child (David), was abused. They also witnessed a great deal of Ralph's aberrant and erratic behavior. In addition they were kept out of school and were eventually removed from their father, with whom David in particular had come to identify, and were placed in foster homes. When returned to their mother, David had a very difficult adjustment. He was uncontrollable for months and, almost two years later, continued to have problems in school, though his behavior at home improved. Time has proved to be beneficial to David, though some concerns persist. He remains obsessed with thoughts of his father. If he continues to identify with Ralph, he will have a harder time relating to Ava and his step-father. His sense of well-being may necessitate at some point a mourning for the loss of the "bad father" before he can accept the good parts in himself and move on—something he is starting to do. Susan has had an easier adjustment, though David's problems affect her as is evidenced by her also being home schooled a second time when David was removed from public school.

The fourth visit showed that Ava had begun to experience her children more typically. She laughed at the need that they had to spend time away from each other. This is a far cry from the mother who initially used home schooling to make up for lost time. Ava's new realism should eventually pave the way for a normal parent-child separation as the children reach adolescence.

This case example also illustrates children with rather different reactions to abduction. How much of this is due to the different experiences of the children or to the bond that formed between Ralph and David on the one hand and Susan and Ava on the other is difficult to tell.

Additional Reading

Many books and articles have been written about family abduction. Following is a selected list for parents and their lawyers. For additional sources, check your public library index under **Child Snatching**, **Family Abduction**, or **Parental Kidnapping**, or ask missing children organizations for their suggestions. American Bar Association (ABA) publications may be ordered from: ABA Order Fulfillment Department, 750 North Lake Shore Drive, Chicago, IL 60611.

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Family Abduction Projects Funded by the Office of Juvenile Justice and Delinquency Prevention

National Incidence Studies: Missing, Abducted, Runaway, and Thrownaway Children (NISMART) This study was undertaken in response to a mandate of the Missing Children's Assistance Act (42 USC § 5771 *et seq.*). The study estimated the incidence of missing children in 1988 in five categories: family abductions; nonfamily abductions; runaways; thrownaways; and missing because they had become lost, injured, or for some other reason.

Family abductions include those instances in which a noncustodial parent keeps a child overnight in violation of the terms of agreed visits (broad scope) to those in which the child is transported out of state with the intent to keep them (policy focal). The estimated 354,100 broad scope family abductions included 163,200 more serious policy focal family abductions. This report was released in 1990 and is available from the Juvenile Justice Research Clearinghouse (JJRC), 1-800-638-8736.

Obstacles to Return and Recovery of Parentally Abducted Children This study identified major legal, policy, procedural, and practical barriers to the recovery and return of children who are victims of parental abductions and suggested recommendations as to how they can be overcome. It includes valuable resource material for attorneys as well. Report available from JJRC, 1-800-638-8736. A follow up training and dissemination project is underway at the American Bar Association Center on Children and the Law, (202) 331-2250.

National Study of Law Enforcement Agencies' Policies and Practices Regarding Missing Children This study systematically describes the role of law enforcement agencies in both responding to reports of missing children and in the identification and recovery of these children. Report available from JJRC, 1-800-638-8736.

The Reunification of Missing Children This project examined a large sample of cases of recovered children and their families. This study found that nearly all of the children and their families received no services to help with the reunification process. The only agency personnel usually present at the reunification were law enforcement officers. The only agency that maintained contact with the families after recovery was the National Center for Missing and Exploited Children. Report available from JJRC, 1-800-638-8736.

Families of Missing Children: Psychological Consequences This study found that the vast majority of missing and recovered children experience significant trauma and long-term distress as a result of the abduction as well as further trauma at the time of resolution or recovery. Report available from JJRC, 1-800-638-8736.

Missing and Exploited Children Comprehensive Action Program (M/CAP) M/CAP serves communities by helping them develop coordinated, comprehensive procedures for management of missing, exploited, and abused child cases through the development of a multi-agency team and integrated case management system. For more information on this ongoing program, contact the M/CAP office, (703) 516-6137.

Training and Technical Assistance for Prosecutors in Parental Abduction Cases The National Center for the Prosecution of Child Abuse at the American Prosecutors Research Institute (APRI) provides ongoing technical assistance to prosecutors and investigators on specific cases. The project has developed specialized information for prosecutors on case law, cases involving domestic violence, and a database of prosecutors with experience in these kinds of cases. A manual on prosecuting parental abduction cases is being prepared and training conferences have been given to provide technical assistance. For more information on this ongoing program contact APRI, (703) 739-0321.

Study on the Prevention of Family Abductions of Children Through Early Identification of Risk Factors This program is studying the circumstances likely to precipitate the abduction of a child by a parent or family member, including family domestic violence. The goal is to develop a means to define families at risk for abduction and evaluate prevention intervention strategies. For more information on this ongoing program contact the American Bar Association Center on Children and the Law, (202) 331-2250.

Training and Technical Assistance for Nonprofits Working with Families of Missing Children This program is providing technical assistance and training to the nonprofit community to assist them in better serving families with missing and exploited children. Among the issues covered in the training are coordination with law enforcement, reunification preparation, assistance and follow up, issue and prevention education, community outreach, referrals, networking, improving service delivery, and advocacy. For more information on this ongoing program contact the National Victim Center, (703) 276-2880.

Overcoming Confidentiality Barriers to Find Missing Children This study primarily focuses on legal research to examine barriers, such as confidentiality issues, to obtaining information necessary for the location and recovery of a missing child from such places as schools, public agencies, and medical facilities. For more information on this soon to be completed study contact the American Bar Association Center on Children and the Law, (202) 331-2250.

Issues in Resolving Cases of International Child Abduction This research project is designed to document the cultural and institutional barriers to the recovery of children who were taken to or retained in another country by a parent or family member. For more information contact the American Bar Association Center on Children and the Law, (202) 331-2250.

Missing Children's Organizations

For information on the missing children's organization closest to you please call the **National Center for Missing and Exploited Children (NCMEC)** at 1-800-THE-LOST (1-800-843-5578).

State Missing Children Clearinghouses

Following is the list of state missing children clearinghouses and their respective telephone numbers as of this print date. Please call the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) to request any updated information on missing children clearinghouses.

Alabama Department of Public Safety
Missing Children Bureau
(205) 260-1100
(800) 228-7688

Alaska State Troopers
Missing Persons Clearinghouse
(907) 269-5497
(800) 478-9333

Arizona Department of Public Safety
Criminal Investigation Research Unit
(602) 223-2158

Arkansas Office of the Attorney General
Missing Children Services Program
(501) 682-1323

California Department of Justice
Missing/Unidentified Persons
(916) 227-3290
(800) 222-3463

Colorado Bureau of Investigation
Crime Information Center
(303) 239-4251
(303) 239-4222

Connecticut State Police
Research and Planning/Missing Persons
(203) 238-6575

Delaware State Police
State Bureau of Identification
(302) 739-5883

**District of Columbia Metro
Police Department**
Missing Persons/Youth Division
(202) 576-6771

Florida Department of Law Enforcement
Missing Children Information Clearinghouse
(904) 488-5224
(800) 342-0821

Georgia Bureau of Investigation
Intelligence Unit
(404) 244-2554
(800) 282-6564

Illinois State Police
I-SEARCH
(217) 782-6053
(800) 843-5763

Indiana State Police
Indiana Missing Children Clearinghouse
(317) 232-8310
(800) 831-8953

Iowa Department of Public Safety
Division of Criminal Investigation
(515) 281-5138
(800) 346-5507

Kansas Bureau of Investigation
Special Services Division
(913) 296-8200
(800) 572-7463

Kentucky State Police
(502) 227-8799
(800) 222-5555

**Louisiana Department of Health and
Human Resources**
Louisiana Clearinghouse for Missing and
Exploited Children
(504) 342-4011

Maine State Police

Criminal Investigation Division
(207) 624-7097
(800) 452-4664

Maryland Center for Missing Children

Maryland State Police
(410) 290-0780
(800) 637-5437

Massachusetts State Police

Missing Persons Unit
(617) 727-8972
(800) 622-5999

Michigan State Police

Prevention Services Unit
(517) 336-6603
(This office is **not** a clearinghouse, but an unofficial contact for police assistance or leads.)

Minnesota State Clearinghouse

Bureau of Criminal Apprehension
(612) 642-0610

Mississippi Highway Patrol

(601) 987-1592

Missouri State Highway Patrol

Missing Persons Unit
(314) 751-3313
(800) 877-3452

Montana Department of Justice

Missing/Unidentified Persons
(406) 444-3625

Nebraska State Patrol

Criminal Record and Identification Division
(402) 479-4019
(402) 479-4938

Nevada Office of the Attorney General

Nevada Missing Children Clearinghouse
(702) 486-3420
(702) 486-3539

New Hampshire State Police

(603) 271-2663
(800) 852-3411

New Jersey State Police

Missing Persons/Child Exploitation
(609) 882-2000
(800) 743-5377

New Mexico Department of Public Safety

Communications
(505) 827-9187
(This office is **not** a clearinghouse, but an unofficial contact for police assistance or leads.)

New York Division of Criminal Justice Service

Missing and Exploited Children
(518) 457-6326
(800) 346-3543

North Carolina Center for Missing Persons

Crime Control and Public Safety
(919) 733-3914
(800) 522-5437

North Dakota Clearinghouse, Missing Children

North Dakota Radio Communication
(701) 224-2121
(800) 472-2121

Ohio Missing Children Clearinghouse

Office of the Attorney General
(614) 644-0122
(800) 325-5604

Oklahoma State Bureau of Investigation

Criminal Information Unit
(405) 848-6724

Oregon State Police

Missing Children Clearinghouse
(503) 378-3720 ext. 4412
(800) 282-7155

Pennsylvania State Police

Bureau of Criminal Investigation
(717) 783-5524

Rhode Island State Police

Missing and Exploited Children Unit
(401) 444-1125
(800) 286-8626

South Carolina Law Enforcement Division

Missing Person Information Center
(803) 737-9000
(800) 322-4453 (SC only)

South Dakota Attorney General's Office

Division of Criminal Investigation
(605) 773-3331

Tennessee Bureau of Investigation

Criminal Intelligence Unit
(615) 741-0430

Texas Department of Public Safety

Criminal Intelligence Service
(512) 465-2814
(800) 346-3243

Vermont State Police

(802) 773-9101

Virginia State Police Department

Missing Children's Clearinghouse
(804) 674-2026
(800) 822-4453

Washington State Patrol

Missing Children Clearinghouse
(206) 753-3960
(800) 543-5678

Wyoming Office of the Attorney General

Division of Criminal Investigation
(307) 777-7537

National Clearinghouses

Canada

Royal Canadian Mounted Police

Missing Children's Registry
(613) 993-1525

United States

National Center for Missing and Exploited Children

(703) 235-3900
1-800-THE-LOST (1-800-843-5678)

Sample Documents to Assist in the Search for a Missing Child

**Key Contacts in
Parental Kidnapping Cases**

**Police Department (Sheriff) in your
community**

Name of officer assigned to case _____

Badge number _____

Telephone number _____

Address _____

Police report/case number _____

**Prosecutor (District Attorney, State
Attorney, Commonwealth Attorney,
Assistant Attorney General, Solicitor)**

Name _____

Telephone number _____

Address _____

**Assistant Prosecutor assigned to
your case**

Name _____

Telephone number _____

Address _____

Your Lawyer

Name _____

Telephone number _____

Address _____

FBI

Agent(s) spoken to _____

Telephone number _____

Address _____

U.S. Attorney for your district

Name _____

Telephone number _____

Address _____

**Assistant U.S. Attorney assigned to
your case**

Name _____

Telephone number _____

Address _____

Support Groups

Name _____

Telephone number _____

Address _____

Name _____

Telephone number _____

Address _____

Missing Person's Report for an Abducted Child

Complete this worksheet and make a copy. Bring the copy to the police station when you go to report your child as missing. This will speed up the process of entering a missing person's report on your child into the NCIC computer. If you cannot make a copy, bring this book with you and ask the police officer to have a copy made of this worksheet.

Child's name _____

Sex _____

Race _____

Date of birth _____

Mother's maiden name _____

Date of abduction _____

Place of abduction (home, school, etc.) _____

Age at time of abduction _____

Height _____

Weight _____

Hair color _____

Eye color _____

Glasses? _____

Birthmarks _____

Unique characteristics (scars, limp, stutter, tattoo, jewelry, etc.) _____

Grade in school _____

Medical or dental problems _____

Circumstances of abduction _____

(Attach photo of child here.)

Information about abductor parent to be included in NCIC entry on missing child

Abductor's name _____

If mother, maiden name _____

Sex _____

Race _____

Date of birth _____

Height _____

Weight _____

Hair color _____

Glasses? _____

Birthmarks _____

Unique characteristics _____

Social Security number _____

Occupation _____

Vehicle

Make _____

Model Year _____

Driver's License _____

Person(s) traveling with abductor _____

Description _____

(Attach photo of abductor here.)

SAMPLE

REQUEST FOR AUTHORIZATION TO USE THE FPLS

County/State

Application having been made to me

_____ on _____
Judge, Police Officer, Prosecuting Attorney, or other
authorized person Date

I request the Federal Parent Locator Service (FPLS), through the

_____ Parent Locator Service, to
Name of State

submit the name of _____
Name Social Security Number (SSN)

to the FPLS.

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

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

Signature

Title

Date

If SSN is not known:

Abducting Parent's Name

Abducting Parent's Date of Birth

Abducting Parent's Place of Birth
City, State, and Country (if other than U.S.A.)

Abducting Parent's Father's Name (first and last)

Abducting Parent's Mother's Name (first and maiden)

Searching Parent's Social Security Number

Have You Seen This Child?

WANTED: Arrest Warrant Issued

OPTIONAL
PHOTO
OF ABDUCTOR
(if warrant issued
for arrest)

(Date of Photo)

NAME OF ABDUCTOR

Date of Birth:

Ht.: Wt.:

Hair: Eyes:

Complexion:

Scars, etc.:

Occupation:

Race:

MISSING CHILD

CHILD'S PHOTO

(Date of Photo)

NAME OF CHILD

Date of Birth:

Grade in School:

Ht.: Wt.:

Complexion:

Scars, etc.:

Hobbies, sports, etc.:

Details of Abduction—Date, Place:

Indicate violation of court order, warrant on file.

Indicate if abuse has occurred.

CHILD'S PHOTO,
DIFFERENT ANGLE

(Date of Photo)

Age: Race:

Hair: Eyes:

IF YOU HAVE ANY INFORMATION, PLEASE CONTACT:

Officer's Name, Police Department:

Phone Number:

Case Number:

Warrant Number (if secured):

**National Center for
Missing and Exploited Children**

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

NOTE: A missing child MUST be registered with the National Center for Missing and Exploited Children before adding the organization's name and telephone number to this flier.

SAMPLE

REQUEST FOR FERPA RECORDS

(Name)
(Principal, or other title)
(School)
(Street address)
(City, state, zip)

(Date)

Dear _____ :
(Name)

I am the (Mother/Father) of _____
(Child's first, middle, and last names)

My child attended your school from _____ to _____ (or is currently attending your school). My child was abducted by (his/her) other parent on _____. (Optional: I have/share custody of _____.)
(Child's name)

Please review your records for _____ and send me
(Child's name)

the most recent address you have for (him/her). If my child no longer attends your school and you have received a request to transfer (his/her) records to a new school, please send me the name, address, and telephone number of the school requesting the records. Because I am a parent, the federal Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g) entitles me to this information about my child.

I would also appreciate it if you would "flag" the school records of my child and notify me in the event you receive any information that would assist me in finding my child.

You can reach me at: _____
(Your name)

(Your street address)

(Your city, state, zip)

(Your telephone number)

Please keep this inquiry confidential.

Thank you for your assistance in this matter.

Sincerely,

(Your signature)

(Note: If possible, attach a copy of your custody order, your child's birth certificate, and a copy of the Family Educational Rights and Privacy Act, reproduced on pages 107-108 of this book.)



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

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

I. IDENTITY OF CHILD AND PARENTS

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

II. REQUESTING INDIVIDUAL OR INSTITUTION

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

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

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

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

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

V. FACTUAL OR LEGAL GROUNDS JUSTIFYING THE REQUEST

VI. CIVIL PROCEEDINGS IN PROGRESS, IF ANY

VII. CHILD IS TO BE RETURNED TO:

NAME (Last, First, Middle)

DATE OF BIRTH

PLACE OF BIRTH

ADDRESS

TELEPHONE NUMBER

PROPOSED ARRANGEMENTS FOR RETURN TRAVEL OF CHILD

VIII. OTHER REMARKS

IX. DOCUMENTS ATTACHED (PREFERABLY CERTIFIED)

- DIVORCE DECREE PHOTOGRAPH OF CHILD OTHER _____
 CUSTODY DECREE OTHER AGREEMENT CONCERNING CUSTODY _____

SIGNATURE OF APPLICANT AND/OR STAMP OF CENTRAL AUTHORITY

DATE

PLACE

PRIVACY ACT STATEMENT

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

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

The Laws on Family Abduction

State Laws

Criminal Custodial Interference Laws Nearly every state has enacted criminal laws to prevent family abduction and to punish abductors. The definition of the crime varies from state to state, as does the name of the crime (child abduction, child stealing, custodial interference, parental kidnapping, or family kidnapping). It is possible that family abduction may be punished under the laws of the state from which the child was abducted as well as the state to which the child was taken. For this reason, it is wise to check the laws of both states. See the table entitled "Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers" on page 109 for the statute numbers to the criminal laws of each state.

Missing Children Laws Laws have been enacted by a number of states to safeguard children against abductions by strangers. Some of these laws also apply to family abduction. Under these laws a variety of strategies are available to help in locating missing children, including missing children registries, programs in the public schools to detect abducted children, and laws requiring prompt law enforcement investigation of missing child cases. See the table entitled "State Missing Children Laws" on page 111 for the statute numbers of the laws in your state.

Federal Laws

The Missing Children Act (28 USC § 534) Passed in October 1982 this federal law (P.L. 97-292) ensures that complete descriptions of missing children can be entered into the Federal Bureau of Investigation's National Crime Information Center (NCIC) computer even if the abductor has not been charged with a crime. The complete text is reproduced below.

The Attorney General, through the FBI, will be required, as part of its National Crime Information Center (NCIC) to:

Acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual; and acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person); and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin).

The Missing Children's Assistance Act (42 USC § 5771 *et seq.*) Passed in 1984, this federal law (P.L. 98-473) requires the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice to

- establish and operate a national, toll-free telephone line to receive reports of sightings of missing children and to provide information on reuniting the child and the child's custodian
- establish and operate a national clearinghouse of information about missing and exploited children
- provide technical assistance to law enforcement agencies, nonprofit agencies, and families to help locate and recover missing children
- conduct a national incidence study to find out the numbers of missing children
- publish summaries of the latest research on missing children

The National Center for Missing and Exploited Children performs most of these functions for OJJDP. Other private organizations perform other functions, such as conducting the national incidence study. OJJDP itself publishes the annual summaries of programs related to missing and exploited children.

National Child Search Assistance Act (42 USC §§ 5779 and 5780) Passed in 1990, this law forbids all law enforcement agencies in the country from establishing any waiting period before accepting a missing child report. In addition the act requires the immediate entry of each report into the National Crime Information Center (NCIC) computer and does not limit the instigation of a missing child report and investigation to the custodial parent.

Each state reporting under the provisions of this title shall

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) provides that each such report and all necessary and available information, which, with respect to each missing child report, shall include

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) the date and location of the last known contact with the child; and

(C) the category under which the child is reported missing;

is entered immediately into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the state or other agency designated within the state to receive such reports; and

(3) provide that after receiving reports as provided in paragraph (2), the law enforcement agency that entered the report into the National Crime Information Center shall

(A) no later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;

(B) institute or assist with appropriate search and investigative procedures; and

(C) maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.

The Uniform Child Custody Jurisdiction Act (UCCJA) All fifty states, the District of Columbia, and the Virgin Islands have enacted the UCCJA. Although it is called a "uniform act," many states have changed some of this law's provisions before enacting it. Consequently, you should read the UCCJA as passed by your state and the state in which your child is located. In the table entitled "Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers" on page 109 you will find the statute numbers for each state's version of the UCCJA. The UCCJA:

1. Establishes rules governing which state has jurisdiction (power) to make or modify (change) a custody determination.
2. Applies to proceedings for custody, visitation, and joint custody but not to actions for child support.
3. Makes it possible for a parent to obtain a custody determination even after a child has been abducted.
4. Enables a parent with a valid custody decree to have the decree honored and enforced in whatever state the child is located, without having to retry the whole custody case. It may be necessary, however, for the court of the state in which the child is found to hold a hearing to satisfy itself that the court order is valid. The enforcing court will also apply the federal Parental Kidnapping Prevention Act, which in some instances will prevent enforcement of a custody decree that is valid under the state UCCJA.
5. Limits the right of a court to conduct a custody hearing when a valid custody decree has already been made by another state and when a court in another state that has jurisdiction under the UCCJA is considering a petition for custody.
6. Restricts the power of a court to modify existing custody orders made by courts in other states that follow the UCCJA.
7. Punishes child abductors by permitting judges to order them to pay all reasonable costs, including attorney's fees, incurred by the victim parent in locating and recovering the child.

8. Discourages parental kidnapping by giving judges the power to refuse to hear a case if an abductor petitions the judge for a new custody order or for changes in an existing order.
9. Encourages communication and cooperation between judges in different states to decide which state has jurisdiction and whether that state should exercise jurisdiction in an interstate custody or parental kidnapping case.
10. Permits special scheduling of interstate custody cases to speed their resolution.
11. Provides that custody decrees made by courts in foreign countries are entitled to enforcement in the United States if reasonable notice and an opportunity to be heard are given to all affected persons.

The Parental Kidnapping Prevention Act (PKPA) The Parental Kidnapping Prevention Act of 1980 (PKPA) (P.L. 96-611) is a federal law that has three major sections which are reproduced below.

The first part requires states to enforce and not modify custody determinations made by other states consistently with the jurisdictional provisions of that act. In other words, state courts in the United States must give "full faith and credit" to custody decrees made in conformity with the PKPA.

28 USC § 1738A

(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsection (f) of this section, any child custody determination made consistently with the provisions of this section by a court of another State.

(b) As used in this section, the term—

- (1) "child" means a person under the age of eighteen;
- (2) "contestant" means a person, including a parent, who claims a right to custody or visitation of a child;
- (3) "custody determination" means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modifications;
- (4) "home State" means the State in which, immediately preceding the time involved, the child lived with his parents, a parent, or a person acting as a parent, for at least six consecutive months, and in the case of a child less than six months old, the State in which the child lived from birth with any of such persons. Periods of temporary absence of any of such persons are counted as part of the six-month or other period;
- (5) "modification" and "modify" refer to a custody determination which modifies, replaces, supersedes, or otherwise is made subsequent to, a prior custody determination concerning the same child, whether made by the same court or not;
- (6) "person acting as a parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody;
- (7) "physical custody" means actual possession and control of a child; and
- (8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(c) A child custody determination made by a court of a State is consistent with the provisions of this section only if—

- (1) such court has jurisdiction under the law of such State; and
- (2) one of the following conditions is met:
 - (A) such State (i) is the home State of the child on the date of the commencement of the proceeding, or (ii) had been the child's home State within six months before the date of the commencement of the proceeding and the child is absent from such State because of his removal or retention by a contestant or for other reasons, and a contestant continues to live in such State;
 - (B) (i) it appears that no other State would have jurisdiction under subparagraph (A), and (ii) it is in the best interest of the child that a court of such State assume jurisdiction because (I) the child and his parents, or the child and at least one contestant, have a significant connection with such State other than mere physical presence in such State, and (II) there is available in such State substantial evidence concerning the child's present or future care, protection, training, and personal relationships;
 - (C) the child is physically present in such State and (i) the child has been abandoned, or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse;

(D) (i) it appears that no other State would have jurisdiction under subparagraph (A), (B), (C), or (E), or another State has declined to exercise jurisdiction on the ground that the State whose jurisdiction is in issue is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that such court assume jurisdiction; or

(E) the court has continuing jurisdiction pursuant to subsection (d) of this section.

(d) The jurisdiction of a court of a State which has made a child custody determination consistently with the provisions of this section continues as long as the requirement of subsection (c)(1) of this section continues to be met and such State remains the residence of the child or of any contestant.

(e) Before a child custody determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated and any person who has physical custody of a child.

(f) A court of a State may modify a determination of the custody of the same child made by a court of another State, if—

(1) it has jurisdiction to make such a child custody determination, and

(2) the court of the other State no longer has jurisdiction, or it has declined to exercise such jurisdiction to modify such determination.

(g) A court of a State shall not exercise jurisdiction in any proceeding for a custody determination commenced during the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody determination.

note

(c) In furtherance of the purpose of section 1738A of title 28, United States Code, as added by subsection (a) of this section, State courts are encouraged to—

(1) afford priority to proceedings for custody determinations; and

(2) award to the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, necessary travel expenses, attorneys' fees, costs of private investigations, witness fees or expenses, and other expenses incurred in connection with such custody determination in any case in which—

(A) a contestant has, without the consent of the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, (i) wrongfully removed the child from the physical custody of such person, or (ii) wrongfully retained the child after a visit or other temporary relinquishment of physical custody; or

(B) the court determines it is appropriate.

The second part of the PKPA authorizes the Federal Parent Locator Service to use its computer to find address information on abductor parents and abducted children. Regulations implementing this law can be found in the *Federal Register*, Vol. 48, No. 166, August 25, 1983, beginning at page 38542.

42 USC § 653

(17) in the case of a State which has in effect an agreement with the Secretary entered into pursuant to section 463 for the use of the Parent Locator Service established under section 453, to accept and transmit to the Secretary requests for information authorized under the provisions of the agreement to be furnished by such Service to authorized persons, and to impose and collect (in accordance with regulations of the Secretary) a fee sufficient to cover the costs to the State and to the Secretary incurred by reason of such requests, to transmit to the Secretary from time to time (in accordance with such regulations) so much of the fees collected as are attributable to such costs to the Secretary so incurred, and during the period that such agreement is in effect, otherwise to comply with such agreement and regulations of the Secretary with respect thereto.

42 USC §§ 653-655

42 USC § 663

(a) The Secretary shall enter into an agreement with any State which is able and willing to do so, under which the services of the Parent Locator Service established under section 453 shall be made available to such State for the purpose of determining the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of—

(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

(2) making or enforcing a child custody determination.

(b) An agreement entered into under this section shall provide that the State agency described in section 454 will, under procedures prescribed by the Secretary in regulations, receive and transmit to the Secretary requests from authorized persons for information as to (or useful in determining) the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of—

- (1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or
- (2) making or enforcing a child custody determination.

(c) Information authorized to be provided by the Secretary under this section shall be subject to the same conditions with respect to disclosure as information authorized to be provided under section 453, and a request for information by the Secretary under this section shall be considered to be a request for information under section 453 which is authorized to be provided under such section. Only information as to the most recent address and place of employment of any absent parent or child shall be provided under this section.

(d) For purposes of this section—

(1) the term 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modification;

(2) the term 'authorized person' means—

(A) any agent or attorney of any State having an agreement under this section, who has the duty or authority under the law of such State to enforce a child custody determination;

(B) any court having jurisdiction to make or enforce such a child custody determination, or any agent of such court; and

(C) any agent or attorney of the United States, or of a State having an agreement under this section, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.

The third part of the PKPA directs the U.S. Department of Justice to apply the federal Fugitive Felon Act to interstate parental kidnapping cases when a state felony warrant has been issued. This section authorizes the issuance of a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant.

18 USC § 1073, *note*

(a) In view of the findings of the Congress and the purposes of sections 6 to 10 of this Act set forth in section 302, the Congress hereby expressly declares its intent that section 1073 of title 18, United States Code, apply to cases involving parental kidnapping and interstate or international flight to avoid prosecution under applicable State felony statutes.

The Hague Convention on the Civil Aspects of International Child Abduction For a discussion of this important treaty, *see* page 66.

The International Child Abduction Remedies Act (42 USC § 11601 to § 11610) Passed in 1988, the International Child Abduction Remedies Act (P.L. 100-300) establishes procedures for bringing court actions in the United States for the return of abducted children pursuant to the Hague Convention on the Civil Aspects of International Child Abduction in the United States. *See* summary of the Hague Convention on page 66. The International Child Abduction Remedies Act requires the President to designate a federal agency as the Central Authority for administration of the treaty provisions within the United States. It empowers state and federal courts to hear cases for the return of children who have been abducted from foreign countries to the United States, and authorizes the courts to protect the well-being of the child and to prevent the child's further removal or concealment. The U.S. Central Authority is authorized to have access to information in certain American records pertaining to the whereabouts of an abductor or child.

Family Educational Rights and Privacy Act of 1974 (20 USC § 1232g) [The Family Educational Rights and Privacy Act] FERPA allows parents, custodial and noncustodial, to obtain information contained in their child's school records. This makes it possible for a noncustodial parent to verify that the child is enrolled and attending a particular school, how the child is doing, and most importantly obtain the name and address of any other schools the records have been forwarded to in the event a parent abducts the child.

(a)(1)(A) No funds shall be made available under any applicable program to any educational agency or institution which has a policy of denying, or which effectively prevents, the parents of students who are or who have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children. If any material or document in the education record of a student includes information on more than one student, the parents of one of such students shall have the right

to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material. Each educational agency or institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children within a reasonable period of time, but in no case more than forty-five days after the request has been made.

Compliance of DoD Members, Employees, and Family Members Outside the United States with Court Orders (32 C.F.R. Part 146) This section establishes policy and procedures for the return to the United States of, or other action affecting, members of the Department of Defense (DoD) and employees serving outside of the United States, and accompanying family members. It prescribes procedures for treating such individuals who have been charged with, or convicted of, a felony in a court; held in contempt of a court for failure to obey the court's order; or ordered to show cause by a court why they should not be held in contempt for failing to obey the court's order.

§ 146.4 Policy

It is DoD policy that:

(a) With due regard for mission requirements, the provisions of applicable international agreements, and ongoing DoD investigations and courtsmartial, the Department of Defense shall cooperate with courts and State and local officials in enforcing court orders relating to DoD members and employees stationed outside the United States, as well as their family members who accompany them, who have been charged with, or convicted of, a felony in a court, who have been held in contempt by a court for failure to obey the court's order, or have been ordered to show cause why they should not be held in contempt for failing to obey the court's order.

§ 146.6 Procedures

(a) On receipt of a request for assistance from a court, or a Federal, State or local official concerning a court order described in § 146.4(a), the Head of the DoD Component concerned, or designee, shall determine whether the request is based on an order issued by a court of competent jurisdiction. Attempts shall be made to resolve the matter to the satisfaction of the court without the return of, or other action affecting, the member, employee, or family member (subject). Before action is taken under this section, the subject shall be afforded the opportunity to provide evidence of legal efforts to resist the court order, or otherwise show legitimate cause for noncompliance. If the Head of the DoD Component concerned determines that such efforts warrant a delay in taking action under this section, the DoD Component Head may grant a brief delay (not more than 90 days). All delays promptly shall be reported to the ASD(FM&P) [Assistant Secretary of Defense (Force Management and Personnel)] and to GC, DoD [General Counsel, Department of Defense].

(1) If the request pertains to a felony or to contempt involving the unlawful or contemptuous removal of a child from the jurisdiction of a court or the custody of a parent or another person awarded custody by court order, and the matter cannot be resolved with the court without the return of the subject to the United States, the Head of the DoD Component, or designee, promptly shall take the action prescribed in paragraphs (b) through (d) of this section, unless the ASD(FM&P), or designee, grants an exception.

(b) If a DoD member is the subject of the request, the member shall be ordered, under 10 USC § 814, to return expeditiously to an appropriate port of entry at Government expense, contingent on the party requesting return of the member providing for transportant, and escort, if desired, of the member from such port of entry to the jurisdiction of the party. The party requesting return of the member shall be notified at least 10 days before the member's return to the selected port of entry, absent unusual circumstances.

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

(d) If the family member of a DoD member or employee is the subject of a request concerning the court order, the family member strongly shall be encouraged to comply with the court order. Failure to respond to the court order may be a basis for withdrawing the command sponsorship of the family member.

Uniform Child Custody Jurisdiction Laws, Criminal Custodial Interference Laws, and Parent Locator Service Telephone Numbers

State	Uniform Child Custody Jurisdiction Act (UCCJA)	Criminal Custodial Interference Laws	Parent Locator Service
Alabama	§30-3-20 to §30-3-44	§13A-6-45	(205) 242-9300
Alaska	§25.30.010 to §25.30.910	§11.41.320 & §11.41.330	(907) 263-6280
Arizona	§8-401 to §8-424	§13-1302	(602) 252-4045 x351
Arkansas	§9-13-201 to §9-13-227	§5-26-502	(501) 252-8178
California	Fam. C. 3400 to 3424 & 3130	Penal Code §277 to §279	(916) 227-3600
Colorado	§14-13-101 to §14-13-126	§18-3-304	(303) 866-5987 (303) 866-3353
Connecticut	§46b-90 to 114	§53A-97, §53A-98	(203) 566-5438
Delaware	Title 13 §1901 to §1925	Title 11 §785	(302) 577-4832
District of Columbia	§16-4501 to §16-4524	§16-1021 to §16-1026	(202) 727-5046 (202) 727-0376
Florida	§61.1302 to §61.1348	§787.03 & §787.04	(904) 488-9907
Georgia	§19-9-40 to §19-9-64	§16-5-45	(404) 894-5933
Hawaii	§583-1 to §583-26	§707-726 to §707-727	(808) 587-3772
Idaho	§32-1101 to §32-1126	§18-4506	(208) 334-6670
Illinois	750 ILCS 35/1 <i>et seq.</i>	720 ILCS 5/10-5	(217) 524-4568
Indiana	§31-1-11.6-1 to §31-1-11.6-25	§35-42-3-4	(317) 232-4936
Iowa	§598A.1 to §598A.25	§710.5 & §710.6	(515) 281-8970
Kansas	§38-1301 to §38-1326	§21-3422 §21-3422(a)	(913) 296-1450
Kentucky	§403.400 to §403.630	§509.070	(502) 564-2244 x271
Louisiana	§13:1700 to §13:1724	§14:45 & §14:45.1	(504) 342-5131
Maine (no FPLS contract)	Title 19 §801 to §825	Title 17-A §303	(207) 289-2886
Maryland	Family Law §9-201 to §9-224	Family Law §9-301 & §9-304 to §9-307	(301) 333-0635
Massachusetts	Ch. 209B, §1 to §14	Ch. 265, §26A	(617) 727-4200 x363
Michigan	§600.651 to §600.673	§750.350a	(517) 373-8640
Minnesota	§518A.01 to §518A.25	§609.26	(612) 297-1113
Mississippi	§93-23-1 to §93-23-47	§97-3-51	(601) 354-6845
Missouri	§452.440 to §452.550	§565.149 to §565.169	(314) 751-2464

State	Uniform Child Custody Jurisdiction Act (UCCJA)	Criminal Custodial Interference Laws	Parent Locator Service
Montana (no FPLS contract)	§40-7-101 to §40-7-125	§45-5-304	(406) 657-6101
Nebraska	§43-1201 to §43-1225	§28-316	(402) 471-9349
Nevada	§125A.010 to §125A.250	§200.359	(702) 687-4960
New Hampshire	§458-A:1 to §458-A:25	§633.4	(603) 271-4422
New Jersey	§2A:34-28 to §2A:34-52	§2C:13-4	(609) 588-2355
New Mexico	§40-10-1 to §40-10-24	§30-4-4	(505) 827-7221
New York	Domestic Relations §75-a to §75-z	Penal Law §135.45 to §135.50	(518) 474-9092
North Carolina	§50A-1 to §50A-25	§14-320.1	(919) 571-4120 x226
North Dakota	§14-14-01 to §14-14-26	§14-14-22.1	(701) 224-5486
Ohio	§3109.21 to §3109.37	§2905.04 & §2919.23	(614) 752-6567
Oklahoma	Title 43 §501 to §527	Title 43 §527 & Title 21 §891	(405) 424-5871 x2615
Oregon	§109.700 to §109.930	§163.245 & §163.257	(503) 373-7300
Pennsylvania	Title 23 §5341 to §5366	Title 18 §2904	(717) 783-3032
Rhode Island	§15-14-1 to §15-14-26	§11-26-1.1 and §11-26-1.2	(401) 464-3014
South Carolina	§20-7-782 to §20-7-830	§16-17-495	(803) 737-5820
South Dakota	§26-5A-1 to §26-5A-26	§22-19-9 to §22-19-12	(605) 773-5189
Tennessee	§36-6-201 to §36-6-225	§39-13-306	(615) 741-7923
Texas	Family Law §11.51 to §11.75	Penal Code §25.03 & §25.31	(512) 463-2181 x3334
Utah	§78-45c-1 to §78-45c-26	§76-5-303	(801) 538-4677
Vermont	Title 15, §1031 to §1051	Title 13, §2451	(802) 241-2891
Virginia	§20-125 to §20-146	§18.2-49.1	(804) 662-9627
Washington	§26.27.010 to §26.27.910	§9A.40.060 & §9A.40.070 & §9A.40.080	(206) 586-2679
West Virginia	§48-10-1 to §48-10-26	§61-2-14d	(304) 558-0461
Wisconsin	§822.01 to §822.25	§948.31	(608) 267-4872
Wyoming	§20-5-101 to §20-5-125	§6-2-204	(307) 777-6067

To obtain a copy of your state's UCCJA and criminal custodial interference laws contact your lawyer or check in a major public library or a law library. Law schools, state and federal courts, and bar associations usually maintain comprehensive law libraries and many are open to the public. Check the laws in both the state from which the child was taken and the state to which the child was taken.

If you have difficulty reaching the State Parent Locator Service, call or write:
 Federal Parent Locator Service, Office of Child Support Enforcement
 U.S. Department of Health and Human Services
 370 L'Enfant Promenade, SW, 4th Floor
 Washington, DC 20447-0001
 (202) 401-9267

State Missing Children Laws

State	Waiting Period for Investigation	Maintain File of Unidentified Persons	Cross Check of School Records	Flagging of School Records	Verify Student Absences
Alabama	§26-19-5 NWP	§26-19-4	§26-19-4(7) §26-19-9		
Alaska	§47.10.141 NWP	§18.65.610		§14.30.700 SR §18.50.315 BC	
Arizona				§15-829 SR §36-326.02 BC	
Arkansas	§12-12-205 NWP			§12-12-803 SR §12-12-802 BC	
California	Penal Code §14205	Penal Code §14202 Penal Code §14206	Educ. Code §49068.5 Penal Code §14200		
Colorado	§24-33.5-415.1	§24-33.5-415.1	§24-33.5-415.1		
Connecticut	§7-282c NWP				
Delaware	Tit. 11 §8544 Tit. 11 §8535 NWP				
District of Columbia					
Florida	§937-021 NWP	§406.145	§937.023	§937.024 BC	
Georgia		§35-3-82 §35-1-8	§35-3-82		
Hawaii					
Idaho	§18-4508 NWP		§18-4511	§18-4511 SR §18-4510 BC	
Illinois	325 ILCS 40/1 <i>et seq.</i> NWP		325 ILCS 55/5 325 ILCS 50/5 720 ILCS 505/1	325 ILCS 55/5 325 ILCS 55/3	
Indiana	§31-6-13-3 NWP			§31-6-13-6 SR §10-1-7-8 BC	
Iowa	§694.5 NWP	§690.2			
Kansas	§75-712c NWP	§75-712b		§72-53,106 SR	
Kentucky	§17.460 NWP		§156.495	§213.061 BC	§156.495
Louisiana	§14:403.3 within 48 hours	§33:1563(h)			
Maine	Tit. 25 §2151				

KEY

Waiting period for investigation:
Flagging of records:

NWP = no waiting period
SR = school registrar flags record
BC = government office flags birth certificate

State	Waiting Period for Investigation	Maintain File of Unidentified Persons	Cross Check of School Records	Flagging of School Records	Verify Student Absences
Maryland	FL §9-402 NWP				
Massachusetts	Ch. 22A §4 NWP	Ch. 22A §5		Ch. 22A §9 SR	
Michigan	§4.469(58) NWP			§14.15(2889) BC	
Minnesota	§ 299C.53 requires preliminary investigation			§123.751 SR	
Mississippi	Internal policy #MJ 63587 NWP				
Missouri	§43.401 NWP	§43.410		§43.408 SR §43.407 BC	
Montana	§44-2-505 NWP	§44-2-402	§44-2-511 §44-2-506	§44-2-511(4a) SR	§44-2-507
Nebraska	§29-214 §43-2004 NWP		§43-2007(3)	§43-2005 BC §43-2007 SR	
Nevada	§432.190 §432.205 §432.200 NWP	§481.245	§432.160 §394.145(4)	§432.205 BC, SR	
New Hampshire	§169E:2 §169E:3 NWP	§169E:4 §169E:7 §611:34	§7:10-a		
New Jersey	Attorney General Directive 6-12-84	§52:17B-9.8			
New Mexico	§32-8-3 NWP			§32-8-4 BC	
New York	Exec. §838(9) NWP	Exec. §837e Exec. §838	Educ. §3212		Educ. §3213(c)
North Carolina	§143B-499.1 NWP		§115C-403	§115V-403 SR	
North Dakota	§54-23.2-04.1 NWP		§54-23.2-04.2	§54-23.2-04.2 SR §54-23.2-04.2 BC	
Ohio	§2901.30 NWP		§3313.672 §3301.25		§3313.205

State	Waiting Period for Investigation	Maintain File of Unidentified Persons	Cross Check of School Records	Flagging of School Records	Verify Student Absences
Oklahoma	Tit. 10 §1628 NWP			Tit. 63 §1-323.1 BC	
Oregon	§146.525 NWP	§146.535			
Pennsylvania	Tit. 18 §2908 Tit. 35 §450.402A NWP	Tit. 18 §208a.1		Tit. 35 §450.403A BC, SR	
Rhode Island	§43-28.8-2.1 NWP	§42-28.8-2(3)		§43-28.8-7 SR §43-28.8-8 BC	§16-19-10
South Carolina	§23-3-250 NWP				
South Dakota	§22-19-14 NWP				
Tennessee	§37-10-201		§37-10-205		
Texas	Hum. Res. §79.008 NWP	Hum. Res. §79.003 Hum. Res. §79.008 Hum. Res. §79.013 NWP	Educ. §21.0313 Hum. Res. §79.005		
Utah	§77-26-23 Missing for 48 hours		§53A-11-503	§53A-11-502 SR §26-2-27 BC	
Vermont	Tit. 20 §1824 NWP				
Virginia	§15.1-131.9 NWP		§22.1-289 §52-33 Sub. Div. 4	§22.1-288.1 SR §53-31.1 BC	§22.1-258
Washington	§13.60.020 NWP	§68.50.310			
West Virginia			§18-2-5c	§16-5-12b BC	
Wisconsin					
Wyoming					

KEY

Waiting period for investigation:
Flagging of records:

NWP = no waiting period
SR = school registrar flags record
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National Center for Missing and Exploited Children

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

A 24-hour, toll-free telephone line is open for those who have information on missing and exploited children: **1-800-THE-LOST (1-800-843-5678)**. This number is available throughout the United States, Canada, and Mexico. The TDD line is 1-800-826-7653. The NCMEC business number is (703) 235-3900. The NCMEC facsimile number is (703) 235-4067.

In April 1990 NCMEC merged with the Adam Walsh Centers. For information on the services offered by our branches please call them in California at (714) 558-7812, Florida at (407) 848-1900, New York at (716) 242-0900, and South Carolina at (803) 254-2326.

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



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Family Abduction

A Message to the Reader

Prevention and Action Checklist

Glossary

1. Preventing An Abduction

2. Civil Remedies If Your Child Is Abducted

3. Criminal Remedies If Your Child Is Abducted

4. Searching for Your Child

5. Legally Recovering Your Child

6. International Child Abduction

7. Psychological Issues in Recovery and Family Reunification

8. The Impact of Abduction on Children

Additional Reading

**Family Abduction Projects Funded by the Office of Juvenile
Justice and Delinquency Prevention**

Missing Children's Organizations

State Missing Children Clearinghouses

Sample Documents to Assist in the Search for a Missing Child

The Laws on Family Abduction

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