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Issues in Resolving Cases of International Child Abduction by Parents

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Many children who are abducted to other countries by parents are never returned to the United States. A parent who is left behind when a child is abducted to another country faces daunting obstacles to finding and recovering the child. At first, the left-behind parent does not know who can or will help. The parent's emotional and financial resources soon are stretched to the limit. When years pass without the return of the child, the parent is left with unresolved grief. As one parent has stated, "It's worse than if your child died, because you cannot say the child is at peace now. You live every day wondering if your child is OK, if she is being abused or neglected. You never get over it." Often, the parents whose children are returned do not want to let their children out of their sight. They live constantly looking over their shoulders—believing that it could happen again.

Parents who abduct their children to other countries are not that different from parents who abduct their children to other States.¹ They often have young children. They usually have support from family or other individuals for what they are doing. They generally do not value the other parent's relationship with the child. Some are convinced that their actions are justified because they believe they rescued their child from the hands of an abusive parent. Many feel disenfranchised from American society, and separation and divorce have

intensified their sense of alienation. Some are fleeing domestic violence, whereas others are controlling and abusive themselves.

Many abducting parents go home after their marriages break up. For most international abductors, home is in another country with a different legal system, social structure, culture, and language. These differences—plus physical distance—make locating, recovering, and returning internationally abducted children especially complex and problematic.

Background on International Parental Abduction

Parental abduction is defined as the "taking, retention, or concealment of a child or children by a parent, other family member, or their agent, in derogation of the custody rights, including visitation rights, of another parent or family member" (Girdner, 1994a:1-11). Although abductors may be other family members or their agents (e.g., a girlfriend, boyfriend, grandparent, or even a private investigator), in most cases the abductor is the child's parent (Girdner, 1994a).

In 1988, a nationwide telephone household survey helped researchers estimate the number of family abductions (to both

A Message From OJJDP

The criminal abduction of one's child is painful enough to any parent, but that anguish is compounded when the missing child has been removed from the country by an abducting parent.

The fact that many kidnapped children who are taken to other countries are never returned to their families only intensifies the trauma suffered by parents who are victimized by such abductions and adds to their anxiety for the recovery and return of their children. To understand more clearly the challenges that these cases present, OJJDP has funded a study designed to identify barriers encountered by those seeking to resolve cases of international child abduction by parents.

This Bulletin features key findings from that research, which was conducted for OJJDP by the American Bar Association Center on Children and the Law. The Bulletin also provides an overview of international parental abductions and describes the legal framework impacting such cases.

It is our hope that the critical information offered herein from a variety of knowledgeable sources—public and private—will promote understanding of the obstacles faced by those seeking to reunite children unlawfully removed from this country with their families and thus contribute to overcoming these barriers to recovery.

domestic and international destinations) (Finkelhor, Hotaling, and Sedlak, 1990). This study, known as the National Incidence Study on Missing, Abducted, Run-away, and Thrownaway Children in America (NISMART),² categorized cases as follows:

- ◆ “Broad scope” cases are those in which a family member either took a child in violation of a custody agreement or decree or failed to return or release a child at the end of a legal or agreed-upon visit (in violation of a custody agreement or decree) and kept the child away at least overnight. In 1988, an estimated 354,100 children were abducted under this definition.
- ◆ “Policy focal” cases fit the broad scope definition but also have at least one of the following characteristics: (1) the abductor attempted to conceal the taking or whereabouts of the child and prevent contact between the other parent and the child, (2) the child was transported out of State, or (3) evidence existed that the abductor intended to keep the child indefinitely or affect custodial privileges permanently. About 46 percent (163,200) of the broad scope cases in 1988 fell into this narrower definition (Finkelhor, Hotaling, and Sedlak, 1991). All international parental abductions are categorized as policy focal.

International abduction destinations vary, often depending on whether a country is easily reached by airline, whether a country’s courts are unwilling to enforce foreign custody orders, and whether family support is available for foreign-born abductors fleeing to their home country (Hegar, 1990). Previous research has found that countries with the greatest volume of both incoming and outgoing applications under a multilateral international treaty (i.e., the Hague Convention, as discussed below) are the United States, the United Kingdom, Canada, Germany, France, and Mexico (Agopian, 1987; Markey, 1993).

The Legal Framework

Civil law. The Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention) is an international treaty currently in force between the United States and 50 other countries. The treaty only applies between countries that are both parties to the Convention. The implementing legislation in the United States, enacted in 1988, is the International

Hague Convention Countries and Effective Dates*

Argentina	6/1/91	Luxembourg	7/1/88
Australia	7/1/88	Former Yugoslav	
Austria	10/1/88	Republic of Macedonia	12/1/91
Bahamas	1/1/94	Mauritius	10/1/93
Belgium	5/1/99	Mexico	10/1/91
Belize	11/1/89	Monaco	6/1/93
Bosnia-Herzegovina	12/1/91	Netherlands	9/1/90
Burkina Faso	11/1/92	New Zealand	10/1/91
Canada	7/1/88	Norway	4/1/89
Chile	7/1/94	Panama	6/1/94
China:		Poland	11/1/92
Hong Kong Admin. Region	9/1/97	Portugal	7/1/88
Macau	3/1/99	Romania	6/1/93
Colombia	6/1/96	St. Kitts/Nevis	6/1/95
Croatia	12/1/91	Slovak Republic	2/1/2001
Cyprus	3/1/95	Slovenia	4/1/95
Czech Republic	3/1/98	South Africa	11/1/97
Denmark	7/1/91	Spain	7/1/88
Ecuador	4/1/92	Sweden	6/1/89
Finland	8/1/94	Switzerland	7/1/88
France	7/1/88	Turkey	8/1/2000
Germany	12/1/90	United Kingdom	7/1/88
Greece	6/1/93	Bermuda	3/1/99
Honduras	6/1/94	Cayman Islands	8/1/98
Hungary	7/1/88	Falkland Islands	6/1/98
Iceland	12/1/96	Isle of Man	9/1/91
Ireland	10/1/91	Monserrat	3/1/99
Israel	12/1/91	Venezuela	1/1/97
Italy	5/1/95	Zimbabwe	8/1/95

*Date each country’s treaty with the United States took effect. This list is current as of publication. The most up-to-date list is available on the Web at travel.state.gov/hague_list.html.

Child Abduction Remedies Act (ICARA), 42 U.S.C. §§ 11601–11610.

A Hague Convention proceeding is a civil proceeding brought in the party country to which the child was abducted or in which the child is retained. If the Hague proceeding is commenced within 1 year of the abduction or retention, the judge must order the child returned, usually to the country of habitual residence. Return is discretionary if more than 1 year has passed and the child is settled in the new environment. The abducting parent can raise defenses, but the defenses are purposely limited. A Hague Convention case is not about the “best interests of the child” but rather is about returning the child to the jurisdiction that should hear the custody matter. A petition for the return of a child can be brought by a parent with a sole or joint custody order or by a parent who does not yet have a custody order.

Although some countries have other inter-country agreements concerning abduction in addition to the Hague Convention, the

United States currently does not. If a child is abducted to a country that is not a party to the Hague Convention or if the child was abducted before the country became a party, then the Hague Convention does not apply. In such instances, the left-behind parent has very few options. The courts in the other country do not have to honor a custody order issued by a U.S. court. Sometimes, the parent’s only option is to pursue the custody case in the courts of the other country, where the laws, the court system, and often the language are unfamiliar. Pursuing cases in this way has worked in some countries but not in others.

When a child of a custodial parent in another country is abducted to the United States, the parent has the option of asking the court in the jurisdiction in which the child is found to enforce the foreign custody decree. This remedy is provided under section 23 of the Uniform Child Custody Jurisdiction Act, which creates the duty of the court to recognize and enforce foreign custody orders as long as reasonable notice and opportunity to be

Article 7 of the Hague Convention

Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention. In particular, either directly or through any intermediary, they shall take all appropriate measures—

- a. To discover the whereabouts of a child who has been wrongfully removed or retained.
- b. To prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures.
- c. To secure the voluntary return of the child or to bring about an amicable resolution of the issues.
- d. To exchange, where desirable, information relating to the social background of the child.
- e. To provide information of a general character as to the law of their State in connection with the application of the Convention.
- f. To initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organizing or securing the effective exercise of rights of access.
- g. Where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisors.
- h. To provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child.
- i. To keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacles to its application.

The full text of the Convention is available on the Web at travel.state.gov/hague_childabduction.html or at hcch.net.

heard were given to all affected persons. Section 105 of the Uniform Child Custody Jurisdiction Act also requires recognition and enforcement of foreign custody orders made under factual circumstances in substantial conformity with the Act.

Criminal law. All States in the United States have laws that make parental abduction, often called criminal custodial interference, a crime. These laws vary from State to State as to whether they cover abductions that occur before a custody order has been issued and abductions involving joint custodial parents. In some States, an abduction is a felony only if the child is taken across State lines.

If a State felony warrant has been issued in a case of parental abduction and the abductor has fled the State, then it is possible to obtain a warrant for unlawful flight to avoid prosecution (UFAP) under the Federal Fugitive Felon Act. Obtaining a UFAP warrant is an important step toward possibly gaining greater law enforcement assistance with the case, such as involvement of the Federal Bureau of Investigation (FBI).

In 1993, the U.S. Congress enacted the International Parental Kidnapping Crime Act (18 U.S.C. § 1204), making the abduction of

a child to another country or the retention of a child in another country a Federal felony. The Act specifies that, where applicable, the Hague Convention should take priority as a remedy for returning the child.

Barriers to extradition make these criminal remedies less effective than they may seem. Some States do not wish to bear the costs of extradition. Often, parental abduction is not an extraditable offense in the country to which the child was abducted. In other cases, the country may have a policy not to extradite its own citizens.

OJJDP-Funded Research

Under a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), researchers at the American Bar Association (ABA) Center on Children and the Law carried out a study to identify barriers to resolving cases of international parental child abduction. The project included the following major components:

- ◆ A survey of parents in the United States whose children were abducted to or retained in other countries.
- ◆ A survey of Central Authorities, the entities responsible for implementing

the Hague Convention in participating countries.

- ◆ Documentation of “good practices” in dealing with international child abduction, which were collected from leading agencies, organizations, and practitioners.

Little social science research has been conducted on international parental child abduction. This study is one of the first attempts to learn extensively about experiences of left-behind parents, practices of Hague Convention Central Authorities, and strategies that can be used by attorneys, judges, law enforcement personnel, and other professionals to assist in recovering abducted children quickly and safely. The study was completed in 1998 (with data collected during 1995–97). The findings are not new, but they still have relevance for practitioners and policymakers.

The full report on the study (Chiancone and Girdner, 1998)³ presents study findings and suggests effective ways to reduce barriers and resolve cases of international child abduction. It also includes detailed information on the project’s research design and methodology. This Bulletin provides an overview of major survey findings, selected good practices, and recommendations.

Survey of Left-Behind Parents

The ABA Center on Children and the Law worked with three national missing children’s organizations—the National Center for Missing and Exploited Children (NCMEC), in Alexandria, VA; Child Find of America, Inc., in New Paltz, NY; and Vanished Children’s Alliance, in San Jose, CA—to survey parents whose children had been taken to or retained in another country by the other parent. The objective of the survey was to document the problems these left-behind parents encountered in attempting to recover their children. With this objective in mind, the researchers designed the survey to accomplish the following:

- ◆ Identify circumstances surrounding the abductions.
- ◆ Identify basic demographic and other social/cultural characteristics of the families and abductors.
- ◆ Identify legal and administrative procedures that were available as preventive measures.

- ◆ Understand left-behind parents' perceptions of how various governmental and nongovernmental agencies responded.
- ◆ Assess social and financial costs to left-behind parents.
- ◆ Increase knowledge about the role of missing children's organizations and other entities with regard to international abductions.

The survey drew responses from 97 parents (a 63-percent response rate), who described their experiences and offered insight into the obstacles they faced when trying to locate and recover their children. The following sections summarize and discuss major survey findings.

Destinations

Abductions occurred to locations throughout the world. Surveyed parents listed 46 countries as abduction destinations. Latin American countries were the destinations of nearly one-third of reported abductions; European countries of about one-fifth. About one-fourth of abductions were to Muslim countries. One-third of abductions were to countries that were parties to the Hague Convention.

Parents

Abductors and left-behind parents often differed in terms of background, citizenship, and education. Most were of different nationality (83 percent), ethnicity (69 percent), and religion (58 percent). Sixty-two percent of abductors were citizens of another country only, 23 percent held U.S. citizenship only, and about 15 percent held dual citizenship. One-half of abductors had a high school degree, its equivalency, or some college credits. Left-behind parents generally had more education than abductors.

The survey also revealed economic differences between abductors and left-behind parents. Economic status at the time of the abduction was generally better for left-behind parents than for abductors. Almost three-fourths of abductors earned less than \$25,000 per year, approximately 35 percent earned less than \$15,000, and 20 percent had no income. Left-behind parents, on the other hand, were distributed relatively evenly across the income range, although most had incomes under \$35,000. Nearly three times as many left-behind parents as abductors had incomes of \$55,000 or more. Far fewer abductors than left-behind parents were employed



full-time, and nearly twice as many abductors were unemployed.

Mothers and fathers were equally likely to be abductors, although their patterns of destination differed. Mothers were more likely to take their children to Latin America, and fathers were more likely to take their children to the Middle East. Europe was a common destination of both mothers and fathers. These destination patterns reflected patterns of intermarriage between men and women from the United States and other countries.

Most left-behind parents reported that abductors had connections to the country to which the child was abducted, by speaking the country's language (83 percent), having family there (76 percent), living there as a child (69 percent), and/or growing up primarily there (68 percent). The greatest number of abductors had family in the destination country and grew up there, and more than one-half had close friends living there. About one-third had employment or business interests in the destination country. It is likely that these abducting parents perceived the abduction as a return "home," where they would receive positive emotional support and perhaps have greater economic and employment opportunities. In addition, they would have help in caring for the abducted child.

Abducted Children

The number of children taken in a single incident of abduction ranged from one to three; in most cases (70 percent), only one child was taken. Gender did not appear to be a factor in the abduction, as nearly equal numbers of boys (61) and girls (65) were abducted.

Abducted children tended to be young. The youngest was about 5 months old, the oldest was 12½ years old. The mean age of abducted children was 5 years. These findings are similar to those of other studies (Finkelhor, Hotaling, and Sedlak, 1990; Forehand et al., 1989; Agopian, 1981). Perhaps abductors perceive that younger children will be more controllable and offer less resistance during the abduction. However, taking a very young child (e.g., an infant) may present a separate set of problems for the abductor in terms of meeting the child's physical needs (e.g., changing diapers, bottle-feeding) and attracting attention (e.g., from fellow travelers, airport officials).

Recovery

About two-fifths of the surveyed parents (41 percent) reported that the abducted child had been recovered by the time of the survey. In all, about 70 percent of responding parents reported that the child had been located, and 25 percent said they had always known the child's location.

Perhaps not surprisingly, recovery and length of separation appear to be linked. Separation was significantly shorter in cases that resulted in recovery than in those that did not. In one-half of cases in which the child was recovered, the separation lasted less than 1 year, whereas in nearly one-half of cases in which the child was not recovered, the child had been gone for more than 5 years. In most cases of recovered children (nearly 88 percent), the separation was at least 6 months. More than one-half of abducted children who were located by left-behind parents were gone at least 4 months before they

Effects of Abduction on Children: A Summary of Research

Existing research on the trauma suffered by children who have experienced parental abduction clearly shows that a long period of separation from the left-behind parent is particularly damaging. Agopian's study (1984) found that the length of separation from the left-behind parent greatly influenced the emotional impact of the abduction experience on the abducted child. Generally, children held for shorter periods (less than a few weeks) did not give up the hope of being reunited with the other parent and consequently did not develop an intense loyalty to the abducting parent. In some ways, they were able to view the experience as a type of "adventure."

Victims of long-term abductions, however, fared much worse. They were often deceived by the abducting parent and moved frequently to avoid being located. This nomadic, unstable lifestyle made it difficult for the children to make friends and settle into school (if they attended school at all). Over time, younger

children could not easily remember the left-behind parent, and this had serious repercussions when they were reunited. Older children felt angry and confused by the behavior of both parents—the abductors for keeping them away and the left-behind parents for failing to rescue them.

Terr's study (1983) reported on a sample of 18 children who received psychiatric evaluations after being recovered from abduction (or after being threatened with abduction and/or experiencing an unsuccessful abduction attempt). Nearly all (16) of the children suffered emotionally from the experience. Their symptoms included grief and rage toward the left-behind parent in addition to suffering caused by "mental indoctrination" perpetrated by the abducting parent. Similarly, a study of a sample of 104 parental abductions drawn from National Center for Missing and Exploited Children cases revealed that, as a result of the abduction, more than 50 percent of the recovered children experienced symptoms of emotional distress, including anxiety, eating problems,

and nightmares (Hatcher, Barton, and Brooks, 1992).

Senior, Gladstone, and Nurcombe (1982) reported that recovered children often suffered from uncontrollable crying and mood swings, loss of bladder/bowel control, eating and sleep disturbances, aggressive behavior, and fearfulness. Other reports have documented abduction trauma such as difficulty trusting other people, withdrawal, poor peer relations, regression, thumb sucking, and clinging behavior (Schetky and Haller, 1983); distrust of authority figures and relatives and fear of personal attachments (Agopian, 1984); and nightmares, anger and resentment, guilt, and relationship problems in adulthood (Noble and Palmer, 1984).

It is likely that children who are victims of international abduction may suffer effects beyond those mentioned above. This would especially be the case if they are required to adapt to different norms and values and even learn a different language.

were found. In general, separation was significantly shorter in abductions to Hague Convention countries than in those to non-Hague countries.

In cases that resulted in recovery, nearly all respondents reported traveling to another country to pick up the child, although most faced barriers to accomplishing this task. In many cases, once the child had been located and recovered by law enforcement or other officials, parents who wished to travel to pick up the child had to do so immediately. Some parents found it difficult to obtain an affordable plane ticket with little notice or to get a passport issued quickly. In addition, some parents reported being fearful of making the trip, either because of difficulties in traveling or communicating in the other country or because of concerns about the safety of their other children who remained in the United States.

Recovery of abducted children took many different paths. Courts (in both Hague Convention countries and non-Hague countries) were involved in some cases, law enforcement agencies in others. Mercenaries were involved in a few cases. In some cases, the abductor voluntarily returned the child; in others, the child

directly (usually secretly) contacted the left-behind parent.

The findings of this study differ from those of NISMART (Finkelhor, Hotaling, and Sedlak, 1990) and other studies in that far fewer children in this study were recovered than were located. NISMART, which looked at a nationally representative sample that included both domestic and international abductions, found that the average duration of abduction was about 11 days. About 70 percent of the NISMART abductions were resolved in 1 week (Plass, Finkelhor, and Hotaling, 1995). Forehand et al. (1989) found that most of the children in the 17 cases they reviewed were gone between 3 and 7 months. The duration of abductions described in other literature ranges from several days (Schetky and Haller, 1983) to 3 years (Terr, 1983).

Abduction Plans and Threats

Nearly one-half of the abductions reported by left-behind parents occurred during a court-ordered visitation between the abducting parent and abducted child. Eighty percent of parents said they believe the abductor received assistance from family members in carrying out the

abduction or making it successful. One-fifth reported that the child was moved by the abductor from country to country.

Some respondents were able to identify ways in which the abductor planned for the abduction (see table 1). Most of this planning activity indicates that abductions were premeditated rather than spur-of-the-moment acts. Abductors prepared economically by saving money, waiting for tax refunds, liquidating assets, and quitting or changing jobs. They also prepared for longer range needs (e.g., the child's schooling) by gathering legal documents and papers such as birth certificates and school records. One-third of the parents who reported planning actions said the abductor received visits from friends or family members from another country prior to the abduction. One-third said the abductor made a preparatory visit to the country to which the child was later abducted. Left-behind parents' reports of such visits, combined with their common belief that abductors had help (mainly from family or friends) in carrying out the abduction, indicate that most abductors did not act alone. Nearly one-fourth of left-behind parents reported that the abductor kept the child late after a visit prior to the actual abduction, perhaps to prevent the

Table 1: Abductor Planning Actions

Specific Action	Percent of Cases (N=97)
Saved money or waited for expected cash payment	58
Gathered, destroyed, or hid legal documents and records (birth certificates, school records)	54
Liquidated assets (sold business, investments, etc.)	53
Quit or changed jobs	45
Applied for a visa or passport for the child from the U.S. Department of State	39
Moved residence	36
Received visits from friends or family members from another country to assist with the abduction	34
Made preparatory visit to country to which child was later abducted	32
Applied for a visa or passport for the child from embassy or consulate of another country	31
Kept the child late after a visit prior to actual abduction	24

Note: Twenty left-behind parents (21%) also reported that they believed the abductor had secretly involved the child in planning the abduction.

left-behind parent from immediately becoming concerned when the actual abduction occurred. One-fifth of parents said they believe the abductor secretly involved the child in planning the abduction; such cases are particularly disturbing and suggest a high level of planning.

In many cases, abductors made serious threats prior to the actual abduction (see table 2). Eighty percent of left-behind parents reported that these previous threats included telling them they would never see their child again. Sixty percent reported that abductors threatened their lives, and more than 20 percent reported that the abductor threatened the life of the abducted child. Such threats would only have increased the left-behind parents' fears once the abduction had taken place.

Fifty-one percent of left-behind parents took measures to prevent the abduction. These measures included seeking supervised visitation, custody orders prohibiting removal of the child from the jurisdiction, and passport denial or restrictions.

Level of Satisfaction With Law Enforcement's Initial Response

The survey revealed high levels of dissatisfaction with law enforcement's initial response to parents' reports of abductions. More than 80 percent of parents contacted law enforcement within 24

hours of the abduction. Two-thirds said they received little or no assistance from the first law enforcement official they spoke with. Examples of unsatisfactory response included being told that the child had to be missing for a prescribed period of time before police could take action or that police could not do anything unless there was evidence that the child had left the State.

The study found that, unfortunately, parental abduction is still widely regarded as a private family matter. More than two-thirds of left-behind parents encountered individuals and organizations who seemed to regard parental abduction as a family problem that did not require legal intervention. One-third of parents reported that law enforcement officials would not take information about their cases because the officials saw the abduction as a domestic situation.

Private Sources of Assistance

In addition to contacting law enforcement agencies, parents relied on many other professionals for assistance in locating and/or recovering their children (see table 3). Most (87 percent) hired an attorney in the United States. More than one-half also hired an attorney from the destination country and/or a private investigator. One-fifth hired a rescuer or mercenary to attempt to recover the abducted child.

Table 2: Threats Made Prior to Abduction

Prior to the abduction, did the abductor ever threaten . . .	Number and Percent Responding "Yes" (N=84)*
your life?	50 (60%)
the life of your child?	18 (21%)
anyone else's life?	35 (42%)

* Thirteen parents (13 percent of all respondents) reported that no threats were made.

Costs of Search and Recovery

Left-behind parents pay a high price in cases of international abduction. Approximately one-half of the parents surveyed reported on the amount of money they spent in searching for and/or recovering abducted children (see table 4). These parents spent an average of \$33,500 for search and recovery efforts. About one-fourth of these parents spent \$75,000 or more. Although parents with higher incomes generally spent more money than those with lower incomes, more than one-half of parents across all income levels reported spending as much as or more than their annual income.

Left-behind parents also pay a high price in terms of their own emotional health. Eighty-five percent of parents turned to family and friends for emotional support. Slightly fewer than one-half relied on professional counselors or therapists for assistance in handling emotional problems. One-fifth said they used prescription drugs to cope with stress while their child was gone. Many parents reported a desire to establish stronger support systems and networking opportunities for parents who are victims of family abduction.

Obstacles to Search and Recovery

Researchers sought to identify the primary challenges parents faced in trying to locate and recover children abducted to foreign countries. A majority of respondents consistently named the following obstacles as presenting the greatest difficulties:

- ◆ Lack of sufficient funds.
- ◆ Difficulties with foreign laws and officials.
- ◆ Difficulties with U.S. laws.

Table 3: Professionals Used by Parents To Search For and Recover Abducted Children

	Number and Percent of Cases (N=97)
Attorney in the United States	84 (87%)
Attorney in destination country	53 (55%)
Private investigator	54 (56%)
Rescuer/mercenary	21 (22%)

- ◆ Judges' inexperience in handling international abduction cases.
- ◆ Inadequate response by law enforcement agencies.

These and other obstacles reported by parents are discussed below.

Lack of sufficient funds. A lack of sufficient funds was the obstacle that responding parents most frequently identified. This is not surprising, considering the large sums of money that parents reported spending. This perceived lack of funding, however, is related to other obstacles that respondents reported. Many parents who were frustrated by an inadequate investigative effort by law enforcement agencies hired a private investigator, and others hired a rescuer/mercenary. Hiring such professionals was in most cases very expensive. In addition, respondents who

Table 4: Expenditures by Parents To Search For and Recover Abducted Children

Category	Mean	Median	Range
Attorney hired in the United States	\$25,724	\$12,000	\$50–200,000
Attorney hired in other country	4,508	3,000	100–30,000
Court costs (U.S. and other country)	3,388	2,000	200–10,000
Other legal costs	2,397	1,250	100–10,000
Private investigator	3,987	2,000	200–40,000
Rescuer/mercenary	33,111	10,000	3,000–117,000
Travel costs	4,463	3,250	600–20,000
Communication costs	11,436	8,500	100–100,000
Therapy or counseling	5,660	3,000	100–15,000
Other costs*	34,784	7,000	500–300,000
Estimated total spent	61,238	33,500	10,000–270,000

Note: Not all respondents answered the question about expenditures. Some only reported the total amount spent and did not break down the cost into categories.

* "Other costs" included costs associated with psychological testing, expert testimony, lost time or loss of job (employment income), authentication of documents, fees for psychics, and bribes.

felt powerless in attempting to deal long-distance with a foreign country's officials and/or laws may have thought they would have been taken more seriously if they could have traveled to the country, which in some cases would have been very costly. Even the costs of long-distance telephone calls added up very quickly for these parents. Parents who were dissatisfied with their attorneys (in the United States and/or in a foreign country) may have believed that they could have hired better legal representation had more funds been available.

Difficulties with foreign laws and officials. Two obstacles listed frequently by parents—

difficulty working with foreign officials (64 percent of parents) and laws of other countries (74 percent)—may be inter-related. Although government officials and agencies in another country may seem to be uncooperative, they actually may simply be following that country's laws; in this case, the obstacle is the laws, not the officials or agencies. Among the difficulties some parents encountered in dealing with foreign government agencies were language barriers and a lack of concern on the part of agency personnel and officials. One parent reported that working with the foreign government was impossible because the "abductor married [a] prominent citizen" in the country.

Difficulties with U.S. laws. More than three-fourths of respondents identified "American laws" as an obstacle, and about one-half considered them an obstacle that posed a high level of difficulty. This obstacle could be related to another reported obstacle—"ease of exiting the United States" with an abducted child. Eleven parents specifically mentioned as a major obstacle the fact that parents crossing international borders with a child do not need to verify custody and/or permission from the other parent to do so.

Judges' inexperience. Nearly two-thirds of responding parents reported that a judge's inexperience in dealing with international parental abduction cases was a major obstacle in the search for and recovery of their child. This finding reinforces earlier research, which indicated that three-fifths of U.S. judges had handled either no international parental abduction cases or just

Prosecution of Parental Abduction Cases: A Summary of Research

Inadequate law enforcement response to parental abduction may be related to the fact that few jurisdictions have had much experience in prosecuting such cases. A nationwide survey of 74 prosecutor's offices, conducted by the American Prosecutors Research Institute (Klain, 1995), found that 78 percent of respondents handle only 1 to 5 parental abduction cases per year, 90.3 percent handle between 1 and 20 such cases per year, and only 4.2 percent handle more than 100 cases per year. The same survey found that just 1 in 25 prosecutor's offices has a specialized parental abduction unit. Most parental abduction cases (57.5 percent) are handled by nonspecialists or by designated attorneys, and the rest are handled by various designated units (domestic violence, family crimes, special assault, or child abuse).

The American Prosecutors Research Institute survey findings are supported by a study (Grasso, Ryan, and Wells, 1996) that examined 6 "promising" sites where 15 or more cases of parental abduction are prosecuted each year. With the exception of two specialized agencies devoted to parental abduction cases, all criminal justice agencies at these sites indicated that parental abduction cases make up only 5 percent or less of their total caseload. Even in jurisdictions with special expertise in handling parental abduction cases, these cases are often given "low priority."

one case (Girdner, 1994b). In some cases, parents may also have been referring to a foreign judge's refusal to enforce Hague Convention procedures. Other parents indicated frustration with foreign judges' refusal to honor existing U.S. court orders regarding custody (which the judge would not be required to do) or with a U.S. judge's unwillingness to issue protective measures that the respondent thought could have prevented the abduction (e.g., supervised visitation).

Inadequate response by law enforcement agencies. Left-behind parents gave law enforcement agencies mixed reviews. Many law enforcement agencies clearly were uninformed regarding the National Child Search Assistance Act, which mandates that law enforcement must enter the description of a missing child in the National Crime Information Center (NCIC) Missing Person File without a waiting period. Of great concern is the fact that two-thirds of parents reported an inadequate initial response from law enforcement agencies. Delayed response by law enforcement may have contributed to the success of abductions. In addition, many law enforcement officials seemed unaware of their obligation to investigate the whereabouts of the abductor and child. At the other end of the spectrum are those law enforcement officials who responded immediately, offering support and referring parents to additional resources. Although present in only a minority of cases, this quick response clearly made a difference in how parents viewed the investigation and gave them confidence in the overall law enforcement effort.

Private professionals' lack of knowledge. Nearly all surveyed parents hired a private attorney in the United States to pursue the return of the abducted child (or used the services of an attorney they had retained prior to the abduction), and one-half hired an attorney in another country. More than one-half hired a private investigator, and nearly one-fifth hired a rescuer/mercenary. As with law enforcement officials, the knowledge and skills of these professionals regarding international parental abduction varied widely.

Parents gave attorneys hired in the United States the lowest knowledgeability ratings of all private professionals. Only one-fourth of attorneys hired in the United States were rated as having moderate to very great knowledge regarding international parental abduction, compared with nearly one-half of attorneys

Factors Influencing Recovery: A Summary of Research

In cases of parental abduction, the left-behind parent's vigilance in searching for the abducted child can be one of the most significant factors in locating and recovering the child. Police involvement in locating the child can also be a critical factor.

In interviews conducted by Hatcher and Brooks (1994), about one-quarter (26.9 percent) of left-behind parents whose children had been recovered attributed the recovery to a lead they themselves established. Parents also said that recovery was aided by leads from the FBI (9.6 percent), a law enforcement officer (7.7 percent), an attorney (5.8 percent), a private citizen (5.8 percent), and missing children's organizations (3.8 percent). Janvier and colleagues

(1990) found that eight of the recovered children in their study were located by the police or other legal authorities, five by missing children's organizations, and three by the left-behind parent; one child was voluntarily returned by the abducting parent.

Another study indicates that immediate reporting to a law enforcement agency is related to a greater likelihood of recovery. Agopian (1981) studied the relationship between reporting and recovery and found that most parents whose children were recovered had notified authorities within 1 week of the child's disappearance, whereas only 2 percent of children were recovered in cases in which parents had notified police more than 1 month after the abduction.

hired in other countries. The reason for this difference may be that the U.S. attorneys were not necessarily hired for their previous experience in handling cases of international parental abduction. In fact, 39 percent of respondents said they used an attorney in the United States whom they had retained prior to the abduction, and many used the attorney who had handled their divorce or custody proceedings.

Rescuers/mercenaries received the highest knowledgeability ratings of all private professionals, with 77 percent of respondents reporting that the rescuer/mercenary they contacted had moderate to great knowledge about international parental abduction. However, only 21 parents in the sample even contacted a rescuer/mercenary.

Lack of information about government responsibilities. Parents' responses clearly reveal a high level of frustration with the U.S. Department of State's actions, in terms of the parents' expectations versus their actual experiences. Some comments indicate that many parents, even after going through the entire process of searching for and attempting to recover a child, do not fully understand the respective procedures and responsibilities of State, Federal, and foreign governments. It appears to be very difficult for left-behind parents to obtain information about where responsibilities in these cases lie and how to communicate with the agencies involved.

Perceived bias. A number of parents also believed they had encountered various biases when dealing with certain individuals

and institutions (law enforcement, judges, and foreign government agencies and officials). In all likelihood, this belief increased the perceived level of difficulty associated with a particular obstacle.

Survey of Central Authorities of the Hague Convention on the Civil Aspects of International Child Abduction

Under the Hague Convention, each party country is required to establish a Central Authority. Most of the duties of the Central Authority are enumerated in Article 7 of the Convention (see page 3).

Central Authorities are mentioned in law review articles about the Hague Convention, but they have received little focused attention in the literature. The major exception is an article by law professor Carol Bruch (1994), based on her interviews of Central Authority personnel in 10 countries (8 European countries, Israel, and the United States) in 1990 and 1992 and her observations of two intergovernmental meetings on the Convention at the Hague in 1989 and 1993. Bruch describes the responsibilities of the Central Authority under the Convention and relates some of the variations she found among the 10 Central Authorities she studied.

Variation in the operation of Central Authorities and the implementation of the Hague Convention across countries is an

important consideration in examining the effectiveness of the treaty. The Hague Convention has frequently been heralded as the means for prompt resolution of these difficult international abduction cases, but many experts in the field have become increasingly aware that both promptness and resolution in Hague cases depend a great deal on which countries are involved.

The ABA Center on Children and the Law surveyed Central Authorities regarding their experiences in handling cases of international parental abduction under the Hague Convention. The survey was conducted during late 1995 and early 1996, with a followup in early 1997. The objective of the survey was to identify similarities and differences in the structure and operation of Central Authorities and to assess the degree to which the Hague Convention is working across countries. The questionnaire included items about infrastructure (e.g., staffing), number of cases, countries most often dealt with, the Hague application process, and Hague proceedings and decisions. Respondents had the option to complete the questionnaire in English, French, or Spanish. Participation was voluntary.

The questionnaire was sent to all 57 Central Authorities existing at the time of the survey (1996–97). Included were Central Authorities in 44 countries, plus 10 provincial or territorial Central Authorities in Canada and 3 Central Authorities in the United Kingdom (England/Wales, Scotland, and Northern Ireland). The survey drew responses from 44 Central Authorities within 32 countries, representing a response rate of 73 percent of the countries surveyed. The following sections note major survey findings, discuss variations in procedures and outcomes revealed by the survey, and summarize implications of survey findings.

Major Survey Findings

Background and infrastructure. In more than two-thirds of the 32 responding countries, Central Authorities are located in justice departments or ministries. (The U.S. Central Authority is the Office of Children's Issues in the U.S. Department of State.) Central Authority staffs are small (about three persons) and generally spend less than one-half of their time on Hague cases. In about two-thirds of responding countries, Central Authorities have attorneys on staff.

Caseloads. Caseloads vary greatly across Central Authorities. In 1994, outgoing applications ranged from 1 case to 380 cases, with a mean of 45 and median of 13. Central Authorities most often identified the United States as one of the three countries most frequently dealt with, for all categories of cases (incoming and outgoing, return and access).⁴ The United Kingdom was next in all categories except outgoing access cases.

Hague application process. More than 80 percent of responding countries accept Hague applications in English; about 40 percent accept applications in French. Although French and English are the official languages of the Hague Convention, four Central Authorities indicated that they do not accept applications in either language (contrary to the Convention). More than 70 percent of responding Central Authorities open five or fewer incoming return cases and five or fewer outgoing return cases per month. The number of unresolved cases ranges greatly, from none to more than 800. The median number of unresolved cases is 10, for both incoming and outgoing cases. The exact location of the child is unknown in more than one-half of incoming cases.

Criminal charges. Depending on the country, pending criminal charges against the abductor in the country from which the child was taken may help or hurt efforts to recover the child. More than two-thirds of Central Authorities reported that criminal charges are sometimes helpful in their efforts to locate a child abducted to their country, and one-third reported that criminal charges are sometimes helpful in proceeding with a Hague case. On the other hand, four Central Authorities reported that in their country, some judges will not order a return if criminal charges are outstanding in the country from which the child was taken; one Central Authority indicated that any criminal charges must be dropped before it can proceed with a case.

Handling of cases. More than one-fourth of the countries with responding Central Authorities have other intercountry agreements or laws that may be used in lieu of the Hague Convention. Some respondents reported that these other agreements or laws have simpler procedures than the Hague Convention or are more effective in resolving access cases. Eighteen Central Authorities reported trying to secure voluntary returns; of these, about one-fourth reported no success,

and almost three-fourths reported a success rate of 25 percent or lower.

Hague proceeding. The majority of Central Authorities responding to the survey question about the Hague proceeding (26, or 90 percent) reported that the proceeding for incoming cases in their country is a hearing before a judge; the rest reported that it is an administrative proceeding. Ten Central Authorities reported that the Central Authority office will represent the parent in the Hague proceeding, and 17 reported referring applicant parents to attorneys. Seventeen Central Authorities reported that Hague applicants may be eligible for free legal assistance and representation.

Variations in Procedures and Outcomes

The findings from this survey clearly demonstrate that implementation and operation of the Hague Convention vary greatly across countries. Some variation is understandable, because the Central Authorities were established within each country's existing bureaucracy and the Hague proceedings occur within each country's existing judicial system. However, the wide range in case outcomes⁵ is perhaps the most troubling finding of the survey, as it reflects a lack of uniformity in application of the Hague Convention that goes beyond these structural explanations.

Several findings raise concerns about the appropriateness or efficacy of actions taken by a minority of Central Authorities. For example, French and English are official languages of the Hague Convention, and Article 24 of the Convention requires that Central Authorities accept applications and other documents in either language, although "a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application communication or other document sent to its Central Authority." In the survey, Central Authorities in four countries indicated that they would not accept applications in English or French, although this is expressly prohibited under Article 24.

The survey findings also reveal significant variations in caseloads, with heavy concentrations of cases in relatively few countries. At the time the survey was conducted, the majority of Central Authorities reported opening an average

of five or fewer cases of each type (incoming and outgoing, return and access) per month. Only 3 countries—the United States, the United Kingdom, and France—averaged more than 10 new cases per month in both the incoming and outgoing return categories. Asked to list the top three countries to which they send and from which they receive return cases, Central Authorities most frequently listed the United States in both categories. The next most frequently listed country, the United Kingdom, was mentioned about one-half as often as the United States for incoming return cases and about one-third as often for outgoing return cases. The next most frequently listed countries for both incoming and outgoing return cases were Germany, Canada, Australia, and France. The most frequently listed countries for incoming access cases were the United States, the United Kingdom, Canada, and France. For outgoing access cases, the most frequently listed countries were the United States, France, the United Kingdom, and Germany.

Implications

Clearly, the United States represents the largest share of the Hague caseload, followed by the United Kingdom. The United States is only 1 of 32 Hague countries responding to the survey, yet the caseload of children taken from or to the United States accounted for a substantial portion (more than 50 percent) of the combined caseloads of all 32 responding countries. Therefore, the performance of American attorneys and judges in handling incoming Hague cases and the performance of the U.S. Central Authority in processing applications for and monitoring progress of both incoming and outgoing cases are critical to the overall success of the Hague Convention worldwide.

Earlier research calls into question the performance of American judges and attorneys in handling Hague cases. In a nationwide survey of American judges and attorneys (Girdner, 1994b), 60 percent of judges reported that counsel before them rarely or never adequately informed them about the applicable provisions of the Hague Convention, almost 70 percent of attorneys reported that opposing counsel was not familiar with the Convention, and more than 60 percent of attorneys reported that judges they appeared before in Hague cases were not familiar with the Convention. Another survey of left-behind parents (Hatcher and Brooks, 1994) found that

more than three-fourths of the parents had attorneys with no previous experience in international abduction cases.

Selected Good Practices

The following sections present selected “good practices” in dealing with international parental child abduction. Several different perspectives are represented: government agencies (at the Federal, State, and local levels) and private sector organizations in the United States; the United Kingdom’s Hague Central Authority; and Canada’s Missing Children Registry. Each section includes a quote reflecting the organization’s philosophy, background information, and a list of good practices.

National Center for Missing and Exploited Children

After parents have done all they can to work within the parameters of the law, both domestic and foreign, and still they can't get their children back, they often become desperate. We understand how frustrating it can be, and work with parents to exhaust every opportunity, every option.

—Ernie Allen,

President, National Center for Missing and Exploited Children

The National Center for Missing and Exploited Children (NCMEC) was established in 1984 as a private, nonprofit organization to serve as a clearinghouse for information on missing and exploited children. Funding for NCMEC comes from the U.S. Department of Justice and many private corporate donors that contribute time, money, and technology. NCMEC provides technical assistance to individuals and law enforcement agencies in cases involving parental abduction, stranger abduction, runaway children, and child exploitation.

Locating abducted and missing children is one of NCMEC’s critical roles. In carrying out this role, NCMEC coordinates with law enforcement agencies at the local, State, Federal, and international levels. It has direct access to the NCIC missing children’s database. It also disseminates photographs and descriptions of missing children. The advent of the Internet has made it possible for NCMEC to expand globally its nationwide photo distribution network. NCMEC now maintains a Web site on which photos of missing children

are posted and accessible to anyone around the world with access to the Internet.

NCMEC handles incoming Hague Convention child abduction cases on behalf of the U.S. Central Authority in the Department of State. Two of the most pressing tasks associated with this responsibility are locating children abducted to the United States or wrongfully retained in the United States and finding lawyers to represent the foreign parent in court proceedings brought in the United States under the Convention. NCMEC’s International Division carries out the Central Authority’s responsibilities in incoming international abduction cases.

NCMEC, in cooperation with the Office of Children’s Issues in the U.S. Department of State, has assumed a greater role in outgoing Hague Convention cases than it previously had. NCMEC provides parents seeking to invoke the Convention with instructions on how to do so and helps parents prepare Hague applications and obtain supporting documents.

NCMEC notes the following good practices aspects of its operations:

- ◆ NCMEC’s state-of-the-art technology—including its Web site and an extensive computer network that makes possible worldwide transmission of images of abducted children and information about them—is revolutionizing the search for missing children.
- ◆ Incoming Hague petitions get immediate response. Efforts are begun promptly to locate the child, find an affordable attorney, and educate the judges and lawyers involved about the Hague Convention.
- ◆ Criminal warrants can be very effective in Hague and non-Hague cases.
- ◆ As part of a transborder task force, NCMEC is working with Canadian counterparts to develop an intercept program for Canadian children transiting through the United States who are at risk of further abduction.
- ◆ Educating parents, lawyers, and judges on abduction prevention measures is a priority.
- ◆ NCMEC’s institutional philosophy—to go the extra mile to recover a missing child—is reflected in the staff’s cooperative approach to cases.
- ◆ Effective interaction between NCMEC and local, State, Federal, and

international law enforcement officers and prosecutors helps find and recover abducted children.

For additional information, write National Center for Missing and Exploited Children, Charles B. Wang International Children's Building, 699 Prince Street, Alexandria, VA 22314; phone 800-THE-LOST (843-5678); or visit the Web site at missingkids.com.

Vanished Children's Alliance

We try to give families of abducted children a little sense of control over an uncontrollable situation.

—Georgia K. Hilgeman,
Executive Director,
Vanished Children's Alliance

The Vanished Children's Alliance (VCA) is a nonprofit organization based in San Jose, CA. For more than two decades, VCA has assisted left-behind parents of abducted children. Its mission is child focused.

Once a case is registered with VCA in accordance with protocol, parents receive services free of charge. A toll-free telephone line (800-826-4743) is available to receive reports of sightings of abducted children and requests for help. VCA plays a crucial role in encouraging parents to take an active part in the search for their children. It also coordinates closely with law enforcement agencies to find abducted children and return them to the appropriate jurisdiction so that custody-related disputes can be resolved by the courts.

VCA suggests the following good practices for nonprofit organizations seeking to assist left-behind parents:

- ◆ Listen attentively and give support to left-behind parents on a long-term basis, including preparing them for reunification with the abducted child.
- ◆ Give parents some control over their lives by encouraging their active involvement in resolving their cases.
- ◆ Once a case is registered, become actively involved in trying to locate the abducted child, including coordinating closely with law enforcement in a positive, nonconfrontational manner.
- ◆ Acting as the left-behind parent's liaison, get all the key players (e.g., law enforcement, nonprofit organizations, Department of State) to work together and share pertinent case information.
- ◆ Help prevent abductions by taking the following actions: (1) talking a parent



out of a threatened abduction, (2) contacting law enforcement officials to alert them to potential abductions, and (3) suggesting various general provisions that can be included in a court order and also suggesting other steps a parent can take to stop an abduction before it happens.

For additional information, write Georgia K. Hilgeman, Executive Director, Vanished Children's Alliance, 2095 Park Avenue, San Jose, CA 95126; phone 408-296-1113; e-mail ghilgeman@compuserve.com; or visit the Web site at vca.org/.

New York State Missing and Exploited Children Clearinghouse

Parents need someone to go to bat for them.

—Diane Vigers, formerly of the
New York State Missing and Exploited
Children Clearinghouse

All 50 States and the District of Columbia currently have missing children's clearinghouses, which are established by executive order or legislative mandate. Setting up clearinghouses has proved less difficult than providing them with adequate funding to carry out their tasks. Some States have failed to appropriate resources for maintaining their clearinghouses, which then have become merely mailing

addresses for individuals seeking information on missing children.

The New York State Missing and Exploited Children Clearinghouse was established in 1987 to carry out many diverse activities relating to missing and exploited children. It has a long track record of good work and sufficient funding. Because of New York's major international airports and proximity to Canada, the State's clearinghouse sees many cases of international parental abduction. New York's statutes relating to criminal custodial interference do not cover precustodial abductions and treat postcustodial abductions as a felony only if a child has been taken out of State. Perhaps especially in States with statutes similar to New York's, clearinghouses can play an important and active role in resolving these difficult cases.

The New York State Missing and Exploited Children Clearinghouse suggests the following good practices for State clearinghouses:

- ◆ Take abduction prevention seriously.
- ◆ Listen, seek to understand, and do not make biased judgments.
- ◆ Provide information to and educate other practitioners.
- ◆ Promptly enter children in NCIC and investigate their whereabouts.

- ◆ Coordinate case efforts with law enforcement and other agencies.
- ◆ Facilitate community-based education and prevention.
- ◆ Act as State contact for the U.S. Central Authority in Hague Convention cases.

For additional information, write New York State Missing and Exploited Children Clearinghouse, 4 Tower Place, Albany, NY 12203; phone 800-346-3543; or visit the Web site at criminaljustice.state.ny.us/missing.

Child Abduction Unit, Kern County (California) District Attorney's Office

The Child Abduction Unit of the Kern County District Attorney's Office exists to help parents recover children who have been abducted, to prosecute those who violate criminal laws related to child abduction, and to represent the Superior Court . . . when the Court orders the District Attorney to locate and recover missing children.

—Notice, Kern County District Attorney's Office

California was the first State to give its district attorneys and their investigators both civil and criminal legal tools to locate and return parentally abducted children. Prosecutors have the option of using the most appropriate remedy—civil, criminal, or a combination of the two—to locate and recover an abducted child. Once the child is returned to the jurisdiction, the courts can sort out the underlying custody and visitation issues. Investigators working in concert with prosecutors perform the indispensable legwork of searching for the abducted child and then taking the necessary steps to bring the child back to the jurisdiction. The Kern County District Attorney's Office is one of many district attorney's offices in California that have established child abduction units to implement the law. To refine and improve practices, statewide meetings are held to bring together criminal justice system professionals assigned to handle child abduction cases.

In effect for about two decades, California's innovative approach to custodial interference and abduction cases is now being more widely implemented. The Uniform Child-Custody Jurisdiction and Enforcement Act, approved in July 1997 by the National Conference of Commissioners on Uniform State Laws, includes

several sections modeled on California law that give prosecutors and law enforcement in States that adopt the Act new flexibility and additional civil tools to help find and recover abducted children.

The Child Abduction Unit of the Kern County District Attorney's Office notes the following good practices aspects of effective law enforcement involvement in family abduction cases:

- ◆ Agencies should have a protocol for handling family abduction cases.
- ◆ Quick response by law enforcement to family abductions may lead to early intervention and return of the child.
- ◆ Criminal warrants may be needed if the Hague Convention remedy fails or is unavailable.
- ◆ Law enforcement recovery of abducted children has numerous advantages over self-help recovery by the parent.

For additional information, write Kern County District Attorney's Office, 1215 Truxtun Avenue, Bakersfield, CA 93301; phone 661-868-2340; or visit the Web site at www.co.kern.ca.us/da/.

Santa Clara County (California) District Attorney's Office

Child abduction cases are different from ordinary criminal cases because of the ongoing familial relationship. Children need a relationship with both parents. We have many tools at our disposal in deciding how to proceed. As prosecutors, we must look at the welfare of the children and ask: "How do we serve their best interests?"

—Janet Heim,

Deputy District Attorney, Santa Clara County District Attorney's Office, Parental Kidnapping Investigation Unit

Location and a speedy safe recovery of the child are the investigator's main concerns. The investigator and deputy district attorney need to work closely together to best accomplish those goals.

—Melanie Headrick,
Criminal Investigator II,

Team Leader, Santa Clara County District Attorney's Office

The Santa Clara County District Attorney's Office has a special unit that deals with the criminal and civil aspects of international and interstate parental abduction cases. Its functions parallel those of the similar unit in the Kern County District Attorney's Office described above.

The Santa Clara County District Attorney's Office notes the following good practices aspects of effective law enforcement involvement in family abduction cases:

- ◆ It is very important for the prosecuting attorney and the investigator to strategize on child abduction cases.
- ◆ Time is of the essence in abduction cases. Law enforcement should act immediately to prevent removal of the child from the country and should use all available government resources toward that end.
- ◆ Parents can help prevent and resolve abduction cases by taking the following actions: (1) obtaining specific preventive measures in their custody orders, (2) keeping information about the child and other parent and a certified copy of the court order in a safe place, and (3) flagging passports (i.e., requesting that the State Department notify them upon receipt of a passport application for the child and/or prevent issuance of a passport).
- ◆ U.S. and foreign consulates may be of assistance to investigators when a child has been abducted abroad or there is reason to fear an abduction will occur.
- ◆ Law enforcement personnel, judges, members of the bar, and the public need to be educated about parental abduction.

For additional information, write Office of the District Attorney, Santa Clara County, 710 West Hedding Street, San Jose, CA 95110; phone 408-299-7500; or visit the Web site at santaclara-da.org/da-abduction.html.

California State Attorney General's Office and San Diego (California) District Attorney's Office

The District Attorney's office has bilingual staff that prepare the Hague applications for cases of children abducted from San Diego County to Mexico. The applications are provided in English and Spanish. The attention to detail, organization, language, and presentation could serve as a model for all Hague applications. The already beleaguered left-behind parent is not burdened with obtaining costly translations and putting together the entire file. The foreign Central Authority can begin processing the application without delay.

—Issues in Resolving Cases of International Child Abduction

California is the first State in which the State criminal justice system plays a critical role in using civil remedies to resolve parental abduction cases. Involvement in civil aspects of parental abduction extends to the State Attorney General's Office, which acts as a local "central authority" for Hague Convention cases involving abducted children located in California. Deputy attorneys general serve as State contacts for these cases. The State Attorney General's Office receives each Hague application from NCMEC, determines whether it is appropriate for handling by a district attorney, then routes it to the district attorney's office in the county where the child is believed to be located, and subsequently tracks the progress of the case. The Attorney General's Office also advises district attorney staff on specific issues related to Hague cases and serves as liaison with the U.S. Department of State, NCMEC, and Central Authorities in other countries.

Because of San Diego's border with Mexico, incoming and outgoing parental abduction/retention cases involving Mexico are common. The San Diego District Attorney's Office estimates that 10 percent of its parental abduction cases involve children taken to or from Mexico. Mexico became a party to the Hague Convention on October 1, 1991. Its judicial system operates quite differently from that of the United States. In handling cases of international parental abduction, the San Diego District Attorney's Office collaborates with the State Attorney General's Office and the local family court. Both the San Diego District Attorney's Office and the Attorney General's Office have taken a proactive stance in cases involving Mexico.

The California Attorney General's Office and the San Diego District Attorney's Office suggest the following good practices for criminal justice agencies handling Hague Convention cases:

- ◆ Streamline the Hague application process.
- ◆ Involve country experts on staff.
- ◆ Arrange for immediate hearings in Hague and custody cases.
- ◆ Create opportunities for cross-cultural judicial communication and training.

For additional information, write Office of the District Attorney, San Diego County, Hall of Justice, 330 West Broadway, San Diego, CA 92101; phone 619-531-4345;

or visit the Web site at www.co.sandiego.ca.us/cnty/cntydepts/safety/da/abduction/index.html.

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

We are actively involved in trying to encourage interagency cooperation in international parental child abduction cases.

—Raymond E. Clore,
Former Director, Office of Children's
Issues and U.S. Central Authority,
U.S. Department of State

The Office of Children's Issues (OCI) in the Bureau of Consular Affairs of the U.S. Department of State serves as the U.S. Central Authority under the Hague Convention and is the point of contact for hundreds of parents in the United States and abroad whose children have been abducted from or to the United States. The OCI director is a foreign service officer. The director's position has traditionally rotated every 2 years. OCI's staff of consular officers work on international adoption policy issues in addition to international child abduction cases.

In its capacity as the U.S. Central Authority under the Hague Convention, OCI processes applications for return in outgoing cases (i.e., cases in which children have been wrongfully removed from the United States and retained in other Hague countries). The operational aspects of the Central Authority in incoming cases (i.e., cases in which children have been wrongfully removed from other Hague countries and retained in the United States) have been delegated to NCMEC. (For a discussion of NCMEC's changing role with regard to outgoing Hague cases, see the NCMEC good practices section on page 10.)

The OCI booklet *International Parental Child Abduction* (U.S. Department of State, 1997) summarizes what the State Department can and cannot do when a child is abducted. The publication is available through OCI (for information on how to contact OCI, see below) and can also be downloaded from the Web at travel.state.gov/int'lchildabduction.html.

OCI notes the following good practices aspects of its operations:

- ◆ Promotes prevention measures to deter international abductions.
- ◆ Communicates information about the Hague Convention to American courts.

- ◆ Suggests that an American parent whose child has been abducted by a family member to another country first seek voluntary return if feasible, then civil legal action, and lastly criminal remedies.
- ◆ Systematically encourages other countries to ratify the Hague Convention.
- ◆ Makes an ongoing effort to improve interagency cooperation and responsiveness to families affected by international abductions.
- ◆ Disseminates information to help parents when there is a risk of international abduction and when such an abduction has already occurred.
- ◆ Maintains computerized databases to analyze case dispositions and facilitate followup with parents and foreign Central Authorities.

For additional information, write U.S. Department of State, Office of Children's Issues, 2401 E Street NW., Room L127, Washington, DC 20037; phone 202-736-7000; or visit the Web site at travel.state.gov/officeofchildissues.html.

United Kingdom Child Abduction Unit

The comity of nations requires the prompt and consistent implementation of the Hague Convention. The United Kingdom Lord Chancellor's Child Abduction Unit plays a vital part in safeguarding the interests of children everywhere.

—Rt. Hon. Sir Stephen Brown,
President of the Family Division,
High Court, United Kingdom

The Child Abduction Unit (CAU) is the Central Authority for England and Wales for the two international conventions on child abduction to which the United Kingdom is a party: the Hague Convention and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children of 1980 (sometimes called "the Luxembourg Convention"). There are also Central Authorities in Northern Ireland and Scotland; the Lord Chancellor is the Central Authority for Northern Ireland, and the Secretary of State for Scotland is the Central Authority for Scotland. Although the United Kingdom has three Central Authorities, reflecting its three distinct legal jurisdictions, all three operate in the same way.

The CAU was created when the Hague Convention and the European Convention were incorporated into the law of the United

Kingdom by the Child Abduction and Custody Act of 1985, which came into force on August 1, 1986. The CAU is now the second busiest Central Authority in the world (after the United States).

The CAU was originally located in the headquarters of the Lord Chancellor's Department, but in April 1992, it moved to the Official Solicitor's Department. The Official Solicitor is a quasi-judicial figure with a long history in English law, primarily concerned with assisting the High Court and with protecting persons under a legal disability, minors (under the age of 18), and mental patients who are involved in legal proceedings. Much of the Official Solicitor's work involves representing children in disputes about their care, welfare, and education, and many of these cases have an international element—indeed, that element is one criterion for the Official Solicitor's becoming involved in a case. Such cases are almost always dealt with in the High Court. Although the office of the Official Solicitor carries out its duties independent of the government, it brings a good deal of experience to the task of running and supporting a Central Authority that deals with international child abduction.

The CAU is quite small; as of 1998, only two of its four staff members worked full time on child abduction cases. During 1997, the CAU dealt with 369 cases: 164 incoming and 205 outgoing. The structure set up by the Child Abduction and Custody Act of 1985 enables a small number of people to handle a large case load efficiently and effectively.

The CAU of England and Wales notes the following good practices aspects of its operations:

- ◆ The CAU is a small, single Central Authority situated in an organization that represents children in legal proceedings.
- ◆ Legal representation is immediately available to overseas applicants at no cost.
- ◆ All cases are presented in London by a small group of experienced solicitors and barristers.⁶
- ◆ All cases are heard by one of the judges of the High Court's Family Division, of whom there are now 17, including the president of the Family Division.
- ◆ Cases are listed for hearing very quickly, and the rules limit adjournments to no more than 21 days.

- ◆ A summary hearing, typically on the written pleadings (oral evidence is positively discouraged), is held.

For additional information, write The Child Abduction Unit, Official Solicitor's Department, Fourth Floor, 81 Chancery Lane, London WC2A 1DD, United Kingdom; phone 011-44-171-911-7047; or visit the Web site at www.offsol.demon.co.uk/intnchab.htm.

Missing Children's Registry, "Our Missing Children" Program, Canada

There is more than one way to skin a cat.

—Sergeant John W. Oliver, retired,
Missing Children's Registry,
Royal Canadian Mounted Police

Canada's Missing Children's Registry (MCR) is a special unit of the Royal Canadian Mounted Police. Established in 1986, the MCR was mandated to assist any law enforcement agency in locating and recovering a missing child. The MCR is also mandated to produce an annual report on Canada's missing children. This report keeps the general public informed about the number of missing children reported to Canadian police.

The MCR is part of a program called "Our Missing Children." This program involves officials from the Royal Canadian Mounted Police, the MCR, the Department of Revenue (Customs), the Department of Citizenship and Immigration, and the Department of Foreign Affairs and International Trade. The program is committed to locating missing and abducted children and returning them to their proper guardians.

Canada's MCR suggests the following good practices for agencies dealing with international parental abduction:

- ◆ Monitor points of arrival and departure.
- ◆ Promptly enter each missing child in the Canadian Police Information Computer (CPIC) and NCIC.
- ◆ Coordinate with other agencies in both countries.
- ◆ Coordinate with Central Authorities in efforts to locate the abducted child.
- ◆ Promote communication with non-profit organizations.
- ◆ Get support from the airline industry.

- ◆ Use diplomatic pressure in cases involving countries that are not parties to the Hague Convention.

For additional information, write Royal Canadian Mounted Police, Missing Children's Registry, P.O. Box 8885, Ottawa, Ontario, Canada K1G 3M8; phone 877-318-3576 (toll free); or visit the Web site at ourmissingchildren.ca.

Recommendations for Practice

On the basis of the findings from this study, including the review of good practices, the authors of the full report made a number of recommendations for policy and practice. These are outlined below.

Judges

Judges should order preventive measures routinely and should use a variety of more restrictive measures depending on the level of risk and the likelihood of recovery. Specific recommendations include the following:

- ◆ In the custody order, specify that the child cannot be removed from the State or country without authorization.
- ◆ Prevent issuance of the child's passport or require that the child's passport and the passport of the parent at risk of abducting the child be surrendered.
- ◆ Order the parent at risk of abducting the child to post a bond that would be released to the left-behind parent in the event of an abduction.
- ◆ To reduce flight risk, order supervised visitation and/or no overnights with the child.
- ◆ As a condition for traveling with the child to another country or sending the child to a noncustodial parent in another country, require the parent at risk of abducting or not returning the child to obtain a "mirror" order from the foreign court, enforceable in that country, which parallels the provisions of the U.S. custody order.
- ◆ Order the parents to seek counseling or mediation with a professional who, in a culturally sensitive way, can help them address the issues raised by the ending of their marriage and by their child's mixed cultural heritage and can also offer them guidelines on how to parent from two households (perhaps separated by a great distance).

Training

Professionals handling parental abduction cases should receive further training. Specific recommendations include the following:

- ◆ Train law enforcement personnel and prosecutors regarding immediate actions required in cases of suspected international child abduction (e.g., entering the case into NCIC, issuing a warrant for unlawful flight to avoid prosecution, filing a Hague application, contacting the State missing children's clearinghouse). This training should be provided to all "front line" personnel, including patrol officers, support staff, and investigators.
- ◆ Train judges and attorneys in preventive measures that can be taken in cases when parental abduction is considered likely (e.g., supervised visitation, bonds). Provide judges with guidelines encouraging them to issue prompt and enforceable custody and visitation orders and to include in their orders warnings that violation may be a criminal offense and punishable by imprisonment.
- ◆ Train judges in all Hague countries in implementation of the Hague Convention and other intercountry agreements concerning child custody.
- ◆ Provide all professionals with indepth training that highlights the broad extent of the problem of international parental abduction, the specific difficulties faced in recovering children in cases of international abduction, the devastating impact that the abduction can have on the child, and the importance of maintaining supportive contact with left-behind parents. Professionals who could benefit from such training include law enforcement and prosecutorial personnel at the local, State, and Federal levels; judges and attorneys; and personnel in schools, child protective services agencies, State missing children's clearinghouses, Federal agencies (including the U.S. Department of State, U.S. Immigration and Naturalization Service, and U.S. Customs Service), family services organizations, and missing children's organizations.
- ◆ When possible, incorporate in training curriculums the experiences of left-behind parents, both as writers and presenters.

Hague Convention on the Civil Aspects of International Child Abduction

Changes should be made to improve the efficacy of the Hague Convention. Specific recommendations include the following:

- ◆ At the next special meeting of party countries at the Hague, raise issues relating to the lack of efficacy and uniformity in implementing the Hague Convention.
- ◆ Convene a multinational nongovernmental group, including parents, attorneys, researchers, and missing children's organizations, to discuss problems with the Hague Convention and ways to overcome them.
- ◆ Urge all Hague countries to locate their Central Authorities in Departments of Justice and have at least one attorney on staff. (Two-thirds of Central Authorities already use this model.)
- ◆ In the United States, recognize that efforts to improve handling of Hague Convention cases by educating attorneys and judges and recruiting *pro bono* attorneys are piecemeal solutions without long-term benefits. Instead, consolidate Hague proceedings in a single location before a knowledgeable judiciary and provide left-behind parents with representation by an experienced panel of attorneys, similar to the United Kingdom model. Alternatively, authorize U.S. attorneys (i.e., Federal prosecutors) to file Hague return petitions in Federal courts. These changes would expedite Hague proceedings, result in more uniform decisionmaking, and facilitate the prompt return of children abducted to or retained in the United States.
- ◆ Urge countries to consider models similar to the United Kingdom's. Consolidating cases in a centralized location can help prevent local bias, ensure that decisions are made by judges with experience in Hague cases, and alleviate problems that arise when inexperienced local judges treat Hague cases the same as custody cases.

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

Dissatisfaction with the performance of OCI has been expressed by many left-behind parents and by a number of professionals in the field of missing children. Many complaints relate to the functioning

of the office. OCI should improve its efforts to help left-behind parents bring internationally abducted children home, regardless of whether the other country involved is party to the Hague Convention. Recommendations that may improve performance include the following:

- ◆ Make the OCI director a nonrotating foreign or civil service position. Having a new director every 2 years results in a high learning curve and limits opportunity to advocate for needed resources and to change staff responsibilities in ways that can improve performance.
- ◆ Increase the number of personnel⁷ to ensure a better staff-to-case ratio. Train staff to be more proactive in cases. Give parents more direct access to caseworkers (rely less on voice-mail). Increase periodic OCI-initiated contacts between staff and left-behind parents. Consider inviting former left-behind parents to brief staff on the type of contact that would be helpful.
- ◆ Seriously consider transferring the full responsibilities of the U.S. Central Authority under the Hague Convention to the U.S. Department of Justice. This would be in line with the majority of other Central Authorities. The U.S. Department of Justice could allocate to NCMEC direct case management for incoming and outgoing Hague and non-Hague cases, as the State Department currently does for incoming Hague cases only. This change would result in a more child-focused advocacy approach. Such an approach is consistent with the mission of the Missing and Exploited Children's Program in the U.S. Department of Justice and NCMEC but sometimes appears inconsistent with the State Department's diplomatic mission.
- ◆ Make efforts to recruit foreign diplomatic personnel from embassies in Washington, DC, to serve on an informal "working group" committed to overcoming barriers that prevent resolution of international abduction cases. Encourage foreign-based U.S. diplomats to establish similar informal groups in other countries, especially those with high numbers of abductions from or to the United States.
- ◆ Continue efforts to increase the number of countries that are party to the Hague Convention on the Civil Aspects of International Child Abduction.

- ◆ Be more willing to use diplomatic pressure or extradition to resolve abduction cases, particularly in non-Hague cases and in Hague cases involving countries from which few abducted children are returned.
- ◆ Provide parents with better assistance in finding low-cost translation services for the documents accompanying their Hague applications or foreign court proceedings.

Legal Assistance for Parents

The cost of attorneys in both the United States and foreign countries was extremely high for most of the left-behind parents surveyed, and very few had access to free legal assistance. Parents should have access to affordable attorneys and advocates. Recommendations include the following:

- ◆ Establish or expand *pro bono* and legal services programs for parents in cases of international child abduction.
- ◆ Use volunteers from Court Appointed Special Advocate (CASA) programs or similar child advocacy programs to work with State clearinghouses and nonprofit organizations to help left-behind parents access services and communicate with law enforcement personnel, prosecutors, and others. These volunteer advocates would also work to ensure services for children after reunification with parents.

Interagency and International Cooperation

The return of a child in a case of international parental abduction requires a high level of cooperation not only among governments but also among agencies within governments (police, courts, social services, foreign relations). The current level of cooperation should be increased. Recommendations include the following:

- ◆ Enhance cooperation among agencies frequently involved in cases of international child abduction. At the Federal level, the Senior Policy Group and its Working Group on International Parental Kidnapping were established to bring together representatives from the U.S. Departments of Justice and State to identify problems and work toward solutions in an effort to improve the Federal response to international parental abduction.
- ◆ Arrange for certain State offices that are working well with neighboring



countries to be the designated agencies to handle all cases involving those countries. This arrangement would centralize knowledge and expertise, build on existing relationships with foreign counterparts, and more efficiently secure the return of children abducted to and from those countries. For example, the California Deputy Attorney General's Office in San Diego could handle all cases between the United States and Mexico, and the New York State Missing and Exploited Children Clearinghouse could handle all cases between the United States and Canada. Such an expansion of caseload would require commensurate increases in funding for these agencies.

Legal and Procedural Changes

A number of existing laws and regulations create obstacles that make the location and recovery of internationally abducted children very difficult. In some cases, existing regulations actually make an international abduction easier to accomplish. Some existing laws and regulations should be changed. Recommended changes include the following:

- ◆ Revise existing U.S. departure regulations to require that adults accompanying minors exiting the country must show proof of permission from all parents or guardians or a valid court order indicating that they alone can give permission.

- ◆ Change current rules regarding issuance of passports to minors so that all parents or guardians must give permission unless a current court order specifies that permission of only one parent is required. (The law was recently changed to require both parents to sign a passport application for children under age 14, and new regulations will elaborate the specifics of this requirement.)

Support Networks for Parents

Many of the left-behind parents surveyed said they felt isolated. Others said they were interested in providing help to other left-behind parents. Support groups and networking opportunities for parents should be created.

One recommendation is to establish or expand national, regional, and local support networks for left-behind parents. Such efforts might include a "buddy" program that pairs a parent whose child was previously abducted (and may or may not have yet been recovered) with a parent whose child has recently been abducted to the same country; support groups for parents whose children have been abducted to the same country or category of countries (e.g., Hague countries, Islamic countries); and an Internet listserv for left-behind parents. (Since the study report was written, OJJDP has supported the establishment of Team HOPE, which matches victim parents with parent volunteers who have had similar international child abduction experiences.)

Conclusion

Although this study is the first comprehensive examination of international parental abduction of children, the findings are primarily qualitative and/or descriptive and should therefore be interpreted with caution. It is also important to note that the findings are based on the perceptions of victims (the left-behind parents) in these cases. Neither the alleged abductors nor the abducted children were surveyed for their perspective on the issue. Additionally, it has been a few years since the study was completed in 1998, so some of the experiences of parents may be different today. Despite these limitations, however, the findings of this study provide policymakers and practitioners with a greater understanding of the obstacles faced by parents in these cases and the strategies that communities

can use to prevent these abductions and to assist in the recovery of abducted children. Perhaps most importantly, the findings of this study provide OJJDP and other agencies with guidelines to use in developing resources and programs for all who must deal with these devastating cases—children, left-behind parents, law enforcement, prosecutors, and courts.

For Further Information

Additional information about parental abduction is available from the organizations listed below. Brief descriptions of selected publications available from each organization are also provided.

Organizations

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Child Protection Division
202-616-3637
202-353-9093 (fax)
ojjdp.ncjrs.org

National Center for Missing and Exploited Children (NCMEC)

703-274-3900
703-274-2222 (fax)
missingkids.com

U.S. Department of State, Office of Children's Issues (OCI)

202-736-7000
202-663-2674 (fax)
travel.state.gov/officeofchildissues.html

National Center for Prosecution of Child Abuse (NCPA)

703-739-0321
703-549-6259 (fax)
ndaa-apri.org/apri/NCPA/Index.html

American Bar Association Center on Children and the Law (ABA CCL)

202-662-1720
202-662-1755 (fax)
abanet.org/child

Publications

OJJDP. The following documents are available from OJJDP (see Publications on its Web site or call the Juvenile Justice Clearinghouse at 800-638-8736) or from the National Criminal Justice Reference Service (visit ncjrs.org or call 800-851-3420).

Addressing Confidentiality of Records in Searches for Missing Children (NCJ 155183). This Report makes recommendations concerning law enforcement agencies'

access to records maintained by schools, hospitals, child welfare agencies, domestic violence shelters, and runaway shelters. The Report also covers information release procedures and includes a checklist for maximizing record access from service providers. The Report's appendixes contain additional information and relevant statistical data on the confidentiality of records in searches for missing children, jurisdictions that allow record access or impose reporting requirements in missing children cases, and State laws affecting record access.

The Criminal Justice System's Response to Parental Abduction (NCJ 186160). This Bulletin summarizes primary findings from a study of the criminal justice system's response to parental abduction. Funded by OJJDP and conducted jointly by the American Bar Association Center on Children and the Law and Westat, the study examined all aspects of the system's response, including the reporting of the incident, investigation of the case, location and recovery of the child, and criminal prosecution of the abductor. The Bulletin reports results from the study's national survey of law enforcement agencies and prosecutors, site visits, and case file reviews and presents implications for legal, programmatic, and policy reforms.

Early Identification of Risk Factors for Parental Abduction (NCJ 185026). This Bulletin presents the design and findings of four OJJDP-funded studies on preventing family abductions. The findings provide information regarding the risk factors associated with parental kidnapping and strategies that can be used to intervene with at-risk families.

Family Abductors: Descriptive Profiles and Preventive Interventions (NCJ 182788).

This Bulletin describes preventive interventions, such as counseling, conflict resolution, and legal strategies, that seek to settle custody and access disputes for families identified as at risk for parental abduction.

A Family Resource Guide on International Parental Kidnapping (NCJ 190448). This guide presents practical and detailed advice about preventing international kidnapping and increasing the chance that children who are kidnapped or wrongfully retained will be returned. It provides descriptions and realistic assessments of the civil and criminal remedies available in international parental kidnapping cases,

explains applicable laws and identifies both the public and private resources that may be called upon when an international abduction occurs or is threatened, and prepares parents for the legal and emotional difficulties they may experience.

International Parental Kidnapping: A Law Enforcement Guide (forthcoming). This guide provides practical information on the public and private resources and services that are available to assist law enforcement in international parental abduction cases. It explains applicable laws, defines agency roles and responsibilities, describes criminal and civil remedies, examines methods for prevention and interception, and discusses important issues and procedures to be addressed during an international parental abduction case.

Issues in Resolving Cases of International Child Abduction (NCJ 182790). This Report documents a lack of uniformity in the application of the Hague Convention across countries. It includes case histories, survey findings on left-behind parents, selected practices in international family abduction cases, and recommendations for the judicial and legal systems.

Obstacles to the Recovery and Return of Parentally Abducted Children (Report: NCJ 144535; Research Summary: NCJ 143458). These publications present the results of a 2-year study of the legal, policy, procedural, and practical obstacles to the location, recovery, and return of children abducted by a noncustodial parent. They include recommendations to overcome each obstacle and extensive appendixes that describe the pros and cons of existing legal procedures for enforcing a custody order, sample forms to be used with existing legal procedures, and summaries of both civil and criminal appellate decisions.

Parental Abduction: A Review of the Literature (Available online only: ojjdp.ncjrs.org/pubs/missing.html#186160). This online resource summarizes current research and literature related to the primary issues involved in parental abduction.

Prevention of Parent or Family Abduction Through Early Identification of Risk Factors (NCJ 182791). Based on analyses of data from several California studies related to child abductions by a noncustodial parent, this Report outlines a set of characteristics of parents who abduct their children and presents in-depth sociodemographic and legal information about the families of abducted children.

Using Agency Records To Find Missing Children: A Guide for Law Enforcement (NCJ 154633). This Summary focuses on procedures for obtaining and using the records of certain types of human services providers to find missing children. It examines the use of, access to, barriers to, and limitations of records from schools, medical care providers, runaway shelters, and domestic violence shelters.

When Your Child Is Missing: A Family Survival Guide (NCJ 170022; Spanish Version: NCJ 178902). This guide, written by parents and family members who have experienced the disappearance of a child, explains how parents can best participate in the search for a missing child. It discusses the parents' relationship with law enforcement, examines issues related to the media, and presents practical information about distributing fliers and photos, organizing volunteers, and managing monetary donations.

NCMEC. The following documents are available from NCMEC (see Education & Resources on its Web site or call 800-843-5678).

Family Abduction. This handbook guides parents through the civil and criminal justice systems, explains the laws that will help them, outlines prevention methods, and provides suggestions for after-care following the abduction. It thoroughly details search and recovery strategies and contains advice for attorneys, prosecutors, and family court judges handling these cases.

International Forum on Parental Child Abduction: Hague Convention Action Agenda. This report details the findings of a forum held in September 1998 to study the Hague Convention on the Civil Aspects of International Child Abduction. It offers 12 action/agenda items to help strengthen implementation of the Hague Convention.

"The Kid Is With a Parent, How Bad Can It Be?": The Crisis of Family Abductions. This issue brief discusses the seriousness of the problem of family abduction, considers whether the problem is growing, and examines the challenges and opportunities this crime poses to policymakers.

Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management. This guide, authored by a team of 38 professionals from local, State, and Federal agencies, outlines a standard of practice for law enforcement officers handling several

types of missing child cases, including runaways, throwaways, family/nonfamily abductions, and disappearances in which the circumstances are unknown.

When Your Child Is Missing: A Family Survival Guide. Also available from OJJDP; see above for description.

OCI. The following document is available from OCI (call 202-736-7000) or may be downloaded from the Web at travel.state.gov/int'lchildabduction.html.

International Parental Child Abduction. This booklet summarizes what the State Department can and cannot do when a child is abducted. It also includes information on steps to guard against international child abduction, ways to search for a child who is abducted abroad, considerations in settling cases out of court, use of the Hague Convention to settle cases, legal solutions when the Hague Convention does not apply, and considerations in filing criminal charges against an abductor.

NCPCA. The following documents are available from NCPCA (see Publications on its Web site).

Charging the Parental Kidnapping Case. This monograph assists prosecutors in determining appropriate charges and sentencing recommendations. It notes that an aggressive investigative and prosecutorial approach sends the message that parental kidnapping is a serious crime with serious consequences for both victims and abductors and recommends that prosecution should be seriously considered in every parental kidnapping case.

Investigation and Prosecution of Parental Abduction, 2000 (Training Conference Notebook). This notebook contains training materials compiled for the 2000 NCPCA Conference, Investigation and Prosecution of Parental Abduction.

Parental Kidnapping, Domestic Violence and Child Abuse: Changing Legal Responses to Related Violence. This monograph assists investigators and prosecutors in developing appropriate responses to the interrelated crimes of parental kidnapping, domestic violence, and child abuse.

ABA CCL. The following documents are available from ABA CCL (see Issues/Parental Kidnapping on its Web site).

Hague Child Abduction Convention Issue Briefs. This 1997 material consists of four issue briefs that can help attorneys handle cases that fall under the Hague

Convention on the Civil Aspects of International Child Abduction.

The Hague Convention: A Curriculum for American Judges and Lawyers. This 1997 publication explains how the Hague Convention can be used effectively within the United States in international parental kidnapping cases.

Parental Kidnapping Prevention and Remedies. This 1997 material is designed to help attorneys better understand parental abduction cases and applicable laws. It includes practical tips on protections that can be placed in child custody orders that may help prevent an abduction, tips that lawyers can give their parent clients, a review of possible legal actions that can be taken on parents' behalf, and governmental resources that can be used to help in these cases.

Parental Kidnapping Law Reform Package. This package, produced in 1996, contains three proposed State laws related to parental abduction that can be adopted by State legislatures. The laws are the Parental Kidnapping Crime Act, Missing Children Record Flagging Act, and Tortious Interference With Child Custody and Visitation Act.

Endnotes

1. Having ties to another country was identified as one of six risk profiles for parental child abduction in a study conducted by Johnston and Girdner (1998).
2. NISMART 2, a followup study funded by the Office of Juvenile Justice and Delinquency Prevention, is currently under way.
3. The 393-page full report, *Issues in Resolving Cases of International Child Abduction*, is available from the Juvenile Justice Clearinghouse. For additional information, see page 17.
4. In any given country, "incoming" cases involve children who have been abducted to, or wrongfully retained in, that country, and "outgoing" cases involve children who have been wrongfully removed from that country or wrongfully retained in another country. "Return" cases seek the child's return, usually to the country of habitual residence. "Access" cases seek to arrange visitation with the child.
5. Outcome options for Hague proceedings are as follows: (1) judge orders child returned to applicant country, (2) judge denies petition for return (child remains

in responding Central Authority's country), (3) child is voluntarily returned, (4) other (case is withdrawn or settled by parents, child is not located, or case is pending). Study findings revealed great variation in case outcomes. The percentage of return orders, for example, ranged from an average of 5 percent to 95 percent, depending on the responding Central Authority.

6. In England, there are two types of practicing lawyers: barristers and solicitors. In general, barristers engage in advocacy (trial work) and solicitors perform office work.

7. As of 1998, when the study report was written, an increase in staff was expected because the responsibilities of the U.S. Central Authority would expand once the Hague Convention on Intercountry Adoption was enacted. (Since the report was written, staff size has increased and the Adoption Convention has been ratified and implementing legislation enacted.) It is not known, however, how this will affect the amount of attention given to parental abduction cases.

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