



INTERNATIONAL PARENTAL ABDUCTION

Abductions to the United States *Frequently Asked Questions*

Q. I am a parent whose child has been wrongfully removed or retained in the U.S. How should I apply for return of my child?

A. We can help pursue the recovery of your child under the Hague Abduction Convention. Check to make sure that your child has been abducted from a country that the United States partners with under the Convention. Your next step should be to contact the Central Authority for the Hague Abduction Convention in the child's home country. They will help you fill out an application and let you know what supporting documents you need to provide. You will need to have these documents translated into English. The Central Authority will then forward your application to our office to begin the process here in the United States.

In your application for return of your child or access to your child, please supply any address information you have, so that we may attempt to locate your child or children quickly. Once we have an address, we will try to arrange a voluntary return of children. If this is not possible, we will provide information so that you can bring a petition to a U.S. court. After we receive your Hague application, you will be assigned a case officer who will help you:

- Locate your child in the United States;
- Try to achieve a voluntary return of your child;
- Understand the legal process in the United States;
- Find an affordable attorney; and
- Locate support groups and nonprofit organizations that can also assist you.

Q. How long will the Hague process take?

A. The length of the legal process for a Hague case varies. How long your case takes depends on whether your child can be located; whether any appeal is filed; and how long the court takes to decide the case, among many other factors. The Office of Children's Issues is committed to helping you resolve your case as quickly as possible. We strongly believe that cases should be resolved in a prompt manner in order to restore the family to the same position it was in before the abduction or wrongful retention.

Q. Does it matter that I am not a U.S. citizen?

A. Under the Convention, neither citizenship nor immigration is a factor we consider when assisting families. If you are not pursuing remedies under the Hague Convention, the Office of Children's Issues will provide information on other options available to you in the United States.



Q. Is parental child abduction illegal in the United States?

A. Yes, the United States finds international parental child abduction to be a Federal crime. In the International Child Abduction Remedies Act, the United States Congress stated that “*the international abduction or wrongful retention of children is harmful to their well-being,*” and that “*persons should not be permitted to obtain custody of children by virtue of their wrongful removal or retention.*”

Q. Is there a fee for your services?

A. No, we do not charge for our services. We are here to help you free of charge. In fact, Federal law prohibits our office from charging fees for our services.

Note: The United States does not provide free legal representation to parents. While we cannot provide you with legal representation, we will provide you with a list of attorneys who may take your case for a reduced fee. Additionally, you may be required to pay other fees associated with your petition for return of your child – such as the fees for court filings, and the cost of travel and accommodations.

Q. How do I get an affordable attorney in the United States?

A. The Office of Children’s Issues maintains a network of attorneys who offer assistance to parents. Should you request our assistance in finding an attorney in the United States, you will be asked to fill out a Legal Assistance Questionnaire. We will use this questionnaire to determine whether you qualify for assistance and to help secure an attorney.

Q. Can I come to the United States and simply take back (re-abduct) my child?

A. We strongly discourage taking matters into your own hands. The measures could be illegal and may delay your child’s return. Attempts to re-abduct your child from the United States may:

- Endanger your child and others;
- Prejudice any future judicial efforts you might wish to make in the United States; and
- Could even result in your arrest and imprisonment.

Finally, there is no guarantee that the chain of abductions would end with the one committed by you. A parent who has re-abducted a child may have to go to extraordinary lengths to conceal his or her whereabouts, living in permanent fear that the child may be re-abducted yet again.

If you are contemplating such desperate measures, we advise you to consider the emotional trauma inflicted on a child who is a victim of an abduction and a re-abduction. We discourage re-abduction not only because it is illegal, but also because of possible psychological harm to the child.

Q. Have there been returns to my country?

A. Every year, many children that have been abducted to the United States are returned to their countries of origin. There have been returns to nearly every country with which the United States partners under the Convention. Last year alone, 262 children abducted to or wrongfully retained in the United States were returned to their country of origin under the Convention.