



**Report on Compliance
with the Hague Convention**

on the Civil Aspects of

**INTERNATIONAL
CHILD ABDUCTION**

April 2008



SUBMITTED PURSUANT TO
SECTION 2803 OF PUBLIC LAW 105-277,
(FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998),
AS AMENDED BY
SECTION 202 OF PUBLIC LAW 106-113
(THE ADMIRAL JAMES W. NANCE AND MEG DONOVAN
FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEARS 2000 AND 2001),
AND SECTION 212 OF THE FOREIGN RELATIONS AUTHORIZATION ACT
FOR FISCAL YEAR 2003



DEPARTMENT OF STATE
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
WASHINGTON, DC

Dear Reader:

I am pleased to present the 2008 Compliance Report for the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The report offers an in depth discussion of the issues that arise in implementing the Convention with our treaty partners, as well as the progress made in particular countries during the reporting period.

As described in this report, parental child abduction is a tragedy that has long-term consequences for both the child and the left-behind parent. The Convention provides a civil mechanism for many parents to obtain the return of their children, offering hope in a time when a family has been torn apart.

Though compliance with the Convention is an ongoing challenge, Congress and the Department of State recognize that continuing scrutiny of treaty implementation in partner countries, as well as in the United States, is vital for its success. Precious few options exist for parents and children who have been victimized by parental child abduction. For this reason, we at the Department of State pledge to continue to work with each of our Convention partners to quickly resolve abduction cases and improve understanding and implementation of the Convention.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice L. Jacobs".

Janice L. Jacobs

Acting Assistant Secretary for Consular Affairs

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INTRODUCTION

THE 2008 COMPLIANCE REPORT: ITS PURPOSE

Each year, the Department of State Office of Children's Issues (CI) is required under Public Law (PL) 105-277, Section 2803 to submit to Congress a report on our treaty partners' compliance with the 1980 Hague Convention on the Civil Aspects of International Parental Child Abduction (Convention).

This report includes country by country case number statistics, as well as detailed information about abductions to the United States from Convention partners. This year for the first time we are including an addendum that adds statistics for non-treaty partner countries as well. The Department of State (Department) includes these statistics and information to present a well-rounded picture of the Convention's application and of the state of international child abduction.

This report covers the period from October 1, 2006 through September 30, 2007 – Fiscal Year (FY) 2007. The information provided herein is that which was available to the United States Central Authority (USCA) between those dates. In instances where updates were available and relevant to this report, the report includes developments subsequent to September 30, 2007.

ABDUCTION STATISTICS

CASE NUMBER STATISTICS

OUTGOING CASES—ABDUCTIONS FROM THE UNITED STATES

- ▶ In FY 2007, the USCA assisted left-behind parents in the United States in responding to 575 cases of international parental child abduction to Convention countries, which involved 821 children.
- ▶ Convention countries with the highest incidence of reported abductions from the United States:

Convention Country	New Outgoing	Children
Mexico	195	320
United Kingdom	45	62
Canada	39	56
Germany	24	31
Brazil	20	31

INCOMING CASES—ABDUCTIONS TO THE UNITED STATES

- ▶ In FY 2007, the United States provided assistance in 355 Convention applications incoming to the United States, which involved 518 children.
- ▶ Convention countries with the highest incidence of reported abductions to the United States:

Convention Country	New Incoming	Children
Mexico	117	175
United Kingdom	29	40
Germany	26	34
Canada	23	34
Australia	20	28

* *Additional country by country outgoing and incoming statistics can be viewed in the "Additional Background Information" section of this report.*

RETURN STATISTICS

- ▶ In FY 2007, the Department assisted in the return to the United States of 341 children abducted to or wrongfully retained in other countries. Of these children, 217 children returned from countries that are Convention partners with the United States, accounting for 63.6 percent of the returns in FY 2007.
- ▶ In FY 2007, 262 children abducted to or wrongfully retained in the United States were returned to their country of origin under the Convention.



INTRODUCTION

- ▶ Convention partners who accounted for the greatest number of returns of abducted children to the United States in FY 2007:

Convention Country	Number of Children Returned to the U.S. in FY 2007
Mexico	82
Canada	25
United Kingdom	25
Australia	15
New Zealand	10

METHODOLOGY FOR THE NONCOMPLIANCE CATEGORY PLACEMENTS

This report identifies the Department's concerns about those countries in which implementation of the Convention is incomplete or in which a particular country's executive, judicial, or law enforcement authorities do not properly apply the Convention's requirements. The report breaks down such countries into two categories, "Countries Not Compliant with the Convention," and "Countries Demonstrating Patterns of Noncompliance with the Convention." Both of the categories derive directly from statutory language in PL 105-277, Section 2803.

The Department largely based its analysis of country compliance with the Convention on the standards and practices outlined in the Permanent Bureau of the Hague Conference on Private International Law's Guide to Good Practice. Using the Guide, the Department conducted analyses of the following three compliance areas to reach its findings for this report:

- 1) Central Authority performance;
- 2) Judicial performance; and
- 3) Law Enforcement performance.

"Central Authority performance" involves the speed of processing applications; the existence of and adherence to procedures for assisting left-behind parents in obtaining knowledgeable, affordable legal assistance; the availability of judicial education or resource programs; and responsiveness to inquiries by the USCA and left-behind parents.

"Judicial performance" comprises the timeliness of a petition under the Convention, timeliness of subsequent appeals, correct application of the Convention, and the efforts by courts to enforce decisions for return or access.

"Law Enforcement performance" includes the success in promptly locating abducted children, and the prompt enforcement of court orders issued pursuant to applications under the Convention by administrative or law enforcement authorities.

NOT COMPLIANT

The designation of "Countries Not Compliant with the Convention," derives from Section 2803 of PL 105-277. The Department considers that countries listed as "Not Compliant" are failing in all three performance areas for the reporting period.

PATTERNS OF NONCOMPLIANCE

The designation of "Countries Demonstrating Patterns of Noncompliance," derives from Section 2803 (a)(3) of PL 105-77, which requires a list of countries that have "demonstrated a pattern of noncompliance" with the Convention. The Department considers countries that have a systemic failure to comply with the Convention in one or two of the three performance areas to be in this noncompliance category.

COUNTRY NONCOMPLIANCE PLACEMENTS



COUNTRIES NOT COMPLIANT

HONDURAS

COUNTRIES DEMONSTRATING PATTERNS OF NONCOMPLIANCE

BRAZIL

BULGARIA

CHILE

ECUADOR

GERMANY

GREECE

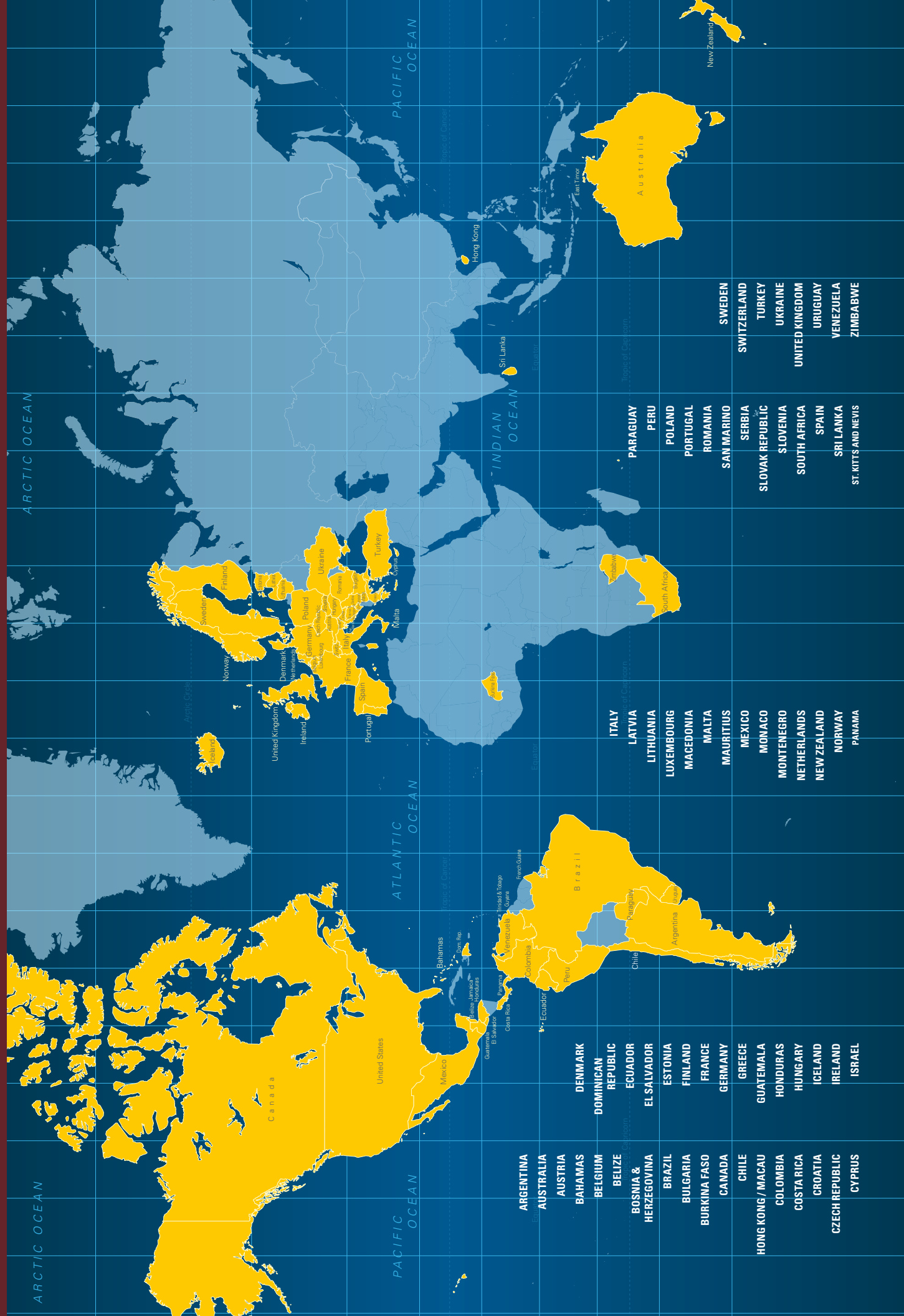
MEXICO

POLAND

VENEZUELA

2008 U.S. CONVENTION PARTNERS

U.S. CONVENTION PARTNERS ■



ARGENTINA
 AUSTRALIA
 AUSTRIA
 BAHAMAS
 BELGIUM
 BELIZE
 BOSNIA & HERZEGOVINA
 BRAZIL
 BULGARIA
 BURKINA FASO
 CANADA
 CHILE
 HONG KONG / MACAU
 COLOMBIA
 COSTA RICA
 CROATIA
 CZECH REPUBLIC
 CYPRUS

DENMARK
 DOMINICAN REPUBLIC
 ECUADOR
 EL SALVADOR
 ESTONIA
 FINLAND
 FRANCE
 GERMANY
 GREECE
 GUATEMALA
 HONDURAS
 HUNGARY
 ICELAND
 IRELAND
 ISRAEL

ITALY
 LATVIA
 LITHUANIA
 LUXEMBOURG
 MACEDONIA
 MALTA
 MAURITIUS
 MEXICO
 MONACO
 MONTENEGRO
 NETHERLANDS
 NEW ZEALAND
 NORWAY
 PANAMA

PARAGUAY
 PERU
 POLAND
 PORTUGAL
 ROMANIA
 SAN MARINO
 SERBIA
 SLOVAK REPUBLIC
 SLOVENIA
 SOUTH AFRICA
 SPAIN
 SRI LANKA
 ST. KITTS AND NEVIS

SWEDEN
 SWITZERLAND
 TURKEY
 UKRAINE
 UNITED KINGDOM
 URUGUAY
 VENEZUELA
 ZIMBABWE

COUNTRY NARRATIVES: NOT COMPLIANT

HONDURAS

DATE ACCEDED TO THE CONVENTION	12-20-1993
DATE OF ENTRY INTO FORCE WITH U.S.	6-1-1994

The Department finds Honduras not compliant with the Convention in FY 2007, as it did in FY 2006. Honduras does not have a functioning Central Authority, which severely limits its ability to meet Convention obligations. Although the Honduran Institute of Children and Family (IHFNA) is charged with handling Convention applications as the named Honduran Central Authority, the USCA is not aware of any staff that performs the required functions. In spite of numerous attempts by the USCA to contact Central Authority staff members through diplomatic channels, to date we have received no response from the Central Authority.

Two long-standing unresolved abductions from the United States show a misunderstanding of the Convention by Honduran courts. These cases, which are discussed in the “Unresolved Cases” section of this report, are examples of the institutional weakness of the Convention process in Honduras that must be resolved for Honduras to become compliant. Courts continue to prove unreliable in adjudication of first instance Convention claims, and reviewing courts have rejected meritorious claims without adhering to valid Convention principles.

Finally, Honduras has failed to pass legislation implementing the Convention in Honduran law. While the Honduran legislature introduced a decree to approve the National Law to Resolve International Child Abduction Cases, as of the end of the reporting period, that law has not been passed.



PATTERNS OF NONCOMPLIANCE

BRAZIL

DATE ACCEDED TO THE CONVENTION	10-19-1999
DATE OF ENTRY INTO FORCE WITH U.S.	12-1-2003
PATTERN OF NONCOMPLIANCE	JUDICIAL PERFORMANCE

Brazil continued to demonstrate patterns of noncompliance with the Convention in its judicial performance. The USCA notes several instances during FY 2007 in which Brazilian courts treated Convention cases as custody decisions, rather than applying the principles of wrongful removal or retention laid out in the Convention. In two cases, Brazilian judges refused returns to the United States, citing the “best interests of the child.” These decisions contradict the Convention, as the Preamble of the Convention declares that the interest of children is attained through their return to their country of habitual residence. In addition, the USCA notes that judges in some cases continued to demonstrate a bias towards mothers and towards Brazilian citizens. Further, the judicial process is excessively lengthy, with cases going on well beyond the six weeks mandated by the Convention. The appeals process adds many months—and sometimes more—to Convention cases. For cases to proceed more quickly, the USCA finds that parents filing the application for return of their child need to hire a private attorney with experience handling Convention cases.

The Brazilian Central Authority is attempting to limit the number of judges who have authority to hear Convention cases. Additionally, a number of judges participated in a judicial seminar in December 2006, which was sponsored by the Hague Permanent Bureau and attended by a representative of the USCA. Despite these efforts, three abductions from the United States, initially reported in 2004 still remain unresolved (as detailed in the Unresolved Cases section of this report).



PATTERNS OF NONCOMPLIANCE

BULGARIA

DATE ACCEDED TO THE CONVENTION	5-20-2003
DATE OF ENTRY INTO FORCE WITH U.S.	1-1-2005
PATTERN OF NONCOMPLIANCE	JUDICIAL PERFORMANCE

Bulgaria demonstrated patterns of noncompliance in its judicial performance during FY 2007. Convention cases from the United States are delayed excessively in Bulgarian courts. Additionally, the courts have a tendency to treat Convention cases as custody determinations, failing to apply the Convention principles of wrongful removal or retention in deciding whether or not to return a child. Document requests by the courts indicate that the judges are amenable to considering evidence that is not relevant to the criteria enumerated by the Convention (but would be relevant in a custody decision). The Bulgarian judiciary would benefit from additional training about the Convention, but the USCA is not aware of efforts by the Bulgarian Central Authority to try to improve the judiciary's understanding of the Convention.



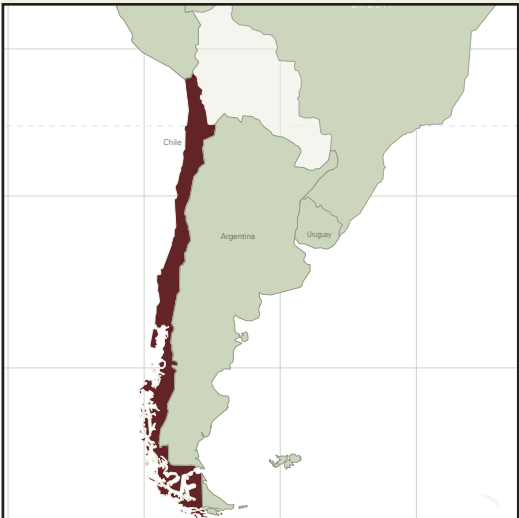
PATTERNS OF NONCOMPLIANCE

CHILE

DATE ACCEDED TO THE CONVENTION	2-23-1994
DATE OF ENTRY INTO FORCE WITH U.S.	7-1-1994
PATTERN OF NONCOMPLIANCE	JUDICIAL PERFORMANCE

As in FY 2006, Chilean courts demonstrated patterns of noncompliance with the Convention in FY 2007. Convention cases continue to be improperly treated as custody decisions by the court. In addition, U.S. parents continue to experience a bias in courts in favor of the Chilean parent, especially Chilean mothers. This pattern of noncompliance in judicial performance is particularly noteworthy because the Chilean Supreme Court is involved. Appeals to the Supreme Court caused significant delays in cases. In some cases, these delays were significant enough that the Supreme Court found a child to be well settled in his/her new environment, a finding that excuses a court from ordering a return under the Convention.

The Chilean Central Authority (CCA) is working to address the compliance failures of the Chilean judiciary. In one ongoing case, the CCA filed a disciplinary action against a Family Court judge who had ignored the established procedural rules and requested evidence beyond the scope of the Convention. The CCA is working to implement the use of liaison judges to act as resources for other judges in Convention cases.



PATTERNS OF NONCOMPLIANCE

ECUADOR

DATE ACCEDED TO THE CONVENTION	1-22-1992
DATE OF ENTRY INTO FORCE WITH U.S.	4-1-1992
PATTERN OF NONCOMPLIANCE	CENTRAL AUTHORITY PERFORMANCE; JUDICIAL PERFORMANCE

The Department finds that Ecuador demonstrated patterns of noncompliance with the Convention during FY 2007 in both its judicial performance and its central authority performance. Case hearings are excessively delayed, in violation of the Convention’s principle of promptly returning children to their habitual country of residence. In addition, courts improperly treat cases as custody decisions, rather than a determination of the appropriate jurisdiction to decide custody.

During the reporting period, three cases from the United States were resolved by Ecuador’s courts—all resulting in the denial of the child’s return to the United States. In two of these cases, the rulings were based upon the testimony of the child. In the third case, the petition was submitted in December 2005, but a hearing was not held until October 2006, an excessive delay of ten months. Due to this delay, the judge found that the child was resettled in his new environment and denied the return.

Efforts to communicate about these cases with the Ecuadorian Central Authority (ECA) have not been effective. The ECA has been consistently unresponsive to the USCA’s requests for case updates and copies of court rulings. The USCA is not aware of any efforts by the ECA to train judges about the Convention.



PATTERNS OF NONCOMPLIANCE

GERMANY

DATE RATIFIED THE CONVENTION	9-27-1990
DATE OF ENTRY INTO FORCE WITH U.S.	12-1-1990
PATTERN OF NONCOMPLIANCE	JUDICIAL PERFORMANCE

Germany continued to demonstrate patterns of noncompliance with the Convention in FY 20007. The Department continues to observe unwillingness on the part of some judges, law enforcement personnel, and others within the child welfare system in Germany to vigorously enforce German orders granting parental access or return of children in both Convention and non-Convention cases. American parents often obtain favorable court judgments regarding access and visitation, but the German courts' decisions can remain unenforced for years. Since physical force cannot be used to enforce court orders and legal sanctions are rare, taking parents can and do avoid allowing court-ordered access. As a result, a number of U.S. parents still face problems obtaining access to and maintaining a meaningful parent-child relationship with their children who remain in Germany.

Enforcement of court-ordered access and returns remains a continued topic of discussion at US-Germany bilateral meetings. The USCA notes that the German Ministry of Justice continues to pursue a judicial outreach program aimed at addressing these issues.



PATTERNS OF NONCOMPLIANCE

GREECE

DATE RATIFIED THE CONVENTION	3-19-1993
DATE OF ENTRY INTO FORCE WITH U.S.	6-1-1993
PATTERN OF NONCOMPLIANCE	JUDICIAL PERFORMANCE

Greece’s record of compliance with the Convention in FY 2007 was mixed, involving both successful returns as well as cases in which Greece appears to have been non-compliant with Convention principles. Our most serious and systematic concern involves lengthy delays in Convention proceedings on virtually all cases. In addition, in our assessment, the judiciary too frequently denies returns based on routine acceptance of an Article 13(b) . While these patterns of noncompliance indicate that the Greek judiciary requires further education about the Convention, we note steps taken by the Ministry of Justice to train sitting judges and students training to be judges on Convention procedures at the School of Judges in Thessaloniki, including two workshops which were held during FY 2007.

Article 13(b) states that a country is not obligated to return a child if “there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.”



PATTERNS OF NONCOMPLIANCE

MEXICO	
DATE ACCEDED TO THE CONVENTION	6-20-1991
DATE OF ENTRY INTO FORCE WITH U.S.	10-1-1991
PATTERN OF NONCOMPLIANCE	LAW ENFORCEMENT PERFORMANCE; JUDICIAL PERFORMANCE

For FY 2007, Mexico demonstrated patterns of noncompliance. Many of the systemic problems mentioned in previous compliance reports persist. Locating children or taking parents in Mexico continues to be a serious impediment for Convention applicants, and often takes years. Of the USCA’s 31 unresolved cases from Mexico, 23 remain unresolved because the taking parents and the children have not been located (see the “Unresolved Cases” section of this report for more information).

This inability to locate abducted children taken to Mexico remains the single largest frustration that left-behind parents in the United States face. Inadequate resources are devoted to locating missing children, severely undermining successful implementation of the Convention in Mexico. Cases can remain unresolved for years, as the taking parent and the child/ren are not located. Even in cases in which parents and children are located, taking parents often hide successfully when ordered to appear before a judge for a Convention hearing. Mexico must recognize the critical need to devote more resources to locating missing children and bringing abducting parents to justice in order to become compliant with the Convention.

The Department also continues to note patterns of noncompliance in Mexico’s judicial system. Abuses of the *Amparo* appeal system during this reporting period often led to excessive delays in Convention cases and further increased the legal costs incurred by the left-behind parent. In the few successful cases that led to the return of the child to the United States, the left-behind parent turned to a private attorney who better understood the principles of the Convention.



PATTERNS OF NONCOMPLIANCE

POLAND	
DATE ACCEDED TO THE CONVENTION	8-10-1992
DATE OF ENTRY INTO FORCE WITH U.S.	11-1-1992
PATTERN OF NONCOMPLIANCE	LAW ENFORCEMENT PERFORMANCE

Poland demonstrated patterns of noncompliance in FY 2007. Specifically, compliance failures in Poland stem from the Polish courts inability to enforce court ordered returns under the Convention. In more than one case, Polish authorities were unable to locate the children and their taking parents after courts ordered the return of a child. Law enforcement in Poland is limited by the fact that neither parental abduction nor the failure to comply with a Convention return order is a criminal offense in Poland. Consequently, Polish authorities have fewer investigative resources available to locate children and their taking parents. For several years, the Polish Central Authority has told the USCA that they intend to propose legislation to criminalize parental abduction, but the USCA is not yet aware that such legislation has been introduced.



PATTERNS OF NONCOMPLIANCE

VENEZUELA	
DATE ACCEDED TO THE CONVENTION	10-16-1996
DATE OF ENTRY INTO FORCE WITH U.S.	1-1-1997
PATTERN OF NONCOMPLIANCE	CENTRAL AUTHORITY PERFORMANCE; JUDICIAL PERFORMANCE

Venezuela demonstrated patterns of noncompliance in FY 2007. The USCA finds communication with the Venezuelan Central Authority (VCA) to be an ongoing challenge. For example, the VCA did not report a return order issued and executed in May to the USCA until October, despite the USCA’s repeated requests for information on the progress of the case. The USCA also notes patterns of noncompliance in Venezuela’s judicial performance. Custody provisions are regularly incorporated into Convention decisions. In addition, despite return orders issued by lower courts, the taking parents can and do take advantage of the prolonged appeals process to significantly delay the child’s return. These delays are particularly pronounced in cases in which the left-behind parent can not afford to retain a private attorney. Without the use of a private attorney, cases can languish in the courts indefinitely. For example, an application submitted in March 2007 is still pending without a hearing date.



NOTABLE ISSUES AND CASES

MEDIATION

The USCA believes that mediation could be a good tool to reduce litigation in Convention cases, lowering the level of conflict between the parties and speeding up the resolution of the cases. Several intercountry mediation projects have shown that parents can reach agreement for custody and visitation, with proper professional intervention, can reach agreement for custody and visitation. The Department has seen encouraging results from mediated settlements in France, Germany, and the United Kingdom.

The Conclusions and Recommendations of the fifth meeting of the Special Commission on the operation of the Convention support the furtherance of mediation projects in Convention cases. It notes, however, that mediation in the context of the Convention must be carried out within a strictly limited time-frame, in order to avoid causing delays that can seriously prejudice an applicant's case.

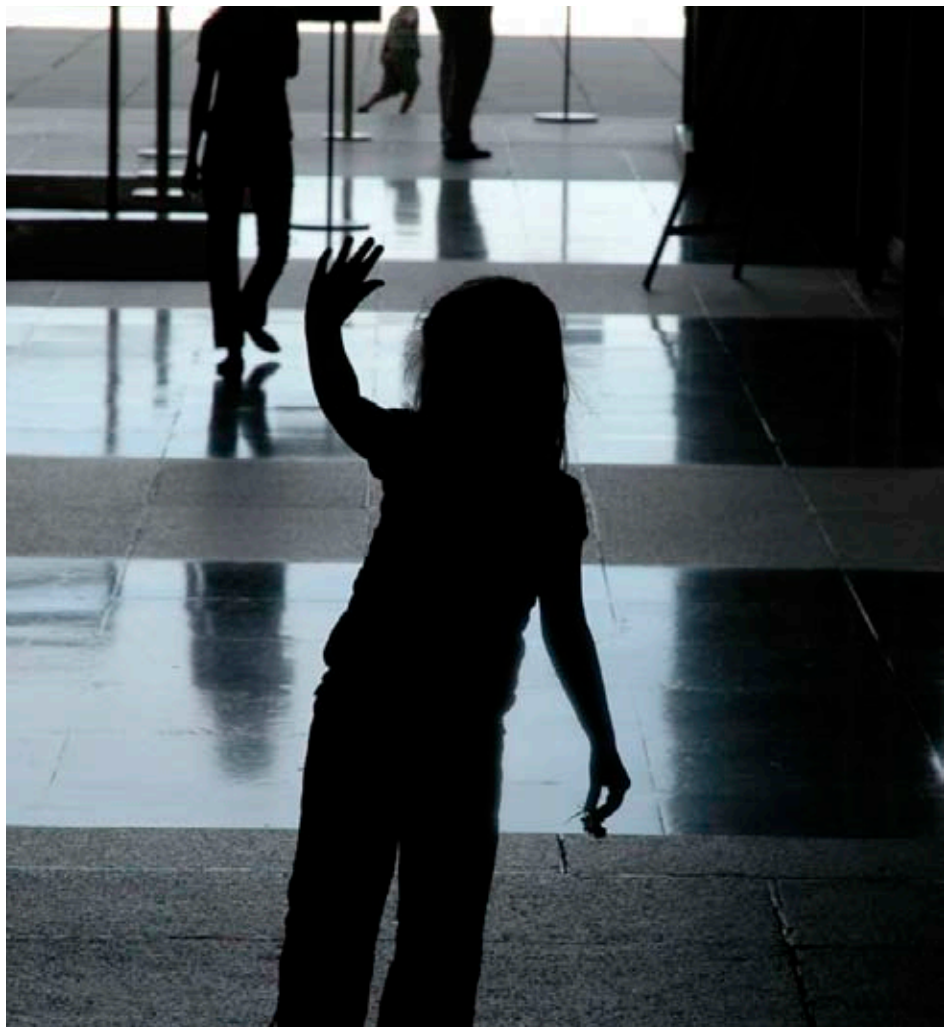
THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

The Department is concerned about the frequency with which Latin American courts apply the United Nations Convention on the Rights of the Child (UNCRC) to Convention abduction cases in order to make determinations on the "best interests" of the child.

A court or other tribunal adjudicating a Convention return application concerning an abducted or wrongfully retained child is not authorized to reach a determination concerning a child's "best interests" in the context of a dispute over custody between parents. In accordance with the Convention, these are questions properly adjudicated by the courts in the child's country of habitual

residence. Using the UNCRC as a kind of back door for a best interests analysis is inconsistent with the principles of the Abduction Convention.

Several cases in courts around the world have considered the relationship between the two Conventions and have declared that the provisions of the Abduction Convention protect children from the harmful effects of parental abduction and that, except in exceptional cases, prompt return of children to their habitual residence serves the best interests of the child. The Preamble to the Convention itself declares that the interests of children are of paramount importance, but then states the overlying principle that those interests are served by establishing procedures to ensure prompt return of abducted children and protection of rights of access.



NOTABLE ISSUES AND CASES

The Hague Abduction Convention is supported by Article 11 of the UNCRC, which includes as one of its fundamental principles that States shall promote the conclusion of multilateral agreements or access existing agreements with regard to the illicit transfer or non-return of children. Notably, the Abduction Convention was in force at the time of the drafting of this article of the UNCRC.

Furthermore, by applying the Convention and facilitating the prompt return of abducted or wrongfully retained children, courts support the fundamental principles and rights of the child, including the child's right to maintain personal relations and direct contacts with both parents, as recognized in the UNCRC.

THE U.S. CENTRAL AUTHORITY AND INCOMING CASES

Since 1995, the Department has partnered with the National Center for Missing and Exploited Children (NCMEC) to handle incoming abduction cases—that is, children abducted to or wrongfully retained in the United States from other treaty countries. This public-private partnership, which is funded through a grant from the Department of Justice's Office of Juvenile Justice and Delinquency

Prevention, has allowed the Department to meet fundamental treaty obligations, such as locating children abducted to the United States.

Beginning April 1, 2008, the Office of Children's Issues will assume handling all incoming Hague child abduction cases.

Services for Incoming Abduction Cases

The services that the Office of Children's Issues will provide for incoming abduction cases include (but are not limited to):

- ▶ Accepting applications for return or access from Foreign Central Authorities;
- ▶ Assisting left-behind parents in locating their children within the United States;
- ▶ Attempting to achieve voluntary returns or access where possible;
- ▶ Assisting left-behind parents with securing attorneys, including attorneys willing to work on a pro bono or reduced-fee basis for qualified parents; and
- ▶ Assisting with return of children to their habitual residence abroad.

The Office of Children's Issues is prepared and equipped to take on these cases, and stands ready to assist in resolving these difficult and painful cases.



NOTABLE CASES

This section contains a list of cases that the Department characterizes as notable. These cases are precedent-setting, high-profile, egregious in their handling, or emblematic of larger concerns with the country involved.

NOTABLE CASE 1: AUSTRIA

SUBJECT:	ENFORCEMENT OF RETURN ORDERS; EUROPEAN COURT OF HUMAN RIGHTS JUDGMENTS BEING IGNORED
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This notable Austrian case is one of the most notorious and long-standing cases. The current case posture clearly shows the importance of enforcement of court orders for successful application of the Convention.

The child in this case was born in September 1994 in Michigan, and was abducted by her mother from the United States to Austria in October 1995. Despite an order of return under the Convention and two judgments from the European Court of Human Rights in the left-behind parent's favor, the child has never returned to the United States and the left-behind father has never had more than strictly supervised visits with his daughter in Austria.

When enforcement of the return order was unsuccessful, the left-behind father filed a new application under the Convention in April 2005, this time for access to his daughter. The access application is still pending.

In spite of the father's good-faith efforts to reestablish communication with his daughter, he reports that he has not seen his daughter since a visit in December 2006 and now has lost all communication with her. The left-behind father has suffered tremendously because the original order for return was never enforced.

NOTABLE CASE 2: GERMANY

SUBJECT:	ENFORCEMENT OF COURT ORDERED ACCESS
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Similar to the Austria case, this notable case in Germany has been the result of a failure to enforce a court order. Living in Germany, the taking parent has for nearly ten years defied valid German court orders permitting visitation by the U.S. father. Local authorities finally intervened in early 2004 and the U.S. parent began establishing a relationship with the children after their prolonged separation. In December 2004, however, the foreign parent again defied German officials by removing the children from a court-ordered group home and taking them into hiding. She once again terminated all access by the U.S. parent. In May 2005, the German court awarded legal custody of the children to the U.S. parent, with the exception of the right to decide where the children live. Nevertheless, the U.S. parent continued to have no access to his children. In November 2007 (after the end of the reporting period), the left-behind father learned that the taking parent had died of cancer. While the left-behind parent pursues yet another round of court cases, U.S. officials continue to press German authorities for a resolution.

NOTABLE CASE 3: CZECH REPUBLIC

SUBJECT:	IMPORTANCE OF PROMPT RETURNS UNDER THE CONVENTION
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The child was taken to the Czech Republic by his mother in August 2005 in violation of a California court order. Although the mother had primary physical custody, the order stated that the child was not to travel internationally.

In the initial hearing, the Czech Trial Court requested an Article 15 Determination from the California court, seeking clarification as to whether the child's removal from the

NOTABLE CASES

United States was “wrongful” under U.S. law, given that the mother had primary custody of the child on the date they departed. While the father sought an Article 15 Determination from the California Court, in February 2006, he presented a settlement offer to the mother via their respective Czech attorneys.

Although the court was satisfied with the Article 15 Determination, the mother then raised Article 13(b) grave risk concerns about the return of the child to the United States, alleging that the child might have special emotional and developmental needs. As a result, the Czech Trial Court ordered a psychological examination of the child, and held several additional hearings that were scheduled and rescheduled. Almost exactly one year after the child’s wrongful removal, the Czech Trial Court ordered the child returned to the United States; however, this court order was not enforced.

On August 28, 2006, the USCA received confirmation via the father’s attorney that the mother would appeal the order for return. The Czech Supreme Court remanded the case to the Czech Trial Court, noting insufficient information relating to who would care for the child after his return, taking into account the alleged health issues and the fact that the child, now almost two years old, did not speak English.

contacted USCA in May 2006 and filed a petition for her son’s return to the United States in July 2006. A hearing took place in July 2007 and the Court of First Instance issued an order for return which the father immediately appealed. The Appellate Court upheld the return order and the Colombian Central Authority removed the child from his father and placed him in the care of his maternal grandfather, who accompanied the child back to the United States in November 2007. This favorable outcome can be attributed to the proactive efforts of Colombia’s Ministry of Foreign Affairs to educate its judiciary on the proper implementation of the Convention. Though the case took much longer than Convention cases should take normally, it is the first Convention return from Colombia to the United States.

NOTABLE CASE 4: COLOMBIA

SUBJECT: PRECEDENT SETTING CONVENTION RETURN

The child in this case was wrongfully retained in Colombia by his father following a three-month visit in January 2006. The child’s father, who had been deported from the United States, refused to reveal his whereabouts and repeatedly denied the left-behind mother any contact with the child. The mother initially



EFFORTS TO EXPAND AND STRENGTHEN THE CONVENTION

RECRUITING NEW CONVENTION COUNTRIES

Section 2803 (a)(5) of PL 105-277 requests “information on efforts by the Department of State to encourage other countries to become signatories to the Convention.”

Many of the parental child abduction cases handled by the Department involve abductions to countries that have not yet joined the Convention. Each year, the Department instructs its embassies in non-Convention countries to approach the host governments and encourage them to sign the Convention. Embassies sent diplomatic notes to numerous non-Convention states, urging host governments to accede to the Convention. In addition, USCA personnel specifically met with officials in Egypt, Japan, India, Morocco, Russia, and Singapore about parental child abduction and the Convention. Former Assistant Secretary for Consular Affairs Maura Harty consistently raised the Convention in talks with foreign officials during FY 2007.

For the first time, non-Convention countries were invited by the Hague Permanent Bureau to attend The Special Commission on the Hague Abduction Convention in October 2006. The Department used the Special Commission meetings to continue conversations with several non-Convention countries, including a side session with the Egyptian delegation.

A CASE ILLUSTRATION:

When a mother fled from Texas to a non-Convention country with her two daughters, then ages three and four, the left-behind father had no idea where his daughters were located for many months. The children’s mother fraudulently sold the father’s property without his consent or knowledge, and kept the children hidden. Finally, after searching for a year using a private detective, the father was able to track his children to a small town in a country thousands of miles away.

In spite of the father’s sole custody order from a Texas court, the foreign court had subsequently granted the mother her own sole custody order. With few remaining options, the left-behind father is considering pursuing an international arrest warrant for the mother and she will likely be made permanently ineligible for future travel to the U.S. because of her act of international child abduction. In the meantime, the father has no contact with his young daughters. The only news he has received about one of his daughters was information reported to him by the U.S. Consulate when she came with her mother to the U.S. Consulate seeking a passport renewal for the girl.

This father is not alone. Each year, a large percentage of abductions from the United States are to countries that have not joined the Convention. If these countries were to join, many left-behind parents—like the father in this case—would have a civil mechanism available to them to seek the return of their children that currently does not exist.

ACCEPTING ACCESSIONS

The Department accepted the accessions of twelve countries during FY 2007, and the Convention entered into force between the United States and all twelve States. They are: Costa Rica, the Dominican Republic, El Salvador, Estonia, Guatemala, Latvia, Lithuania, Paraguay, Peru, San Marino, Sri Lanka, and Ukraine.

The Department is pleased to partner with these twelve States. To lay the foundation for successful Convention relationships, representatives from the USCA traveled to the Dominican Republic, El Salvador, Estonia, Latvia, Lithuania, Peru, and Ukraine during FY 2007 in order to welcome them as Convention partners.

EFFORTS TO EXPAND AND STRENGTHEN THE CONVENTION

JUDICIAL TRAINING SEMINARS

As part of its mandate to promote the proper application and function of the Convention internationally, the Department presented at and participated in numerous conferences, judicial seminars, and training sessions on the topic of the Convention, its implementation, and the role of Central Authorities in relation to the Convention. Country officers in the USCA work with posts and other Central Authorities to develop educational programs that normally include at least one experienced U.S. judge, a USCA case officer, officials from the host country's Central Authority, and local judges and attorneys. In FY 2007, the Department participated in training sessions and seminars in Argentina, Brazil, Colombia, the Dominican Republic, Mexico, and Panama. The Department also participated in several judicial conferences as well as attorney and law enforcement training programs within the United States.

BILATERAL EFFORTS WITH CONVENTION PARTNERS

BILATERAL WORKING GROUPS

During FY 2007, the United States continued bilateral efforts with Germany. Talks with Germany focused on the resolution of specific child custody cases, in particular access for left-behind parents to their children in Germany, as well as generally improving the application of the Convention. Personnel from the USCA also had meetings with Central Authority representatives from Austria, Brazil, Colombia, the Dominican Republic, France, Israel, Mexico, Panama, and Spain during FY 2007 to discuss application of the Convention, as well as specific abduction cases.

The USCA participates in regular meetings with its Latin American partners to discuss topics such as the UN Convention on the

Rights of the Child, judicial training seminars, and generally improving application of the Convention.

ABDUCTIONS IN PROGRESS

Cooperation with U.S. Convention partners has been critical to stopping "abductions in progress." If the Department becomes aware that a parent may be in the process of abducting a child from the United States to another country, the Department can work with U.S. law enforcement to stop the departure from the United States. Once an abductor is on the way to another country, the Department can work with Central Authorities and law enforcement in Convention partner countries to intercept the taking parent. For example, if a taking parent changes flights at an airport in a Convention country, foreign Central Authorities can step in to stop the abduction as it is in progress as long as proper documentation is submitted by the left-behind parent.

THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

Section 2803 (a)(7) of PL 105-277 requests "[a] description of the efforts of the Secretary of State to encourage the parties to the Convention to facilitate the work of non-governmental organizations within their countries that assist parents seeking the return of children under the Convention."

The Department works with International Social Services (ISS) to facilitate contact with and the return of children. ISS currently has national branch offices or bureaus in 143 countries (including most of the United States' Convention partners) to assist families who are separated, including separation resulting from child abduction. When appropriate, the Department and U.S. consular officials refer

EFFORTS TO EXPAND AND STRENGTHEN THE CONVENTION

parents to ISS for additional support or work directly with ISS. In some cases, ISS has been actively involved in arranging escorts for returning abducted children to the United States and in working to establish better communication between parents or between a parent and child.

In addition to ISS, many other NGOs have been an important resource for parents and children victimized by parental child abduction. Support organizations exist for left-behind parents, connecting parents with others who have experienced international parental child abduction. Similar organizations exist for adults who were abducted as children. Other NGOs provide reunification counseling and advice to families, which can be essential for a parent who is reunited with his/her child.

In our diplomatic efforts, the Department of State has encouraged Convention parties to utilize the services and expertise of local NGOs, particularly in countries trying to develop or expand their capacity to more effectively implement the Convention. Some posts have developed lists of NGOs abroad that may be available to assist in the difficult circumstances surrounding child abductions. The Office of Children's Issues also maintains a list of NGOs on its website.



UNRESOLVED RETURN APPLICATIONS

Section 2803 (a)(2) of PL 105-277 requests “a list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted, are being wrongfully retained in violation of the United States court orders, or which have failed to comply with any of their obligations under such convention with respect to applications for the return of children, access to children, or both, submitted by applicants in the United States.”

As has been the practice in previous reports, the Department is reporting as “resolved” cases that are determined by the USCA to be “closed” as Convention cases or that are “inactive.” This is a technical designation, and does not necessarily mean an end to the Department’s support of a left-behind parent’s efforts to resolve a dispute involving an abduction or wrongful retention. The USCA closes or inactivates Convention cases for a variety of reasons. These include: return of the child; parental reconciliation or agreement; a parent’s withdrawal of the request for assistance; inability to contact the requesting parent after numerous attempts over a two-year period; exhaustion of all judicial remedies available under the Convention; the child reaches 16 years of age; or (in appropriate cases), the granting and effective enforcement of access rights. In all such cases, regardless of the outcome, no further proceedings pursuant to the Convention are anticipated. Treating these cases as “resolved” and closing them as Convention cases is consistent with the practice of other Convention party countries. The USCA marks a case as “inactive” when, in the absence of such definitive circumstances, the facts of the case do not allow, or the applicant parent does not permit, a further reasonable pursuit of the case. One year after inactivation, and in the absence of additional requests for assistance by the left-behind parent, the USCA closes inactive cases. If a relevant change in material circumstances

occurs thereafter, the USCA would always consider reopening a case. Increasingly, the USCA does reopen inactive cases based on the request of the abducted child. As such children mature, they may seek U.S. Government assistance for obtaining greater access to the left-behind parent.

Under the Convention, return and access applications may also be filed either with the Central Authority of the country in which the child is located or directly with a properly empowered court in that country. Because of this, left-behind parents may (and frequently do) pursue the return of a child under the Convention without involving the USCA. In these circumstances, the USCA may never learn of such applications or their eventual disposition. This report therefore cannot give a complete picture of the outcome of all Convention applications for the return of children to the United States.

Taking into account the above clarifications, as of September 30, 2007, there were 49 applications for return in USCA records that remained open and active 18 months after the date of filing with the relevant foreign Central Authority. This total includes several cases that became known to the USCA through contacts with parents or local and State officials, but that were actually filed by California authorities directly with a foreign Central Authority.

The 49 applications identified above that remained unresolved 18 months after the date of filing, as of September 30, 2007, involved 12 countries: Brazil, Colombia, the Czech Republic, Germany, Honduras, Israel, Mexico, Netherlands, Poland, Saint Kitts and Nevis, Slovakia, and Venezuela. The extent to which these countries and others appear to present additional, systemic problems of compliance

UNRESOLVED RETURN APPLICATIONS

with the Convention is discussed further in the passages concerning Sections 2803 (a)(3), (a)(4), and (a)(6) of PL 105-277 below.

The exhaustion of all judicial remedies available under the Convention may result in a case being “closed” that has been resolved in a way that is unsatisfactory to the applicant parent and the USCA. Even when a case for the return of a child under the Convention has been closed, however, the USCA continues to provide assistance to the left-behind parent by helping to facilitate access to a child (which may be sought under or independently of the Convention), reporting on the welfare of the child, or assisting the parent to achieve a more satisfactory solution through non-Convention remedies. In such instances, the USCA treats the case as an open “non-Convention” case

for return or access, depending on the parent’s goals. When a foreign court decision on the Convention aspects of a case indicates a misunderstanding of, or a failure to properly apply, the Convention’s terms, the Department may register its concern and dissatisfaction with the decision through both the foreign Central Authority and diplomatic channels. The same is true in circumstances involving the failure by administrative or other executive officials to effectively enforce court or other relevant orders arising out of applications under the Convention. The Secretary of State, other senior Department officials, U.S. Ambassadors abroad, and U.S. Consuls frequently raise international parental child abduction issues and specific cases with appropriate foreign government officials.



UNRESOLVED RETURN APPLICATIONS

BRAZIL: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	1-2004
DATE CONVENTION APPLICATION FILED:	6-7-2004
HAS CHILD BEEN LOCATED?	YES

The child was abducted to Brazil by his mother in January 2004. The left-behind parent (LBP) filed an application for the child's return to the United States in June 2004. Meanwhile, Brazilian courts granted custody to the taking parent (TP) on June 30, 2004, without notifying LBP of the hearing and while the Convention case was pending, in clear violation of Article 16 of the Convention. The petition for return was sent to the Brazilian Federal Attorney's Office in September 2004, and Interpol confirmed the child's whereabouts in November 2004. The Brazilian Central Authority (BCA) scheduled a hearing for February 22, 2005, only notifying the left-behind father's attorney on February 18. The case was suspended for 30 days while the TP considered returning to the United

States, provided she would receive pro-bono legal assistance. The judge continued the case through July until more information was available regarding the TP's ability to enter the United States to attend custody proceedings, should a return be ordered. The USCA provided the BCA with information on immigration laws, including the possibility of entering the United States based on Significant Public Benefit Parole where abducting parents may be temporarily paroled into the United States to attend custody proceedings after their child has been returned under the Convention. The court eventually denied the return in September 2005, citing the inability of the mother to immigrate to the United States. The left-behind father filed an appeal with the Superior Court which was rejected by the Regional Federal Court in June 2007. However, the Federal Attorney's Office subsequently filed a final appeal. As of the close of the reporting period, a decision on this appeal still has not been issued.

BRAZIL: CASE 2

DATE OF ABDUCTION OR WRONGFUL RETENTION:	9-8-2004
DATE CONVENTION APPLICATION FILED:	2-31-2005
HAS CHILD BEEN LOCATED?	YES

The mother took the child to Brazil for an agreed upon brief visit in 2004 but never returned to the United States. The left-behind father filed a petition in April 2005 for the return of the child to the United States. The Federal Attorney's Office filed the application with a Brazilian Federal Court on September 9, 2005. In January 2006, the left-behind father attended a hearing in Guarapuava. In March 2006, a new judge was assigned to the case to issue a decision. In June 2006, the court sent the case to the Brazilian Supreme Court



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asking for guidance on the implementation of the Convention and on the question of which courts jurisdiction in Brazil (state or federal). In November 2006, the Supreme Court confirmed the Federal Court's have jurisdiction over the case and ordered the case returned to Guarapuava for a decision. In June 2007, the Federal judge ordered the return of the child to the United States, but allowed the mother's appeal. The BCA informed the USCA that the return order was immediately enforceable, despite the pending appeal, and that the father should come to Brazil to pick up his child. At the last minute, the judge decided not to release the child, pending receipt of the prosecutor's final report. In August 2007, the public prosecutor issued an opinion that the child should remain in Brazil pending the appeal. The case is currently before an intermediary court, where it could take several months to resolve. In addition, the mother retains the option to appeal to the Superior Court if she loses this battle, which could delay the case even more.

BRAZIL: CASE 3	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	12-11-2005
DATE CONVENTION APPLICATION FILED:	2-16-2005
HAS CHILD BEEN LOCATED?	YES

The child was taken to Brazil by her mother in December 2004, in violation of a Massachusetts court order prohibiting the removal of the child from the state. The left-behind father filed an application for the child's return to the United States in February 2005. In August 2005, the child was located by Interpol at an address provided by the left-behind father in April. The BCA sent the case to the Federal Attorney's Office in November 2005. A hearing was eventually scheduled for

May 16, 2006, but the BCA did not notify the USCA; the date was discovered by chance in early May while the LBP was perusing the court's website. After court proceedings began, evidence surfaced suggesting that the travel authorization papers the TP had presented in court to demonstrate the left-behind father's consent for the child's travel to Brazil were false, delaying the proceedings. A handwriting analysis was conducted and a decision was issued ruling that the papers were, in fact, forged. Following the close of the reporting period, a psychologist from the BCA conducted a psychological evaluation of the child. Subsequently, the Brazilian Federal Attorney's office indicated that, in the interest of consistency, it would also like to conduct a telephone interview with the left-behind father. The case remains pending without resolution.

COLOMBIA: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	1-5-2005
DATE CONVENTION APPLICATION FILED:	2-9-2005
HAS CHILD BEEN LOCATED?	YES, THEN NO

In January 2005, the mother took the children to Colombia in violation of a New Jersey court order prohibiting their removal from the jurisdiction of the court. In February 2005, the left-behind father filed applications for their return to the United States. The U.S. Embassy in Bogotá and the Colombian Central Authority met regularly and actively pressured authorities to locate the children. Assistant Secretary Maura Harty also raised the case with Colombian officials on a 2006 visit to the country. Utilizing Interpol resources, Colombian authorities confirmed the children's whereabouts in May 2006, and Convention proceedings were immediately initiated. The

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LBP's attorney attended a mediation hearing on July 14, 2006, which yielded no results. The court held a preliminary Convention hearing on December 18, 2006, in which the judge placed undue emphasis on semantic issues, such as the "illegality" rather than the "wrongfulness" of the children's removal. The final hearing took place in February 2007, and, in June, the lower court ordered the children returned to the United States. The TP appealed the decision, but the appellate court ultimately rejected the appeal and upheld the order for return. On November 26 (after the end of the reporting period), the LBP's brother traveled to Colombia to pick up the children. After the TP failed to produce the children at the appointed time, Colombian officials investigated and discovered that she fled with the children. Colombian authorities continue to search for the children and the TP.

the German Central Authority requested that the LBP provide them with further documentation (i.e. birth certificate, Article 28 authorization, translations, and payment for an attorney). On January 17, 2008, the German Central Authority filed a motion for the return of the child under the Convention. The LBP is now represented by an attorney.

Update after the reporting period: The father has been working on providing the German Central Authority with the requested information. German Central Authority has filed a motion with the court for the case to be heard.

CZECH REPUBLIC: CASE 1	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	8-9-2005
DATE CONVENTION APPLICATION FILED:	9-6-2005
HAS CHILD BEEN LOCATED?	YES

Please see the "Notable Cases" section of this report for more information.

GERMANY: CASE 1	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	10-19-2004
DATE CONVENTION APPLICATION FILED:	11-9-2005
HAS CHILD BEEN LOCATED?	YES

The child was abducted on October 19, 2004 by the mother. On November 9, 2005, the left-behind father filed a Convention application for return. On November 21, 2005,

The TP abducted the child to Honduras in September 1998. After the LBP filed a Convention application in June of 2003, the Honduran Central Authority refused to apply the convention on the grounds that the Honduran legislature had not yet ratified it. Representatives from the U.S. Embassy then explained to Central Authority officials that, under Article 27 of the Vienna Convention on the law of Treaties, Honduras could not invoke the provisions of its internal law (ratification requirement) as justification for its failure to perform its treaty obligations.

The Central Authority then requested that Honduran Congress define the applicability of the Convention in Honduras. The U.S. Embassy later concluded that the Central Authority was unwilling to apply the Convention without the express permission of the Honduran Congress, even though

HONDURAS: CASE 1	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	9-1998
DATE CONVENTION APPLICATION FILED:	6-30-2003
HAS CHILD BEEN LOCATED?	YES

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that permission was not required. The U.S. Embassy continued to actively pursue the resolution of the matter and to urge the Central authority to move Convention cases through the process in a timely manner. Although it advised the U.S. Embassy in February 2006 that it would forward the Convention application to the local court, to date the Honduran Central Authority has not submitted this case for a hearing, reasoning that the child “is doing fine with his mother.”

HONDURAS: CASE 2	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	8-7-2003
DATE CONVENTION APPLICATION FILED:	10-9-2004
HAS CHILD BEEN LOCATED?	YES

The TP abducted the children from their residence in the United States on August 7, 2003. After the children’s mother filed an application under this Convention on September 10, 2003, the application was submitted to Honduran Central Authority on October 9, 2003. The Central Authority failed, however to properly file the application with the courts until October 12, 2005, two years later. It also neglected to intervene in the case when a substitute judge reversed an earlier judicial order that properly returned the children to their mother pursuant to the terms of the Convention.

ISRAEL: CASE 1	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	6-18-1997
DATE CONVENTION APPLICATION FILED:	10-6-1997
HAS CHILD BEEN LOCATED?	YES

On November 24, 1998, the court ordered that the children be returned to the United States. On January 13, 1999, after attempts to locate the TP and/or the children had failed, the Court issued another order instructing the police to locate the children. Efforts undertaken by police also failed.

The USCA has regular, ongoing contact with the LBP, U.S. law enforcement, the Israeli Central Authority (ICA), and through the ICA, contact with foreign law enforcement. In an effort to help the ICA and foreign law enforcement locate the mother, CI and Federal law enforcement provided them with the TP’s Department of Motor Vehicles photograph, as permitted by the Federal Privacy Act. At the request of CI, the director of the ICA has had several meetings with law enforcement officials regarding their efforts to locate the children. ICA informed CI that search efforts had been expanded, but whereabouts of the children remain a mystery.

After receiving pressure from several religious leaders and members of the community, the LBP informed CI in May 2007 that he had reluctantly agreed to enter negotiations on a visitation agreement with the TP. Before the TP would agree to move forward, the LBP had to ask the U.S. Attorney’s office to drop criminal charges against the TP and the warrant for TP’s arrest. According to the LBP, after extensive discussion concerning his request, the Assistant U.S. Attorney handling this matter agreed. The LBP informed CI in May 2007 that he had retained an Israeli



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attorney to file a motion with the court in Israel to waive the return order issued under the Convention. The case remains open until CI receives official confirmation that the court waived the return order, and that the Israel Central Authority has closed the Convention case.

ISRAEL: CASE 2	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	3-15-2004
DATE CONVENTION APPLICATION FILED:	6-16-2004
HAS CHILD BEEN LOCATED?	YES

The LBP claimed in the petition for return that the family traveled to Israel on January 6, 2004 for an agreed upon family visit – all members departed the United States using round trip tickets. LBP states that he returned to the United States in March, expecting his wife and child to follow. He states that the TP refused to return with the children to the family home in New York City. However, the TP claimed that the LBP acquiesced to the relocation, and presented a document signed by the father.

According to information received from the ICA on January 31, 2007, the LBP’s attorney in Israel entered into negotiations concerning all outstanding issues between them. A hearing was scheduled to take place on February 18, 2007. However, the hearing date has been postponed repeatedly. A final decision is still pending before the Israeli court.

ISRAEL: CASE 3	
DATE OF ABDUCTION OR WRONGFUL RETENTION:	2-1-2006
DATE CONVENTION APPLICATION FILED:	6-17-2006
HAS CHILD BEEN LOCATED?	YES

The ICA accepted the Convention application for return since the Minister of Interior confirmed that the child and TP entered Israel on February 1, 2006, and had not departed. In August 2006, the court ordered the police to assist with locating the child and TP. On November 23, the police advised the LBP’s attorney that the child and TP had been located at the home of the TP’s brother. The police questioned the brother several times, but he denied that the child and TP lived there. The court then ordered service on TP via the brother’s address. The TP failed to show for the hearing, thus she was in default and on December 20, 2006, the Israeli attorney for the LBP confirmed the court ordered the return of the child to the United States. In September 2007, the Israeli court issued an order to allow publication of a missing person flyer on the child in Israeli newspapers. Neither the missing person flyer nor the efforts undertaken by police have produced any information on the exact location of the child and TP. Authorities requested a “stop order” on both child and TP which prohibits their departure from Israel. To date there is no record that they have departed legally from Israel. CI has been in contact with the LBP.

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MEXICO: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	12-2-1997
DATE CONVENTION APPLICATION FILED:	1-31-1998
HAS CHILD BEEN LOCATED?	NO

The mother abducted the child in 1997. Although Mexican judges have ordered the return of the child, the decision has not yet been enforced. Whenever Mexican authorities attempt to enforce the decision, the TP disappears with the child. Now the LBP has been reluctant to ask authorities to act because he suspects that someone within the judicial or law enforcement establishments in Mexico may be alerting the mother of any new developments on the child's case. The child's location remains unknown.

MEXICO: CASE 2

DATE OF ABDUCTION OR WRONGFUL RETENTION:	3-24-1999
DATE CONVENTION APPLICATION FILED:	9-28-2001
HAS CHILD BEEN LOCATED?	NO

The child was released to the TP in March 1999 with custody remaining with the Department of Children and Family Services. Shortly thereafter, the child, her mother and father fled to Mexico. A Convention application was submitted to the Mexican Central Authority (MCA) by the Los Angeles County District Attorney's Office on behalf of Department of Children and Family Services on August 2001. To this day, the child's whereabouts remain unknown. CI, through the U.S. Embassy and the MCA, continues to request the assistance of Interpol-Mexico in locating the child.

MEXICO: CASE 3

DATE OF ABDUCTION OR WRONGFUL RETENTION:	10-5-1999
DATE CONVENTION APPLICATION FILED:	10-21-1999
HAS CHILD BEEN LOCATED?	YES

In June 2000, the Department provided the TP's address to the MCA. The judge originally assigned to the case initially refused to take this case for jurisdictional reasons. While the jurisdictional issue was under review by the Mexican courts, the Department discussed alternate non-Convention remedies with the TP in conjunction with the U.S. Department of Justice. The jurisdictional issue was eventually resolved and a hearing scheduled, but the TP disappeared with the child. After the TP failed to appear at three separate hearing dates between March and June 2001, the judge, in an unprecedented move in a Convention case in Mexico, issued a warrant for the TP's arrest. The TP has not been arrested, but the case remains with a judge pending location of the child. On October 28, 2004, the MCA informed our Embassy that the case was referred to Interpol. Assistant Secretary Harty raised the case in the Bi-National Committee Meeting in November 2003 and again in January 2004, when she met with her counterpart in the Mexican Ministry of Foreign Affairs.

The TP and child have never been located. The LBP has provided numerous possible addresses for the child in the state of Puebla. Interpol has checked several addresses and public records for the child, but has not been able to locate the child. At the U.S. Embassy's request in February 2006, Interpol broadened its search. In August 2006, Interpol reported that it had contacted the state education offices of 25 Mexican states; none reported the child as registered in school in their state.

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MEXICO: CASE 4

DATE OF ABDUCTION OR WRONGFUL RETENTION:	5-15-2000
DATE CONVENTION APPLICATION FILED:	6-16-2000
HAS CHILD BEEN LOCATED?	NO

Since April 2001 Mexican authorities have been unable to locate the child. In August 2003, NCMEC received possible location information for the child. CI provided this location information to MCA, who requested assistance from Interpol. Interpol reported that the child was not found at the address provided by the MCA; however, Interpol investigated an address in Coacalco, Estado de Mexico. A search was conducted at the Federal Education Secretariat level. The case is still under investigation by Interpol.

MEXICO: CASE 5

DATE OF ABDUCTION OR WRONGFUL RETENTION:	7-11-2000
DATE CONVENTION APPLICATION FILED:	3-4-2004
HAS CHILD BEEN LOCATED?	NO

The mother abducted the child to Mexico in July 2000 in violation of a U.S. court order. After attempts to secure the return of the child via other legal channels failed, the LBP filed a Convention application in March 2005. In April 2005, the judge returned the case to the MCA noting that the child had not been located at the address provided. The U.S. Embassy in Mexico City requested assistance from Interpol-Mexico, as Mexican law enforcement did not proactively attempt to pursue the child at the specified location. In November 2005, a welfare/whereabouts visit was requested of the U.S. Embassy by the LBP; however, it was unsuccessful as the

family residing at the given location refused to acknowledge that child lived there. After U.S. Embassy officials raised the case in a number of meetings with the MCA, in March 2006, the MCA requested that law enforcement enter the residence by force, yet they refused to comply. Three arrest warrants have been issued for the TP, including a UFAP warrant issued by the FBI, yet a Convention hearing cannot be scheduled until the child's location can be confirmed. In March 2007, U.S. Embassy and MCA, officials placed a conference call with judge and law enforcement to urge them to continue their locate efforts on this case. CI, through the U.S. Embassy and MCA has repeatedly requested Interpol-Mexico's assistance in locating the child.

MEXICO: CASE 6

DATE OF ABDUCTION OR WRONGFUL RETENTION:	9-21-2000
DATE CONVENTION APPLICATION FILED:	12-25-2001
HAS CHILD BEEN LOCATED?	NO

The mother took the child to Mexico in 2000 for a one-month vacation. She never returned. The father has not seen his daughter since then.

The Mexican family judge was not able to locate the child at the address provided by the father. Therefore, the case was submitted to Interpol.

The father has submitted numerous leads, phone numbers and addresses. Interpol found the TP and the child in Xalapa in April 2005 and a hearing was initially scheduled on June 17, 2005, but the court staff could not locate them to order them to appear at that hearing. Both the MCA and the Embassy have again requested Interpol's assistance locating the child.

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MEXICO: CASE 7

DATE OF ABDUCTION OR WRONGFUL RETENTION:	10-2-2001
DATE CONVENTION APPLICATION FILED:	7-2-2002
HAS CHILD BEEN LOCATED?	NO

The mother abducted the child to Mexico in 2002. On her way out of town, she dropped off a note at the police station claiming domestic abuse. The father then went to court and obtained a divorce and temporary child custody.

The Mexican family judge was not able to locate the children at the address provided by the father. Therefore, the case was submitted to Interpol.

The father has provided several leads to Interpol, but they have been unable to locate the child or his mother in the last 6 years.

MEXICO: CASE 8

DATE OF ABDUCTION OR WRONGFUL RETENTION:	10-30-2001
DATE CONVENTION APPLICATION FILED:	2-2002
HAS CHILD BEEN LOCATED?	NO

The case was assigned to a judge in November 2002. The court reported it could not locate the child at the address provided by the LBP. The MCA referred the case to Interpol. The case is still under investigation with Interpol.

MEXICO: CASE 9

DATE OF ABDUCTION OR WRONGFUL RETENTION:	11-21-2001
DATE CONVENTION APPLICATION FILED:	2-2002
HAS CHILD BEEN LOCATED?	YES

The parents were in the course of a divorce. The Judge ordered the mother not to take the child out of New York, but she absconded to Mexico with the child in November 2001.

The father has been pursuing both criminal and civil remedies (including the Convention) in a very aggressive manner. He has traveled to Mexico on many occasions, but the case remains unresolved.

Update after the reporting period: On October 11, 2007, the father in consultation with his attorney decided that it would be better for his case to proceed as a criminal and child custody case in Mexico—and not as a Convention case. At the father's request, CI withdrew the father's Convention application on October 11, 2007.



MEXICO: CASE 10

DATE OF ABDUCTION OR WRONGFUL RETENTION:	11-26-2001
DATE CONVENTION APPLICATION FILED:	5-29-2003
HAS CHILD BEEN LOCATED?	NO

The father abducted the children to Mexico in November 2001. When court officials visited the children's possible location in November 2005, they were advised that the children had returned to the United States. In March 2006, the MCA requested Interpol-Mexico's assistance in locating the children despite the fact that the children may have returned to the United States. In August 2006, Interpol-Mexico reported to the U.S. Embassy that the children had been located and reported the information to the MCA. Subsequent efforts by the court to confirm the children's exact location failed and in May 2007 Interpol-Mexico reported reopening their investigation. CI, through the U.S. Embassy and MCA, continues to request Interpol-Mexico's assistance in locating the children.

MEXICO: CASE 11

DATE OF ABDUCTION OR WRONGFUL RETENTION:	2-28-2002
DATE CONVENTION APPLICATION FILED:	6-14-2002
HAS CHILD BEEN LOCATED?	NO

The mother abducted the child to Mexico in February 2002. This case has not been scheduled for a hearing because the child cannot be located. In June 2005, the U.S. Embassy provided Interpol-Mexico with new possible locate information for the child's relatives in Mexico. Mexico's investigation agency, the Agencia Federal de Investigacion (AFI), investigated and located the child's grandfather at the address provided but could not locate the child. Education authorities also informed Interpol-Mexico that the child is not enrolled in the public school system. Nevertheless, Mexican immigration officials eventually determined that the child (an American Citizen with no lawful immigration status in Mexico) was deportable and unsuccessfully ordered her to be deported within 48 hours. The LBP maintains that the TP overcame this order by obtaining a false Mexican birth certificate for the child and filing an amparo against the immigration office to prevent the child's deportation. CI, through the U.S. Embassy, has repeatedly raised the question of enforcement of the child's previously issued deportation order without success and continues to request Interpol-Mexico's assistance in locating the child.

UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 12

DATE OF ABDUCTION OR WRONGFUL RETENTION:	3-2002
DATE CONVENTION APPLICATION FILED:	7-26-2002
HAS CHILD BEEN LOCATED?	NO

In January 2003, the judge to whom this case was assigned ordered the children picked up and delivered to the LBP. However, police went to the supposed residence of the TP and found it abandoned. In 2006, U.S. Embassy Mexico City found possible information of TP in a phone book. Mexican law enforcement discovered it was not the residence of TP and children. Interpol has since requested a search at the Federal Education Secretariat and the case remains under investigation.

MEXICO: CASE 13

DATE OF ABDUCTION OR WRONGFUL RETENTION:	9-14-2002
DATE CONVENTION APPLICATION FILED:	10-20-2004
HAS CHILD BEEN LOCATED?	NO

In 1999, the father voluntarily gave up his parental rights to this child. In 2001, he filed a petition under the Convention and requested return of the child to his custody in Mexico. A court in California denied his Convention petition, because it found that the father had consented to the mother and child moving to the United States. While visiting in Mexico City in 2002, the mother allowed the father to take the child out to eat. She has not seen nor heard from her son since then.

The Mexican family judge was not able to locate the child at the address provided by the mother. Therefore, the case was submitted to Interpol. The mother has submitted several more addresses and leads to Interpol in the last 5 years, but the child has not yet been located.

MEXICO: CASE 14

DATE OF ABDUCTION OR WRONGFUL RETENTION:	2-17-2003
DATE CONVENTION APPLICATION FILED:	12-1-2003
HAS CHILD BEEN LOCATED?	NO

At the time of the abduction, the parents were separated and their two children were living with their mother. The father took their two daughters from the baby-sitter and absconded to Mexico. A few days later, mutual friends located them in Ciudad Juarez and returned the younger daughter to the mother. The mother has not seen nor heard from her older daughter since then.

The Mexican family judge was not able to locate the child at the address provided by the mother. The case was submitted to Interpol, and remains unresolved.



UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 15

DATE OF ABDUCTION OR WRONGFUL RETENTION:	8-1-2003
DATE CONVENTION APPLICATION FILED:	11-10-2003
HAS CHILD BEEN LOCATED?	NO

The mother abducted the child to Mexico in August 2003. In September 2004 court officials reported that they could not find the child. In June 2006, the MCA reported that the judge to whom the case was assigned issued a warrant for Federal police to detain the mother if found. The child's location remains unknown. CI through the U.S. Embassy and MCA continues to request Interpol-Mexico's assistance in locating the child.

MEXICO: CASE 16

DATE OF ABDUCTION OR WRONGFUL RETENTION:	8-5-2003
DATE CONVENTION APPLICATION FILED:	1-19-2005
HAS CHILD BEEN LOCATED?	NO

In June 2006, the MCA reported to the U.S. Embassy that the TP and child could not be located and requested Interpol's assistance. However, at an Interpol-Embassy meeting on Aug. 23, 2006, Interpol claimed it never received a formal request from the MCA. In October 2006, MCA submitted the case file to Interpol to locate the child. Interpol reported that neither the TP nor the child was found at the address provided by the MCA. In order to continue investigating the case Interpol requested that MCA provide the maiden name of the TP. CI provided maiden name of the mother to MCA. The case is still under investigation by Interpol.

MEXICO: CASE 17

DATE OF ABDUCTION OR WRONGFUL RETENTION:	12-2003
DATE CONVENTION APPLICATION FILED:	7-25-2006
HAS CHILD BEEN LOCATED?	NO

The mother absconded to Mexico with the child in 2003, and neither mother nor child was located until early 2007. On March 16, 2007, a Mexican court held a hearing on the father's Convention application. The Mexican court ordered visitation with the father to resume on a gradual, supervised schedule. The child was returned to the principal custody of the mother who absconded with the child again. The father has since furnished numerous leads, addresses, and phone numbers to Interpol, but they have been unable to locate the mother and child again.



UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 18

DATE OF ABDUCTION OR WRONGFUL RETENTION:	1-2004
DATE CONVENTION APPLICATION FILED:	7-18-2005
HAS CHILD BEEN LOCATED?	NO

The mother took the child to Mexico to visit relatives for “a month or two” in June 2003. For the next 6 months, the father visited his family and supported them in Mexico. In January 2004, the mother announced that she and the child would not return to the United States.

The father began divorce proceedings in the United States. He was denied visitation by the mother after she was served with the divorce papers in May 2004.

The Mexican family judge was not able to locate the child or his mother at the address provided by the father. Therefore, the case was referred to Interpol.

MEXICO: CASE 19

DATE OF ABDUCTION OR WRONGFUL RETENTION:	UNAVAILABLE
DATE CONVENTION APPLICATION FILED:	4-17-2004
HAS CHILD BEEN LOCATED?	NO

The LBP filed a Convention application directly with the MCA. The case was subsequently sent to Interpol to assist in locating child. Interpol checked the address given on the return application, but TP and child were not found. In May 2007, the MCA reported that Interpol found a record regarding the TP in Tuxtla Gutierrez, Chiapas. The case remains under investigation.

MEXICO: CASE 20

DATE OF ABDUCTION OR WRONGFUL RETENTION:	4-18-2004
DATE CONVENTION APPLICATION FILED:	3-4-2005
HAS CHILD BEEN LOCATED?	NO

The mother abducted the children to Mexico in April 2004, shortly after a restraining order had been issued against her for domestic violence. The LBP filed a Convention application in March 2005 and a hearing was initially scheduled for June 2005. It had to be postponed as the children and the TP could not be located. The LBP provided two additional possible addresses to U.S. Embassy officials which were forwarded to the MCA which, in turn, forwarded them to Interpol-Mexico. One of these addresses, however, was found to be invalid, and the children were not located at the other. In October 2006, the MCA informed U.S. Embassy officials that Interpol-Mexico discovered the name of the school where the children were enrolled. In May 2007, Interpol provided a possible location for the TP, however, the children’s exact address continues to be unknown. Once the children’s location can be confirmed, a jurisdiction can be assigned and a Convention hearing can be scheduled.



UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 21

DATE OF ABDUCTION OR WRONGFUL RETENTION:	7-5-2004
DATE CONVENTION APPLICATION FILED:	11-30-2004
HAS CHILD BEEN LOCATED?	NO

In April 2005, the MCA reported that the child could not be located at the address provided. The Left-behind mother went to the TP's home in Oaxaca, Mexico in early 2006. She didn't find her son; nevertheless, she believes that the father and son are living with the father's parents. CI contacted the U.S. Consular Agent in Oaxaca. He made a cursory surveillance on the house but saw nothing. A private detective hired by the mother also was unsuccessful in locating the child. In August 2006, the U.S. Embassy asked for Interpol's Mexico's assistance. Interpol reported that it requested photos of the child from the MCA, which the MCA provided. The case is still under investigation.

MEXICO: CASE 22

DATE OF ABDUCTION OR WRONGFUL RETENTION:	7-23-2004
DATE CONVENTION APPLICATION FILED:	4-7-2005
HAS CHILD BEEN LOCATED?	NO

The father abducted the child in 2004. The Convention application for return was submitted to the MCA in March 2005. A hearing was scheduled in October 2005, however, when court officials visited the TP's address they could not find the child. A check of school records in Michoacan did not locate the child. CI, through the U.S. Embassy and the MCA, continues to request Interpol-Mexico's assistance in locating the child.

MEXICO: CASE 23

DATE OF ABDUCTION OR WRONGFUL RETENTION:	11-6-2004
DATE CONVENTION APPLICATION FILED:	2-14-2005
HAS CHILD BEEN LOCATED?	YES

During his scheduled visitation with the three children in 2004, the father abducted the children to Mexico. The mother has not seen nor heard from her children since then.

The Mexican family judge was not able to locate the child at the address provided by the mother. Therefore, the case was submitted to Interpol.

The children were located by Interpol during the summer of 2007. The case was sent to a family judge in the state where they were located. There have been no reports of whether a Convention hearing has been scheduled, and the case remains unresolved.



UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 24

DATE OF ABDUCTION OR WRONGFUL RETENTION:	NOT AVAILABLE
DATE CONVENTION APPLICATION FILED:	2-2-2005
HAS CHILD BEEN LOCATED?	NO

On August 12, 2005 the court ordered a Convention hearing. The hearing was postponed until September 7, 2005 because the TP could not be served. The LBP then failed to appear and the judge rescheduled the hearing for October 7, 2005. The TP filed an amparo, but it was dismissed. The courts attempted to serve the LBP on November 17, 2005, but the TP and child could not be located. The LBP filed a suit seeking to deprive the LBP of his paternal rights. The court denied this demand but the mother filed an appeal. LBP wrote a letter to former President Fox regarding her “treatment” by the MCA. The mother has never appeared in person in court but legally appears through counsel who represents her. In May 2006, the LBP dismissed his attorneys working on the case due to financial burden. The case remains unresolved.

MEXICO: CASE 25

DATE OF ABDUCTION OR WRONGFUL RETENTION:	2-2-2005
DATE CONVENTION APPLICATION FILED:	6-9-2005
HAS CHILD BEEN LOCATED?	NO

The mother abducted the children to Mexico in 2005. The children were in the custody of the juvenile court of the State of California which had found that there was substantial

danger to their health and welfare and that they had to be removed from their parents’ custody. They were living with a foster mother when they were abducted.

This is the second abduction of the older child. Both the father and the mother abducted her from another social worker in 2003, before the birth of the younger child. The older child was recovered from the mother in Los Angeles six months after the first abduction.

In the current case, the Mexican family judge was not able to locate the children at the address in Mexicali provided by the State of California. Therefore, the case was submitted to Interpol. In July 2007, Interpol reported that it had found school records in Mexico City that matched the TP’s name. However, the children have not yet been located.



UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 26

DATE OF ABDUCTION OR WRONGFUL RETENTION:	2-28-2005
DATE CONVENTION APPLICATION FILED:	2-28-2005
HAS CHILD BEEN LOCATED?	YES

The mother abducted the child to Mexico in February 2005. Interpol-Mexico located the child in October 2005 and a Convention hearing was scheduled in November 30th. After learning of the hearing, the child's mother filed an Amparo (which was later dismissed) that caused further delays in this case. After months of litigation, in September 2006, the judge granted the child's return to the United States. The child's mother, however, appealed the decision, filed an injunction to stay the return order, and concealed her exact whereabouts.

Update after the end of the reporting period: After ordering the mother to present the child at a hearing held in October 2007, the judge ordered the child's immediate return. The child returned to the United States with his father on October 16, 2007.

MEXICO: CASE 27

DATE OF ABDUCTION OR WRONGFUL RETENTION:	5-31-2005
DATE CONVENTION APPLICATION FILED:	3-28-2006
HAS CHILD BEEN LOCATED?	YES

The mother was arrested in 2005 after failing to comply with an order to voluntarily depart the United States. As a result of this arrest, she was deported to Mexico, bringing her child with her. The LBP filed a Convention application in March 2006. A Mexican court ordered the return of the child, but the return has been delayed by an amparo appeal filed by the TP. No final hearing has yet been scheduled by the family court.



UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 28

DATE OF ABDUCTION OR WRONGFUL RETENTION:	9-2-2005
DATE CONVENTION APPLICATION FILED:	2-17-2006
HAS CHILD BEEN LOCATED?	YES

The mother abducted the child to Mexico in October 2005. In April 2006, the MCA advised that the Convention hearing was scheduled; however, when court officials visited the child's address, they could not find the child. After successfully summoning the TP to a hearing scheduled in July 2006, the TP made allegations of abuse that have since caused significant delays and have misdirected the court's focus on this case. In March 2007, the LBP asked the presiding judge to remove herself from the case based on his perception that the court is biased against him. Several hearings have since taken place subsequent to this request. The presiding judge, however, has not recused herself nor has she made a decision on the merits of the Convention case. CI, through the U.S. Embassy, continues to request MCA's assistance in urging the court to adjudicate the Convention petition.

MEXICO: CASE 29

DATE OF ABDUCTION OR WRONGFUL RETENTION:	10-1-2005
DATE CONVENTION APPLICATION FILED:	5-26-2006
HAS CHILD BEEN LOCATED?	YES

Judicial proceedings in this case began on February 28, 2007. The LBP, or his attorneys, appeared on seven occasions in a Mexican family court - February 28, March 1, March 6, April 27, May 2, October 27, and December 4. Three times, the case was postponed due to TP's failure to appear with her daughter,

despite being summonsed. The TP also attempted to petition for custody of the child in Mexico despite the ongoing Convention case. In early April 2007, pursuant to Article 11 of the Convention, the Department wrote a letter to the MCA requesting justification for the continued delay of a decision. The Judge instituted a "reconciliation period" in which the parents were to attempt to resolve the case. The LBP appealed the reconciliation period and requested that Convention proceedings continue. On May 2, 2007, the judge ordered that the reconciliation period was closed and the case could continue. The TP's attorneys objected to the judge's decision and moved to invalidate the LBP's Power of Attorney authorizing a law firm to represent him when he is not present in Mexico. The judge denied both requests in August 2007. TP's attorneys also filed an *amparo* to overturn the judge's decision to accept the LBP's Power of Attorney.

Update after the end of the reporting period: On December 11, 2007, the LBP attended a hearing in which the judge again requested that the parents attempt to reconcile. The TP continued to insist that Mexico has jurisdiction to decide the matter as a custody case. The LBP was not in agreement, and a decision regarding the return of the child has yet to be made.



UNRESOLVED RETURN APPLICATIONS

MEXICO: CASE 30

DATE OF ABDUCTION OR WRONGFUL RETENTION:	11-29-2005
DATE CONVENTION APPLICATION FILED:	3-15-2006
HAS CHILD BEEN LOCATED?	YES

The children were living with their mother in the United States, but she allowed them to visit their father in Mexico City. When the mother went to Mexico to pick them up after visitation in 2005, the father and a female friend attacked the mother and took the children.

The case has been assigned to a family judge in Mexico who has held at least four hearings on the matter, still without issuing a decision. The LBP has requested that the court appoint a public defender to represent her, because she cannot afford to hire her own attorney.

MEXICO: CASE 31

DATE OF ABDUCTION OR WRONGFUL RETENTION:	11-29-2005
DATE CONVENTION APPLICATION FILED:	3-16-2006
HAS CHILD BEEN LOCATED?	NO

The first hearing was scheduled for March 26, 2007. There were several discrepancies between the LBP's lawyer and the judge regarding why the hearing was rescheduled. A hearing was held May 17, 2007. The judge did not make a decision at that time, and the case remains unresolved.

Update after the end of the reporting period: Another hearing was held on December 10, 2007. CI learned of the hearing through the LBP after it had taken place. The MCA did not notify the department, and later explained that they it also was not aware of the hearing. No decision was made due to the judge's confusion regarding the LBP's counsel, and the case remains unresolved.

NETHERLANDS: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	7-3-2005
DATE CONVENTION APPLICATION FILED:	11-21-2005
HAS CHILD BEEN LOCATED?	NO

The child was abducted on July 3, 2005. On November 21, 2005, the left-behind father filed a Convention application for return, which was heard in Amsterdam District Court on January 31, 2006. On February 13, 2006, the court ruled that the child be returned to the LBP no later than February 23, 2006. The TP appealed, and on March 20, 2006, the court convened and based on her argument that she may not be allowed to enter the United States to see the child, the Judge deferred judgment until May 1. This six-week period was intended to allow the TP to receive a non-immigrant visa or Significant Public Benefit Parole (SPBP), per the court records. As the TP had not received permission to enter the United States in the form of a visa or SPBP by May 1, the court again postponed its hearing and was set to reconvene to make a final determination on the appeal on June 9. On February 7, 2007, the Dutch Court of Appeal decided that before February 21, 2007, the TP must hand the child over to the LBP. The TP and child have been in hiding ever since, and several threats have been made on the LBP's life.

Update after the reporting period: Law enforcement is working on locating the TP and child.

UNRESOLVED RETURN APPLICATIONS

POLAND: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	4-20-2004
DATE CONVENTION APPLICATION FILED:	11-22-2004
HAS CHILD BEEN LOCATED?	YES

During the reporting period, the U.S. Embassy in Warsaw continued frequent meetings with Polish interlocutors at all levels including a June 2007 meeting between the Ambassador and the Minister of Justice. In addition, this case was discussed in a February 2007 meeting between the Director of the USCA and the Director of the PCA.

Update after the reporting period: On December 14, 2007, the child was located and taken into protective custody by Polish authorities. The father traveled to Poland and returned to the United States with the child on December 20, 2007.

POLAND: CASE 2

DATE OF ABDUCTION OR WRONGFUL RETENTION:	11-28-1998
DATE CONVENTION APPLICATION FILED:	9-1999
HAS CHILD BEEN LOCATED?	YES/NO

In February 2007, the father requested that the U.S. Embassy in Warsaw attempt to contact the mother and request consular access to the children. Although the mother did not permit a visit, the Embassy was able to make contact with the mother via e-mail, who reported that the children are well. On March 9 2007, the Polish Court granted limited custody to the mother, and suspended the father's parental rights, citing that the father had no involvement with the children's upbringing for approximately 10 years.

In August 2007, the mother provided the Embassy with a copy of a recent court-ordered home study to demonstrate that the children were well cared for.

During the reporting period, the U.S. Embassy in Warsaw continued frequent meetings with Polish interlocutors at all levels, including a June 2007 meeting between the Ambassador and the Minister of Justice. In addition, this case was discussed in a February 2007 meeting between the Director of the USCA and the Director of the PCA. The Embassy sent a Consular representative to the November 2007 hearing.

POLAND: CASE 3

DATE OF ABDUCTION OR WRONGFUL RETENTION:	6-16-2005
DATE CONVENTION APPLICATION FILED:	6-24-2005
HAS CHILD BEEN LOCATED?	NO

A court in the United States granted the father sole custody and permission to bring the child to Poland to visit with his family. In accordance with the court order, the father provided the mother with their travel information. On June 16, 2005, four large men assaulted the father at the airport in Poland, took the child, and placed the child in a car with the mother. The father cancelled his return ticket and stayed in Poland to seek his child's return.

UNRESOLVED RETURN APPLICATIONS

The father, assisted by the USCA and the U.S. Embassy in Warsaw, filed his Convention application directly with the PCA less than 10 days later. Additional documents, which the father provided soon thereafter, were required before it could be filed with the appropriate court.

Because of some delays caused by various motions the father filed with the local court, the initial Polish Trial Court hearing did not take place until November 29, 2005. The U.S. Embassy requested permission to attend that hearing as well as the subsequent hearing on December 7, 2005. On December 21, 2005, the Polish Trial Court ruled in the father's favor.

The mother appealed, and the Polish Appellate Court set a hearing for March 27, 2006 which was attended by the Consul. The Polish Appellate Court immediately issued a decision to uphold the trial court's order for return. The mother did not cooperate with attempts to enforce the ruling and went into hiding with the child.

In May 2006, Polish authorities located the mother, but not the child. She was forced to appear in court, but released after she refused to provide the location of the child. The case was referred to the Prosecutor's office for investigation.

On August 13, 2006, the father succeeded in seeking recognition of the U.S. custody order in Poland. In September 2006, the Prosecutor issued an arrest warrant for the mother for concealing information from the court. The mother's and child's whereabouts remain unknown.

During the reporting period, the U.S. Embassy in Warsaw continued frequent meetings with Polish interlocutors at all levels, including a June 2007 meeting between the Ambassador and the Minister of Justice. In addition, this case was discussed in a February 2007 meeting between the Director of the USCA and the Director of the PCA. The Embassy sent a Consular representative to several hearings, and the Consul met with the Deputy Commander of the national police force who has responsibility for the region where they were last known to be located.

SAINT KITTS AND NEVIS: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	3 OR 4-2004
DATE CONVENTION APPLICATION FILED:	12-28-2006
HAS CHILD BEEN LOCATED?	NO

The TP abducted the child to St. Kitts and Nevis in violation of her father's custodial rights. Previously, the child had always resided in the United States. At the time of the abduction, the father was incarcerated and the child was living with a court-appointed guardian. The child's mother did not seek the court's permission to remove her from her home or from the United States. The case remains unresolved, and the Saint Kitts and Nevis' Central Authority has not responded to requests for information.

UNRESOLVED RETURN APPLICATIONS

SLOVAKIA: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	1-4-2006
DATE CONVENTION APPLICATION FILED:	2-16-2006
HAS CHILD BEEN LOCATED?	YES, NO

The child was abducted on January 4, 2006. On February 16, 2006, the left-behind father filed a Convention application for return. In April 2006, the Slovak Central Authority requested a power of attorney from the LBP in order to proceed. The case was finally heard on September 8, 2006, and a court-ordered return was issued on September 19, 2006. The TP appealed the decision, and in June 2007, the High Court ordered the return of the child as well. The TP has appealed again, and the hearing is scheduled to take place at the Regional Court in Bratislava on February 5, 2008.

Update after the reporting period: After the TP's first appeal, the High Court ordered the return of the child. The second round of appeals is scheduled to be heard on February 5, 2008.

VENEZUELA: CASE 1

DATE OF ABDUCTION OR WRONGFUL RETENTION:	9-29-2001
DATE CONVENTION APPLICATION FILED:	8-13-2004
HAS CHILD BEEN LOCATED?	YES

The TP was released from jail on domestic violence charges, took the children for a scheduled visitation in September 2001 and never returned. The left-behind mother retained a private attorney and submitted a Convention application in August 2004, which was filed with a Public Prosecutor in September 2004. The case languished in the Venezuelan courts throughout 2005 and 2006, and the Venezuelan

Central Authority consistently resisted requests by CI and the U.S. Embassy in Caracas to urge the courts to proceed expeditiously. In February 2007, the court decided to start the case all over again, and sent a new summons to the left-behind mother requesting her attendance at a new hearing. As of the close of the reporting period, the mother had not been located.



ADDITIONAL BACKGROUND INFORMATION

THE HUMAN AND SOCIAL COST OF INTERNATIONAL PARENTAL CHILD ABDUCTION

Parental child abduction is a tragedy because it affects some of society's most vulnerable individuals. When a child is abducted across international borders, the difficulties are compounded for everyone involved. Parental child abduction jeopardizes the child and has substantial long-term consequences for both the abducted child and the left-behind parent.

CONSEQUENCES FOR THE CHILD

Children who are abducted by their parents are often taken from their familiar environment and suddenly isolated from their extended families, friends, and classmates. In an effort to evade law enforcement, the taking parents may relocate them frequently and/or take them out of school unexpectedly without time to say goodbye. They may miss months or years of school. They may be prevented from making close friends, and their only close relationship may be with the taking parent. They may even be separated from their siblings during the abduction. Taking parents sometimes change children's names, birthdates, and physical appearance in an effort to conceal the child's true identity. Abducted children may be told that their other parent is dead, does not want them, or has not tried to get them back.

An abducted child is at risk of serious emotional and psychological problems. Research shows that recovered children often experience a range of problems including anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness. Even as adults, individuals who were abducted as children may struggle with identity issues, with their own personal relationships, and with parenting.

If and when the child is reunited with the left-behind parent, they may find that they no longer have a relationship with that parent or even a language in common. They may be distrustful of the left-behind parent and question why that parent did not try harder to get them back. They may find that the left-behind parent has remarried and that they have a new, unfamiliar step-parent and siblings. Children who were abducted while very young may not even remember life with the left-behind parent.

CONSEQUENCES FOR THE LEFT-BEHIND PARENT

For left-behind parents, the trauma begins when they return home to find that the other parent has left and taken the children, or when they allow the children to travel abroad to visit the other parent, only to find that they do not return. Left-behind parents encounter substantial psychological, emotional, and financial problems. They may be paralyzed by helplessness and the sense that they have no idea where to start in the process of recovering their child. When the child has been abducted across international borders, the left-behind parent may face unfamiliar legal, cultural, and linguistic barriers.

Left-behind parents experience a wide range of emotions and symptoms, including betrayal, sadness over the loss of their child and/or their marriage, anger against the other parent, anxiety, sleeplessness, and severe depression. The emotional stress does not necessarily end when the child is returned, because parents may worry about re-abduction and their personal security as well as struggle to restore a relationship with their child. The financial pressures of fighting abduction only add to the anxiety.



ADDITIONAL BACKGROUND INFORMATION

The financial costs to left-behind parents can be substantial. Left-behind parents may lack the financial resources to travel abroad and to visit their child overseas, even if the taking parent permits access. They may lack sufficient funds to hire an attorney in the United States or abroad, especially an English-speaking attorney who is familiar with the legal issues pertaining to international parental child abduction. Left-behind parents may lack the funds to hire translators and interpreters or to seek professional counseling. The financial demands of a protracted legal battle to recover an abducted child can devastate a family financially.

Although international parental child abduction has far-reaching consequences, its significance is not widely understood. Left-behind parents may have difficulty finding the support that they need and getting legal assistance.

THE PREFERRED SOLUTION: THE CONVENTION

One of the most effective solutions for left-behind parents to reunite their families is the Convention. The Convention is an international treaty that provides a civil mechanism to bring about the prompt return of children who have been wrongfully removed or retained outside the country of their habitual residence in violation of rights of custody existing and actually exercised by the other parent. The United States was a major force in preparing and negotiating the Convention, which was finalized in 1980 and entered into force for the United States on July 1, 1988. Since then, the Convention has been an important tool for reuniting families across international borders and in deterring potential abductions.

Today, the United States has a treaty relationship under the Convention with 68 other countries. When a new country accedes to the Convention, the Department undertakes a review of that country's accession to determine whether the necessary legal and institutional mechanisms are in place to implement the Convention. Once the Department concludes that a country has the some capability to be an effective treaty partner, its accession is recognized and the Convention comes into force between the United States and that country.

The Convention applies to the wrongful removal or retention of a child that occurred on or after the date the Convention came into force between the United States and the other country concerned. The date on which the United States entered into a treaty relationship with its many Convention partner countries varies, and more countries become parties to the Convention. The United States has actively encouraged countries to accede to the Convention, recognizing its potential effectiveness not only in resolving cases of international parental child abduction, but also in deterring future abductions.

The Department places the highest priority on the protection of U.S. citizens abroad, and especially on the welfare of our country's children. When children become the victims of international parental child abduction, the Department takes seriously its responsibility to help parents seeking the return of, or access to, their children through lawful means. For many parents, the Convention is a viable option to address to the trauma of abduction.

ADDITIONAL BACKGROUND INFORMATION

PREVENTING INTERNATIONAL PARENTAL CHILD ABDUCTION

In 2003, the USCA established a new unit that specializes in preventing international parental child abductions. On a daily basis, the USCA receives dozens of calls and written requests for assistance and information from parents, attorneys, other government agencies, and private organizations in the United States seeking to prevent international parental child abductions. The USCA serves as the information disseminator for strategies and approaches to keep children safe from international parental child abductions. The USCA staff responds to inquiries by providing information about on-line resources and discussing issues such as dual nationality and passport concerns, and the role of law enforcement and the courts in preventing an abduction.

THE CHILDREN'S PASSPORT ISSUANCE ALERT PROGRAM

The USCA entered 3,102 children into the Children's Passport Issuance Alert Program in FY 2007

The Children's Passport Issuance Alert Program (CPIAP) is one of the USCA's most important tools for preventing IPCA. The program allows parents to request the registration of their U.S. citizen children in the Department's Passport Lookout System. If the Department receives a passport application for a child who is registered in CPIAP, the Department contacts and alerts the parent(s). The Passport Lookout System gives all national passport agencies as well as U.S. embassies and consulates abroad an alert on a child's name if a parent or guardian registers an objection to passport issuance for his/her child, thus potentially providing

parents advance warning of possible plans for international travel that require issuance of a new passport

Since the program has been incorporated into the USCA, more than 13,000 cases have been opened through CPIAP. The daily requests for assistance and lookouts on children's passports continue to require extensive customer service. In FY 2007, the USCA entered more than 3,100 cases into the Passport Lookout System. Applying both the two-parent signature law and the federal regulation permitting parents to object to issuance of a passport to their children under age 18, the USCA is able to assure parents who fear the abduction of their children that the Department will not issue passports without their knowledge or, in certain cases, without their permission.

Note: The inability to obtain a U.S. passport through the Children's Passport Issuance Alert Program does not prevent a dual-national child from obtaining and traveling on a foreign passport. There is no legal authority that could require foreign embassies to adhere to U.S. regulations regarding issuance and denial of their passports to U.S. citizen minors who have dual nationality.



CONVENTION COUNTRY NEW CASES IN FY 2007

CONVENTION COUNTRY	OUTGOING CASES		INCOMING CASES	
	NEW	NO. OF CHILDREN	NEW	NO. OF CHILDREN
ARGENTINA	6	9	5	8
AUSTRALIA	18	22	20	28
AUSTRIA	0	0	2	2
BAHAMAS	2	3	1	2
BELGIUM	3	4	3	4
BELIZE	2	2	1	1
BOSNIA-HERZEGOVINA	1	3	0	0
BRAZIL	20	31	4	4
BULGARIA	2	2	1	1
BURKINA FASO	0	0	0	0
CANADA	39	56	23	34
CHILE	4	6	1	1
CHINA – HONG KONG	0	0	1	1
CHINA – MACAU	0	0	0	0
COLOMBIA	13	15	11	16
COSTA RICA	16	21	0	0
CROATIA	1	1	0	0
CYPRUS	1	2	1	2
CZECH REPUBLIC	2	2	1	1
DENMARK	3	4	4	5
DOMINICAN REPUBLIC	6	14	1	1
ECUADOR	9	11	7	11
EL SALVADOR	4	4	0	0
ESTONIA	0	0	0	0
FINLAND	2	3	0	0
FRANCE	8	12	11	15
GERMANY	24	31	26	34
GREECE	4	5	1	1
GUATEMALA	10	14	0	0
HONDURAS	5	10	3	7
HUNGARY	2	2	2	3
ICELAND	0	0	1	2
IRELAND	6	9	4	10
ISRAEL	8	12	3	5
ITALY	13	26	8	12
LATVIA	0	0	0	0

CONVENTION COUNTRY	OUTGOING CASES		INCOMING CASES	
	NEW	NO. OF CHILDREN	NEW	NO. OF CHILDREN
LUXEMBOURG	0	0	0	0
MACEDONIA	1	1	1	1
MALTA	1	2	0	0
MAURITIUS	0	0	0	0
MEXICO	195	320	117	175
MONACO	0	0	0	0
MONTENEGRO	0	0	0	0
NETHERLANDS	6	7	2	5
NEW ZEALAND	3	3	5	10
NORWAY	4	11	5	5
PANAMA	5	12	5	7
PARAGUAY	0	0	0	0
PERU	8	12	9	12
POLAND	8	9	0	0
PORTUGAL	2	2	1	1
ROMANIA	2	2	1	1
ST. KITTS & NEVIS	1	1	1	1
SAN MARINO	0	0	0	0
SERBIA	1	1	1	1
SLOVAKIA	0	0	2	2
SLOVENIA	0	0	0	0
SOUTH AFRICA	4	4	3	3
SPAIN	4	4	9	12
SRI LANKA	0	0	0	0
SWEDEN	1	2	4	4
SWITZERLAND	0	0	8	12
TURKEY	9	11	1	2
UKRAINE	6	6	0	0
UNITED KINGDOM	46	63	29	40
URUGUAY	2	2	0	0
VENEZUELA	5	7	4	8
ZIMBABWE	2	3	0	0
TOTALS	575	821	357	518

NON-CONVENTION COUNTRY NEW CASES IN FY 2007

NON-CONVENTION COUNTRY	NO. NEW OUTGOING CASES	NO. CHILDREN IN NEW OUTGOING CASES
ARMENIA	1	1
BAHRAIN	1	4
BANGLADESH	5	4
BARBADOS	1	1
BELIZE	2	2
BURMA	1	1
CAMEROON	2	2
CHINA	5	5
CHINA – TAIWAN	1	2
CONGO, DEM. REP.	1	2
COTE D'IVOIRE	1	1
DOMINICA	1	1
EGYPT	8	9
EQUATORIAL GUINEA	1	3
ETHIOPIA	1	1
FIJI	1	1
GHANA	8	9
GUINEA	1	1
GUYANA	1	2
HAITI	4	5
HONDURAS	5	10
INDIA	24	32
INDONESIA	1	1
IRAQ	1	1
JAMAICA	2	2
JAPAN	17	21
JORDAN	9	14
KENYA	2	3
KUWAIT	3	3
LEBANON	6	9

NON-CONVENTION COUNTRY	NO. NEW OUTGOING CASES	NO. CHILDREN IN NEW OUTGOING CASES
LIBERIA	1	1
MALAWI	1	1
MALAYSIA	1	1
MALI	2	4
NICARAGUA	1	1
NIGERIA	11	28
PAKISTAN	7	9
PHILIPPINES	12	15
QATAR	1	1
RUSSIA	8	11
SAMOA	1	1
SAUDI ARABIA	4	8
SENEGAL	3	5
SIERRA LEONE	1	2
SINGAPORE	3	4
SOUTH KOREA	7	8
SUDAN	3	10
THAILAND	1	2
THE GAMBIA	5	8
TONGA	2	4
TRINIDAD & TOBAGO	8	10
UGANDA	2	3
UNITED ARAB EMIRATES	4	12
UZBEKISTAN	2	3
VIETNAM	1	1
WEST BANK	3	3
YEMEN	4	10
ZAMBIA	1	1
ZIMBABWE	2	3
TOTALS	219	323

GLOSSARY OF ACRONYMS

CI	THE U.S. DEPARTMENT OF STATE, OFFICE OF CHILDREN'S ISSUES
CONVENTION	THE 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION
CPIAP	THE CHILDREN'S PASSPORT ISSUANCE ALERT PROGRAM
DEPARTMENT	THE U.S. DEPARTMENT OF STATE
ICARA	INTERNATIONAL CHILD ABDUCTION REMEDIES ACT
INCOMING CASES	PARENTAL CHILD ABDUCTIONS FROM ANOTHER COUNTRY TO THE UNITED STATES
IPCA	INTERNATIONAL PARENTAL CHILD ABDUCTION
ISS	INTERNATIONAL SOCIAL SERVICES
LBP	LEFT-BEHIND PARENT
MCA	MEXICAN CENTRAL AUTHORITY
NCMEC	NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN
NGO	NON-GOVERNMENTAL ORGANIZATION
OUTGOING CASES	PARENTAL CHILD ABDUCTIONS FROM THE UNITED STATES TO ANOTHER COUNTRY
TP	TAKING PARENT
UFAP	UNAUTHORIZED FLIGHT TO AVOID PROSECUTION
USCA	UNITED STATES CENTRAL AUTHORITY