

Parental Abduction: A Review of the Literature

Janet Chiancone

Introduction

This literature review is a companion to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Bulletin, *The Criminal Justice System's Response to Parental Abduction* (NCJ 186160). The Bulletin summarizes the primary findings of an OJJDP-funded study conducted jointly by the American Bar Association Center on Children and the Law and Westat. This review examines the extent of the problem of parental abduction, the characteristics of those involved in parental abductions, and the effect of the crime on children and parents. It also discusses how law enforcement agencies and criminal courts generally handle this crime.

Definition of Parental Abduction

Parental abduction is defined as “the taking, retention, or concealment of a child or children by a parent, other family member, or their agent, in derogation of the custody rights, including visitation rights, of another parent or family member” (Girdner, 1994b, p. 1–11). Abductors may be other family members or their agents (e.g., girlfriend, boyfriend, grandparent, or even a private investigator), although in most cases the abductor is a child’s parent (Girdner, 1994c). Some State criminal statutes use the term “custodial interference”—rather than parental abduction, family abduction, or kidnapping—when referring to this crime and may include incidents in which children are detained or enticed away from the custodial parent. Custodial interference can also be defined to include interference with a court order of visitation or access.

The Extent of the Problem

The most comprehensive examination of the extent of parental abduction is the National Incidence Studies on Missing, Abducted, Runaway, and Thrownaway Children in America (NISMA¹)¹ (Finkelhor, Hotaling, and Sedlak, 1990). Conducted in 1988, this nationwide telephone household survey produced estimates of the number of family abductions (to both domestic and international destinations) nationwide. Cases identified in NISMA¹ are categorized as either “broad scope” or “policy focal”:

- ◆ **Broad-scope cases.** These are cases in which a family member either (1) took a child in violation of a custody agreement or decree or (2) failed to return or give over a child at the end of a legal or agreed-upon visit (in violation of a custody agreement or decree) and had kept the child away at least overnight. NISMA¹ researchers estimated that 354,100 children experienced an abduction under this definition. This category included most cases that would be considered abduction under even the broadest statutes and also many in which law enforcement agencies and prosecutors would not be involved (either because these cases would not fall under more stringent legal definitions or because agencies and prosecutors would use their discretion not to pursue them).
- ◆ **Policy-focal cases.** These are cases that fit the broad-scope definition but also have at least one of the following characteristics: (1) an attempt was made to conceal the taking or whereabouts of the child and prevent contact with the child; (2) the child was transported out of State; or (3) evidence existed that the abductor intended to keep the child indefinitely or to permanently affect custodial privileges. About 46 percent (163,200) of the broad-scope cases fell within this narrower definition (Finkelhor, Hotaling, and Sedlak, 1991).

NISMART researchers also found that an estimated 44,900 attempted parental abductions had occurred during the same time period (Finkelhor, Hotaling, and Sedlak, 1990).

Characteristics of Abductors and Abducted Children

Parental abduction is not restricted to any specific socioeconomic or ethnic group. However, researchers have identified some shared characteristics among both perpetrators and victims.

Ages of Child and Abductor

The NISMART study found that more than half of abducted children were under age 8 and about a quarter were under age 4 (Finkelhor, Hotaling, and Sedlak, 1990). Other studies indicate that children between the ages of 3 and 5 were the most likely to be abducted, with infants and adolescents being the least likely to be taken (Agopian and Anderson, 1981). Data from quantitative studies of both domestic and international cases reveal that both abducting and left-behind parents tend to be in their thirties (Agopian and Anderson, 1981; Finkelhor, Hotaling, and Sedlak, 1990; Chiancone and Girdner, 2000).

Gender of Child and Abductor

The NISMART study found that a larger percentage of boys (58 percent) than girls (42 percent) were victims of parental abduction, although the differences were not statistically significant. The data from NISMART also indicated a higher frequency of male abductors (72 percent) than female abductors (28 percent), with former husbands and boyfriends constituting the largest group (42 percent), followed by current husbands and boyfriends (21 percent). Female abductors in all categories accounted for only one-quarter of abductions (Finkelhor, Hotaling, and Sedlak, 1990). A study that looked specifically at international abductions found equal numbers of male and female abductors (Chiancone and Girdner, 2000).²

Cross-Cultural Marriages

In their study, Hegar and Greif (1994) found high rates of cross-cultural or international marriage among 371 families that had experienced parental abduction. Forty-seven (13 percent) of these abductions involved couples who differed in race or ethnicity, compared with the then national rate of 8 percent (U.S. Bureau of the Census, 1989). Cross-cultural marriages accounted for 16 percent (59) of the 371 families. Hegar and Greif (1994) also found that rates of foreign abduction were higher for racially or ethnically intermarried abductors (about 50 percent) than for the group as a whole (about 20 percent). Chiancone and Girdner's (2000) study of international abductions also showed high rates of cross-cultural and international marriage.

Janvier, McCormick, and Donaldson's (1990) data, drawn from a survey of 65 left-behind parents nationwide, showed a difference between international and domestic cases. The data documented that parents were divorced in slightly more than one-quarter (26 percent) of the international cases, compared with 48 percent of the domestic cases, and that in close to one-fifth (19 percent) of the international cases, the parents were married at the time of the abduction, compared with only 2 percent for domestic cases. Johnston (1994) identified several risk factors for parental abduction (see page 3). One of these is an abductor who has emotional or financial ties in another country.

Ongoing Parental Conflict

Both Greif and Hegar (1993) and Finkelhor, Hotaling, and Sedlak (1990) found high numbers (41 percent and 54 percent, respectively) of parental abductions taking place during the period between separation and divorce, a time when much conflict can occur. The findings of Johnston, Campbell, and Mayes (1985) suggest that children in families having high levels of ongoing parental conflict (e.g., relitigation of custody, physical or verbal aggression directed by one parent toward the other, or the formation of a parent-child alliance that excludes the other parent) are at risk for abduction, even with frequent parental visitation or joint custody arrangements.

Chiancone and Girdner (2000) found characteristics similar to those described above reflected in reported cases of international child abduction.

Reasons for Parental Abductions

The Motivation To Abduct

Studies have found that some abductors are motivated to abduct their child from the other parent in an effort to force a reconciliation or to continue interaction with the left-behind parent (Agopian, 1981; Sagatun and Barrett, 1990). In other instances, Agopian (1981) and Sagatun and Barrett (1990) found that abductors may have a desire to blame, spite, or punish the other parent. Abducting parents (particularly fathers) may fear losing legal custody or visitation rights, thereby facing a diminished parenting role with their child. Janvier, McCormick, and Donaldson (1990) and Sagatun and Barrett (1990) have also identified this as a motivation for abduction. In extreme cases, the abduction may be a result of the abductor's paranoid delusions and personality disorders (Agopian, 1984; Johnston, 1994; Sagatun and Barrett, 1990) or total disregard for the law (Blomquist, 1992; Kiser, 1987).

The motivation to abduct may also be an attempt to protect the child from a parent who is perceived to molest, abuse, or neglect the child, and in some cases, this may be a legitimate concern (Agopian, 1981; Sagatun and Barrett, 1990). Some abductors fear that the authorities may not take their concerns seriously (Sagatun-Edwards, 1996). In research conducted by the American Prosecutors Research Institute (APRI), prosecutors who were surveyed reported that abducting parents made allegations of child abuse in 27 percent of parental abduction cases. In most cases, these allegations were made against the left-behind parent. In 17 percent of cases, both the abducting and left-behind parent made allegations of abuse (Klain, 1995). The numbers are similar for allegations of domestic violence. About one-quarter of the cases involved allegations of domestic violence against the abductor, and another one-quarter involved allegations against the left-behind parent. About 11 percent involved allegations by both parents. Overall, 30 percent of the cases involved allegations of both child abuse and domestic violence (Klain, 1995).

Risk Factors for Abduction

Johnston (1994) and Sagatun-Edwards (1996) conducted research to identify factors that indicate the conditions under which children may be at risk of parental abduction. The study compared 50 families in which children had been abducted with 57 families that were undergoing very contentious divorce and custody disputes involving high levels of litigation. The study was conducted in two urban California counties.

Their findings indicated that many abductors share characteristics such as having low socioeconomic status (including unemployment), being young parents (many never having been married), and having young children. In addition, many abductors had prior criminal arrest records (Sagatun-Edwards, 1996). Combinations of these social factors were found to increase the risk of parental abduction (Sagatun-Edwards, 1996).

In this study, researchers found that an abduction was more likely to occur if the abductor had no financial or emotional ties to the geographic area from which the child was taken and/or if the abductor had the resources, such as liquidated assets and help from others, to hide from the left-behind parent or law enforcement. Having financial or emotional support in and connections to another country (often the abductor's native country) also increased the risk of abduction. Some abductors took children because of concerns about abuse or neglect, whether or not those concerns were valid. The act of abduction was an attempt to "rescue" the child from the other parent (Johnston, 1994).

Plass, Finkelhor, and Hotaling (1997) used data drawn from NISMART's national sample to identify demographic and family characteristics that appear to have a bearing on whether or not a risk of parental abduction exists. The study found an increased risk of abduction in families with white children, younger children (under 5 years old), or a history of violence between adults in the household. Larger family size (i.e., families with three or more children) was associated with a decreased risk of parental abduction. Although many potentially important psychological characteristics may also be predictors of parental abduction, this study focused specifically on sociological characteristics. Perhaps one of the most important findings of this study is the great similarity in the risk factors identified for both types of parental abduction (i.e., broad scope and policy focal). The authors point out that this study provides "clear evidence that there may be some consistency in the etiology of all kinds of [parental] abductions, and that measures aimed at preventing or controlling very alarming events (such as those which come to the attention of official agencies of some type) may also be effective in helping families who experience less dangerous, but still alarming, abductions" (Plass, Finkelhor, and Hotaling, 1997:347).

Greif and Hegar (1993); Hatcher, Barton, and Brooks (1993); and Kiser (1987) all found that domestic violence was reported in more than half of the parental abduction cases they studied. Greif and Hegar (1993) found that about 75 percent of male abductors and 25 percent of female abductors had exhibited violent behavior in the past. Janvier, McCormick, and Donaldson (1990) found that child abuse perpetrated by the abducting parent was reported to have occurred in as many as 66 percent of the domestic cases and in about 23 percent of the international cases they studied. However, despite this seemingly high level of family violence, it may not be a clear factor in assessing the risk of abduction. Johnston's (1994) study found that the level of domestic violence was not significantly different for families who were involved in parental abduction and families involved in contentious levels of custody litigation.

Psychological Impact of Abduction

One of the primary obstacles to the recovery of parentally abducted children is the general public's perception that children are not at risk of harm if they are in the physical custody of a parent, even if the parent is an abductor. Even many law enforcement personnel view parental abduction as "civil in nature" and a private family matter that is best handled outside the realm of the criminal justice system (Girdner, 1994a).

This is a serious misperception. The experience of abduction can be emotionally traumatic to both children and left-behind parents. It is particularly damaging in cases in which force is used to carry out the abduction, the child is concealed, or the child is held for a long period of time. According to the NISMART data, parents reported that abductors used force in 14 percent of parental abductions and coercive threats or demands in 17 percent (Finkelhor, Hotaling, and Sedlak, 1990). Nationally, force was used in about 50,000 cases, and more than 60,000 cases involved threats or demands (Finkelhor, Hotaling, and Sedlak, 1990).

Left-Behind Parents

Greif and Hegar (1991) surveyed left-behind parents registered with a missing child organization and learned that left-behind parents experienced feelings of loss, rage, and impaired sleep. Half of these parents reported feelings of loneliness, fear, loss of appetite, or severe depression. Of this group, slightly more than 50 percent sought professional help to cope with the situation. One-fourth of the parents were treated for depression, and one-fourth were treated for anxiety and other problems.

Forehand et al. (1989) also found that parents of abducted children reported that their level of psychological disturbance was high during the period the child was missing and somewhat reduced once the child had been recovered. However, the stress and trauma of the experience did not necessarily end when the child was recovered. Many parents in this study related that their psychological distress was higher after reunification with their child than it had been prior to the abduction, possibly because of concerns about a reabduction and/or stress associated with the reunification. In a different study, Hatcher, Barton, and Brooks (1993) found that nearly three-fourths (73.1 percent) of the left-behind parents surveyed related having concerns that their child would be reabducted.³

Moreover, the abduction of a child can have a devastating effect upon the economic well-being of the left-behind parent, which in turn can increase the parent's level of anxiety. Janvier, McCormick, and Donaldson (1990) found that the mean cost of searching for an abducted child was more than \$8,000 in domestic cases and more than \$27,000 in international cases. A study of international abductions found that parents spent an average of \$33,500 to search for and try to recover an abducted child. More than half of parents across all income brackets reported spending as much as or more than their annual salaries in attempting to recover their children (Chiancone and Girdner, 2000).

Abducted Children

Agopian (1984) interviewed a small sample of five children to determine the impact of family abduction on their lives. He found that the degree of trauma they experienced was related to the age of the child at the time of the abduction, the treatment of the child by the abducting parent, the abduction's duration, the child's lifestyle during the abduction, and the support and therapy received by the child after recovery.

Few studies definitively examine how long abducted children are typically denied access to the left-behind parent. The NISMART study (Finkelhor, Hotaling, and Sedlak, 1990) found that four out of five abductions (including both broad-scope and policy-focal cases) lasted less than a week. Forehand et al. (1989) showed that in most of the 17 cases they reviewed, children had been gone between 3 and 7 months. The duration of abductions described in other literature ranges from several days (Schetky and Haller, 1983) to 3 years (Terr, 1983). Agopian's (1984) research found that the length of separation from the left-behind parent greatly influenced the emotional impact on the abducted child. Generally, children held for shorter periods (less than a few weeks) did not give up the hope of being reunited with the other parent and, as a result, did not develop an intense loyalty to the abducting parent. These children were able to view the experience as a type of "adventure."

Victims of long-term abductions, however, fared much worse. They were often deceived by the abducting parent and frequently moved to avoid being located. This nomadic, unstable lifestyle made it difficult for children to make friends and settle into school, if they attended at all. Over time, younger children could not easily remember the left-behind parent, which had serious repercussions when they were reunited. Older children felt angry and confused by the behavior of both parents—the abductor for keeping them away from the other parent and the left-behind parent for failing to rescue them.

Terr's (1983) study reported on a sample of 18 children seen for psychiatric evaluations following recoveries from abductions (or after being threatened with abduction and/or unsuccessfully abducted). Nearly all the children (16 of 18) suffered emotionally from the experience. Their symptoms included grief and rage toward the left-behind parent, in addition to suffering from "mental indoctrination" perpetrated by the abducting parent. Likewise, another study of a sample of 104 parental abductions drawn from National Center for Missing and Exploited Children (NCMEC) cases revealed that more than 50 percent of the recovered children experienced symptoms of emotional distress (including anxiety, eating problems, and nightmares) as a result of being abducted (Hatcher, Barton, and Brooks, 1992).

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

In a longitudinal study, Greif (1998a, 1998b) recontacted victim parents who had been surveyed in an original study conducted in 1989–91 (Greif and Hegar, 1991) to learn how their children were faring years after reunification. Of the original 371 parents surveyed in 1989, 69 were recontacted for the 1993 survey (Hegar and Greif, 1993) and 39 for the 1995 survey. In the 1993 survey, most parents (86–97 percent) reported that their children were healthy and that their behavior and school performance were satisfactory or very satisfactory. Of these children, about 80 percent had received some mental health services. Likewise, the 1995 followup did not show significant changes in children's behavior. Their scores did not indicate that they were less adjusted than a normative group. Although, overall, children appeared to be doing quite well, a closer look at the sample showed that "those children who were doing the most poorly had been missing longer, had been reunited with their families for a shorter period of time, had no contact with the abductor, and reportedly had a worse abduction experience." (Greif, 1998a:54). This study's findings, while limited because of the inability to recontact all subjects, indicate that the level of trauma and the long-term impact of an abduction vary, depending on the child and family's individual experience and situation.

This conclusion appears to be echoed in the findings of a study based on NISMART data that examined the emotional trauma to children who are victims of parental abduction and found that abductions involving children age 5 and older and those that went on for longer periods were more likely to involve mental harm. In this study (Plass, Finkelhor, and Hotaling, 1996:126), the researchers indicated that the "emotional trauma of an episode seems related to factors associated with the disruption of the routine of the child(ren), with the presence of an increased level of conflict between adults, and with the general awareness of the child(ren) as to what is happening."

The Criminal Justice System's Response

Federal, State, and local law enforcement agencies and prosecutors' offices all have important roles to play in responding to the crime of parental abduction.⁴ Specifically, these entities are charged with the responsibility for investigating cases of missing children and filing criminal charges against abductors. Their responsibilities enable them to search for the abductor and child and gather evidence for possible prosecution (Girdner, 1994c).

Law Enforcement Agency Response

Law enforcement is often the first avenue of assistance that left-behind parents turn to when their child has been taken. Hatcher, Barton, and Brooks (1993) discovered that parents whose children had been abducted by the other

parent called law enforcement first in 90 percent of cases, usually within 24 hours of their initial concern (62 percent). Families also reported calling NCMEC (41 percent) and relatives of the abductor (29 percent) for assistance.

Using the data collected in the NISMART study, Plass, Finkelhor, and Hotaling (1995) found that parents reported that they contacted the police in about 40 percent of the cases (about 141,000). This indicates a higher reporting rate than in other family crimes, such as domestic violence (Plass, Finkelhor, and Hotaling, 1995). Results also indicated that parents were more likely to contact police if the child was actually taken, the abductor threatened to prevent any contact with the child, or an attempt was made to conceal the location of the child. Making a report to law enforcement agencies, however, does not ensure they will investigate. Collins and colleagues (1993) surveyed both left-behind parents and law enforcement personnel and learned that police, rather than handling these cases themselves, referred many cases to family courts, prosecutors, and social service agencies.

Obstacles to Handling Parental Abduction Cases

Law enforcement agencies point to the many obstacles they face in handling parental abduction cases, such as the following (Collins et al., 1993):

- ◆ Verifying custody orders, overcoming the poor documentation available on custody orders, and dealing with custody orders subject to varying interpretations.
- ◆ Deciphering the deceptive and contradictory information provided by the left-behind and abducting parents.
- ◆ Interpreting vague laws or statutes regarding custody and child abduction.
- ◆ Clarifying law enforcement's and prosecutors' roles in other jurisdictions.
- ◆ Overcoming lack of cooperation among judges (in enforcing civil custody orders).
- ◆ Having to rely on less than cooperative law enforcement authorities in other jurisdictions to assist in the return of the child and the abductor.

High-Priority Parental Abduction Cases

The limited research available indicates that law enforcement personnel are more likely to respond to those cases of parental abduction considered to be more "serious." These include cases in which the child is taken out of State and/or concealed (Finkelhor, Hotaling, and Sedlak, 1991; Girdner, 1994d). In cases when the child is taken out of State, a police response is more likely if a court order delineating custody has been issued in the State of the abduction. Girdner (1994d) found that, when there was no custody order, the existence of a restraining order prohibiting the removal of the child from the originating State doubled the number of States in which police would undertake a search for a parentally abducted child (42 percent of States, compared with 22 percent when no action was pending and 25 percent when custody was pending)

Other factors that may prompt a high-priority police investigation are cases in which there is a family history of abusing the child, the abducted child is in danger of sexual exploitation, or the child has special medical needs (Collins et al., 1993).

Reporting and Investigation

The National Child Search Assistance Act of 1990 (42 U.S.C. § 5780) requires that law enforcement agencies take a missing child report and enter information about that child into the National Crime Information Center (NCIC) database without a waiting period, regardless of whether the abduction constitutes a criminal violation. Primary responsibility for entering the missing child's description into the NCIC database rests with law enforcement agencies. Left-behind parents surveyed by Hatcher, Barton, and Brooks (1993) reported that 55.8 percent of law enforcement agencies entered the child's name into the NCIC database during the first week after the abduction. However, almost half (14) of the State missing children clearinghouses surveyed by Girdner (1994d) reported that, in practice, law enforcement personnel inaccurately think that there must be a violation of the State parental abduction statute before they are required to make an NCIC entry. Most law enforcement personnel identified an alternative agency as authorized to make an NCIC entry. In one-third of the States, no entry was made if the designated law enforcement agency failed to make an entry (Girdner, 1994d).

In practice, entry into the NCIC database could also depend on the marital and custodial status of the left-behind parent, in part because of the nature of some States' custodial interference statutes. The existence of a custody order doubled or tripled the number of States in which an NCIC entry on the child was reported to be routinely entered compared to cases in which custody had not yet been determined (75 percent for in-State custody orders, compared with 44 percent for out-of-State custody orders and 25 percent for cases in which a custody order was pending). About 40 percent of respondents stated that law enforcement rarely or never entered names of abducted children, unless there was an existing or pending custody order (Girdner, 1994d).

The study conducted by Plass, Finkelhor, and Hotaling (1995) looked at law enforcement's response to receiving a report of parental abduction. Based on a survey of parents, the study found that the police took an average of three of the following six actions for each case:⁵

- ◆ Police took a report over the phone (27 percent).
- ◆ An officer was sent to the scene (54 percent).
- ◆ The responding officer interviewed the parent (58 percent).
- ◆ The officer produced a written report during the interview (61 percent).
- ◆ Police obtained photographs of the child(ren) (24 percent).
- ◆ Police referred the case to another agency (36 percent).

Many parents surveyed in this study did not perceive the police response as appropriate. Sixty-two percent said they were "somewhat" or "very" dissatisfied with police handling of their cases (Plass, Finkelhor, and Hotaling, 1995).

State Missing Children Clearinghouses

State missing children clearinghouses can provide law enforcement agencies with assistance in investigating and recovering parentally abducted children. All States and the District of Columbia have official State missing children clearinghouses. These clearinghouses provide public education and information; communicate and coordinate with parents, attorneys, law enforcement officials, and personnel of other agencies; and assist in

locating and recovering abducted children. Some also serve as a State contact for the United States Central Authority in Hague Convention cases (Girdner, 1994d).⁶

In a study of clearinghouses, Girdner (1994d) learned that approximately 50 percent had handled more than 200 cases of parental abduction since their inception. Eighty-one percent of these clearinghouses were located in criminal justice agencies (e.g., State police, criminal investigation, justice), although only 45 percent reported having any type of law enforcement authority. Almost 75 percent provided technical assistance in specific cases and kept a centralized file of cases.

Federal Bureau of Investigation

The Parental Kidnapping Prevention Act of 1980 (28 U.S.C. § 1738A) authorizes the FBI to investigate cases in which children have been abducted by parents or their agents across State lines or out of the country. The vast majority of cases (73.1 percent) reviewed by Hatcher, Barton, and Brooks (1993) revealed no assistance from the FBI. For left-behind parents who have had FBI assistance, half reported being very satisfied with the agency's work (Hatcher, Barton, and Brooks, 1993). For those who did not have FBI involvement, more than 39 percent of left-behind parents believed FBI involvement would have led to a faster recovery of their child. About one-fourth (26 percent) of these parents also stated that, based on their knowledge, their cases did qualify for FBI assistance (Hatcher, Barton, and Brooks, 1993).

Criminal Court and Prosecutors

Federal and State-level criminalization of parental abduction has resulted in changes in how these cases are handled, not only by law enforcement agencies but also by criminal courts and prosecutors' offices. Before the enactment of the Uniform Child Custody Jurisdiction Act and Parental Kidnapping Prevention Act of 1980, even in cases in which custody orders had been issued, parents who left a State with a child might be able to obtain in another State a conflicting custody order that might then be upheld. Most left-behind parents seeking to recover their children had to do so without help from law enforcement agencies. Additionally, even though civil courts had the authority to impose civil sanctions on parents who violated court orders, the courts rarely exercised that authority (Blomquist, 1992).

Research indicates that few jurisdictions have had much experience in prosecuting cases of parental abduction. A nationwide survey of 74 prosecutors' offices conducted by APRI indicated that 78 percent of respondents handle only 1 to 5 parental abduction cases every year; 90 percent handle between 1 and 20 per year (Klain, 1995). A much smaller percentage (4 percent) handle more than 100 cases each year. Just 1 in 25 prosecutors' offices in the country have specialized parental abduction units. Most parental abduction cases (58 percent) are handled by nonspecialists or by one or several designated attorneys. The rest are handled by domestic violence, family crime, special assault, or child abuse units (Klain, 1995).

Sagatun and Barrett (1990) reviewed 43 parental abduction cases handled by a California family court services agency between 1983 and 1987. They found that criminal proceedings were instituted in 58 percent of the cases (67 percent of abductions committed by a mother and 33 percent of abductions committed by a father), with a warrant being issued in 52 percent. In 69 percent of the cases in which a warrant was issued, arrests were made.

In a survey of State missing children clearinghouses, Girdner (1994d) asked about involvement of prosecutors' offices in locating children in cases in which a criminal offense of parental abduction was committed under State law. More than 40 percent (15) of the clearinghouses reported that local prosecutors' offices were involved in locating the child, most frequently by obtaining warrants.

Low Numbers of Cases Handled by the Criminal Justice System

Although there are no numbers that enable a comparison of the number of criminally litigated cases with the 163,200 serious (or policy focal) cases reported by the NISMART study (Finkelhor, Hotaling and Sedlak, 1991), anecdotal evidence suggests that many cases are likely being screened out of the criminal justice system or are not being addressed at all. Girdner (1994a) identified some reasons for the low number of cases that end up in the criminal justice system:

- ◆ Parental abduction statutes vary from State to State, with some classifying the crime as a felony and others as a misdemeanor.
- ◆ Many States fail to use or are inconsistent in using other procedures (e.g., flagging school and birth records) when investigating abductions.
- ◆ Law enforcement agencies and missing children clearinghouses are generally underfunded, and parental abduction cases get a lower priority because of the greater demands associated with other offenses.
- ◆ Law enforcement personnel and prosecutors are inexperienced or lack knowledge in the handling of these cases and, consequently, are not complying with Federal and State laws (e.g., taking missing child reports, entering information into the NCIC database).

International parental abduction cases are further complicated by the need to enlist the help and cooperation of foreign governmental agencies, including law enforcement and the courts. In some cases, left-behind parents and those who assist them must contend with cultural and religious prejudices and with relatives and underground networks that facilitate the disappearance of the abductor and child (Kiedrowski, Jayewardene, and Dalley, 1994). Some abductors also participate in “forum shopping”: locating a country and jurisdiction where the abductor believes courts will grant him or her custody.

Conclusion

The research on parental abduction indicates that these incidents can be highly traumatic for both children and left-behind parents and that the longer the period of separation, the more damaging the impact is for the child and the left-behind parent. Parental abduction is a crime in all 50 States and the District of Columbia. However, for a variety of reasons, the criminal justice system’s response to these cases has historically been inadequate and sporadic. Improved education—for law enforcement personnel, prosecutors, and the public-at-large—is needed to ensure a quicker and more effective response to the children and families affected by these crimes.

Endnotes

1. For information on NISMART 2, see Hanson, 2000.
2. *Issues in Resolving Cases of International Child Abduction* (NCJ 182790) is available from the Juvenile Justice Clearinghouse Call 800–638–8736 or order it online at www.ncjrs.org/register.
3. The sample for this study was based on a random sampling of National Center for Missing and Exploited Children cases. Many parents in the original random sample could not be located. Some of these parents may have moved to prevent the abductor from finding them.

4. For more recent information on this subject, consult *The Criminal Justice System's Response to Parental Abduction* (NCJ 186160). The background information presented here is meant to supplement the more detailed information in that document.

5. It is important to note that these results reflect the parents' perception of the police response and may not reflect the actual police response (Plass, Finkelhor, and Hotaling, 1995). Police were not interviewed in this study.

6. The Hague Convention on the Civil Aspects of International Child Abduction, ratified by the United States in 1998, is an international treaty currently in effect in 43 countries. (For the most recent list of countries that have ratified the Hague Convention, see www.travel.state.gov/hague_list.html.) It serves to simplify and expedite the return process when children have been abducted internationally. The Convention's implementing procedures can be found in the International Remedies Act (42 U.S.C. §§ 11601 et seq.). In 1993, the United States also passed the International Parental Kidnapping Act (18 U.S.C. § 1204), making the abduction or retention of a child from the United States a Federal felony.

References

Agopian, M.W. 1981. *Parental Child Stealing*. Lexington, MA: Lexington Books.

Agopian, M.W. 1984. The impact on children of abduction by parents. *Child Welfare* 63(6):511–519.

Agopian, M.W., and Anderson, G.L. 1981. Characteristics of parental child stealing. *Journal of Family Issues* 2(4):471–483.

Blomquist, M.E. 1992. *Prosecutors' Response to Parental Child Stealing: A State-Wide Study*. Final Report to the U.S. Department of Justice. Sacramento, CA: Office of the California Attorney General.

Chiancone, J., and Girdner, L. 2000. *Issues in Resolving Cases of International Child Abduction*. Final Report to the Office of Juvenile Justice and Delinquency Prevention. Washington, DC: American Bar Association Center on Children and the Law.

Collins, J.J., Powers, L.L., McCalla, M.E., Ringwalt, C.L., and Lucas, R.M. 1993. *Law Enforcement Policies and Practices Regarding Missing Children and Homeless Youth*. Research Summary. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Finkelhor, D., Hotaling, G., and Sedlak, A. 1990. *Missing, Abducted, Runaway, and Thrownaway Children in America—First Report: Numbers and Characteristics, National Incidence Studies*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Finkelhor, D., Hotaling, G., and Sedlak, A. 1991. Children abducted by family members: A national household survey of incidence and episode characteristics. *Journal of Marriage and the Family* 53:805–817.

Forehand, R., Long, N., Zogg, C., and Parrish, E. 1989. Child abduction: Parent and child functioning following return. *Clinical Pediatrics* 28(7):311–316.

Girdner, L. 1994a. Executive summary. In *Obstacles to the Recovery and Return of Parentally Abducted Children*, Final Report, edited by L. Girdner and P. Hoff. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, pp. i–xxvi.

Girdner, L. 1994b. Introduction. In *Obstacles to the Recovery and Return of Parentally Abducted Children*, Final Report, edited by L. Girdner and P. Hoff. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, pp. 1–1 to 1–13.

Girdner, L. 1994c. Key laws relating to parental abductions and obstacles to their effectiveness. In *Obstacles to the Recovery and Return of Parentally Abducted Children*, Final Report, edited by L. Girdner and P. Hoff. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, pp. 2–1 to 2–13.

Girdner, L. 1994d. The view from State missing children clearinghouses. In *Obstacles to the Recovery and Return of Parentally Abducted Children*, Final Report, edited by L. Girdner and P. Hoff. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, pp. 9–1 to 9–30.

Greif, G.L. 1998a. The long-term impact of parental abduction on children: Implications for treatment. *The Journal of Psychiatry and Law* 26:45–60.

Greif, G.L. 1998b. Many years after the parental abduction: Some consequences of relevance to the court system. *Family and Conciliation Courts Review* 36(1):32–40.

Greif, G.L., and Hegar, R.L. 1991. Parents whose children are abducted by the other parent: Implications for treatment. *American Journal of Family Therapy* 19:215–225.

Greif, G.L., and Hegar, R.L. 1993. *When Parents Kidnap: The Families Behind the Headlines*. New York, NY: The Free Press.

Hanson, L. 2000. *Second Comprehensive Study of Missing Children*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Hatcher, C., Barton, C., and Brooks, L. 1992. *Families of Missing Children*. Final Report to Office of Juvenile Justice and Delinquency Prevention. San Francisco, CA: Center for the Study of Trauma, University of California–San Francisco.

Hatcher, C., Barton, C., and Brooks, L. 1993. *Reunification of Missing Children: Training Manual*. Washington, DC: U.S. Department of Justice.

Hegar, R.L., and Greif, G.L. 1993. How parentally abducted children fare: An interim report on families who recover their children. *The Journal of Psychiatry and Law* 21:373–383.

Hegar, R.L., and Greif, G.L. 1994. Parental abduction of children from interracial and cross-cultural marriages. *Journal of Comparative Family Studies* 25(1):135–146.

Janvier, R., McCormick, K., and Donaldson, R. 1990. Parental kidnapping: A survey of left-behind parents. *Juvenile and Family Court Journal* 41:1–8.

Johnston, J.R. 1994. Final report of stage 1, part B: Identification of Risk Factors—The interview study. In *Prevention of Parent or Family Abduction Through Early Identification of Risk Factors*, Report to the Office of Juvenile Justice and Delinquency Prevention, edited by L. Girdner and J. Johnston. Washington, DC: American Bar Association Center on Children and the Law.

Johnston, J.R., Campbell, L.E., and Mayes, S.S. 1985. Latency children in post-separation and divorce disputes. *Journal of the American Academy of Child Psychiatry* 24:563–574.

Kiedrowski, J., Jayewardene, C.H.S., and Dalley, M. 1994. *The Police and Parental Abduction: An Overview for Police Direction*. Ottawa: Royal Canadian Mounted Police.

Kiser, M.A. 1987. Parental kidnapping: Identifying high risk factors. Unpublished doctoral dissertation. Kansas: Wichita State University.

Klain, E.J. 1995. *Parental Kidnapping, Domestic Violence and Child Abuse: Changing Legal Responses to Related Violence*. Arlington, VA: American Prosecutors Research Institute.

Noble, D.N., and Palmer, C.E. 1984. The painful phenomenon of child snatching. *Social Casework* 65(6):330–336.

Plass, P.S., Finkelhor, D., and Hotaling, G.T. 1995. Police response to family abduction episodes. *Crime and Delinquency* 41(2):205–217.

Plass, P.S., Finkelhor, D., and Hotaling, G.T. 1996. Family abduction outcomes: Factors associated with duration and emotional trauma to children. *Youth and Society* 38(1):109–130.

Plass, P.S., Finkelhor, D., and Hotaling, G.T. 1997. Risk factors for family abduction: Demographics and family interaction characteristics. *Journal of Family Violence* 12(3):333–347.

Sagatun, I.J., and Barrett, L. 1990. Parental child abduction: The law, family dynamics, and legal system responses. *Journal of Criminal Justice* 18:433–442.

Sagatun-Edwards, I.J. 1996. Final report of stage 1, part A: A documentary study. In *Prevention of Parent or Family Abduction Through Early Identification of Risk Factors*, Report to the Office of Juvenile Justice and Delinquency Prevention, edited by L. Girdner and J. Johnston. Washington, DC: American Bar Association Center on Children and the Law.

Schetky, D. H., and Haller, L. H. 1983. Child psychiatry and law: Parental kidnapping. *Journal of the American Academy of Child Psychiatry* 22:279–285.

Senior, N., Gladstone, T., and Nurcombe, B. 1982. Child snatching: A case report. *Journal of the American Academy of Child Psychiatry* 21:579–583.

Terr, L. 1983. Child snatching: A new epidemic of an ancient malady. *The Journal of Pediatrics* 103:151–156.

U.S. Bureau of the Census. 1989. *Current Population Reports, Series P-20, no. 433. Marital Status and Living Arrangements: March 1988*. Washington, DC: U.S. Government Printing Office.

This review was prepared by Janet Chiancone, M.S., Program Manager, Research and Program Development Division, Office of Juvenile Justice and Delinquency Prevention.