

7 FAM 1700 CHILDREN'S ISSUES

7 FAM 1710 INTERNATIONAL PARENTAL CHILD ABDUCTION

*(CT:CON-115; 10-17-2005)
(Office Of Origin: CA/OCS/PRI)*

7 FAM 1711 INTRODUCTION

7 FAM 1711.1 Policy

(CT:CON-102; 02-27-2005)

International parental child abduction is increasing and has become an extremely serious problem, including in the United States. International parental child abduction has received much attention from the media, state and federal governments, and the legal and law enforcement communities. Individual cases of international child abduction can become highly visible, attracting attention at the highest levels of government and affecting bilateral relationships. You must approach each case carefully and professionally, recognizing the Department's overarching interest in the protection of minor U.S. citizens/nationals as well as the potential public and diplomatic ramifications. For a full discussion of how to respond to requests from U.S. citizens/nationals for temporary emergency protection/emergency refuge at post, see 7 FAM 180.

7 FAM 1711.2 Consular Responsibilities

(CT:CON-102; 02-27-2005)

It is both important and instructive to understand that your consular responsibilities in international parental child abduction and wrongful retention cases are drawn from the broader function of protecting U.S. citizens abroad, with additional emphasis on the protection of a child who has been the victim of an abduction or wrongful retention. Your goal in most

abduction or retention cases is facilitating the return of the child through lawful means to his or her habitual residence. Even in those countries that do not have a treaty relationship with the United States under The Hague Convention on the Civil Aspects of International Child Abduction, your actions should be in keeping with the principles behind the Convention. You should make every effort to ensure that children who have been abducted or wrongfully retained are promptly returned, using available and lawful means, to their country of habitual residence.

7 FAM 1711.3 Child And Parent

(CT:CON-102; 02-27-2005)

Your actions in abduction and wrongful retention cases will normally prove to be of assistance to left-behind parents, since in most cases the interests of the left-behind parent and child coincide. Ultimately, protection of the child is our paramount concern, which most often means returning the child to his or her habitual residence in the United States. However, consistent with the authority provided by Article 5(h) of the Vienna Convention on Consular Relations (VCCR) noted above, your focus should be on safeguarding the interests of the child rather than those of the parent. The host country is obligated by treaty to permit you to take appropriate action to safeguard the interests of a U.S. citizen/national child, but not to act as an agent for either parent.

7 FAM 1711.4 Definitions

(CT:CON-102; 02-27-2005)

The following definitions may be useful in implementing the procedures in this subchapter.

Child. In general, this means an unmarried person under the age of 18. For purposes of providing consular services in the context of international parental child abduction, other factors may affect a child's status.

- (1) Hague Abduction Convention:** The return remedy created by the Hague Abduction Convention is only available with respect to children 15 years old and younger. (See 7 FAM 1714 for specifics and other requirements.)
- (2) The Reid Amendment ("Two Parent Signature Law"):** Section 236 Of The Admiral James W. Nance And Meg Donovan Foreign Relations Authorization Act, Public Law 106-113, 113 STAT. 1501A-420 (22 U.S.C. 213 and 22 U.S.C. 213 Notes). This law requires

that both parents or legal guardians execute the U.S. passport application for a child under the age of 14. There are, however, exceptions to this requirement. (see 7 FAM 1300)

- (3) **Foreign Military Service:** Some countries treat a child serving in the armed forces of that country, whether enlistee or inductee, as an adult. In general, the U.S. does **not** consider such persons to be adults. We must, however, recognize it as a fact, and as a possible hindrance to providing certain consular services to or on behalf of a child. See also the Optional Protocol Children in Armed Conflict to the U.N. Convention on the Rights of the Child. The United States is a party to this optional protocol. See Treaties in Force on the Department of State Internet page.
- (4) **Marriage:** Although a married person is generally considered an adult, regardless of age, the Department is aware of cases involving abducted children whose taking parents have arranged marriages for them in the foreign country while the children are still very young. In such circumstances, we generally treat them as children for the purposes of this chapter. See 7 FAM 1740 Forced Marriage of Minors.

Parent. For the purposes of this chapter, the term “parent” refers to a biological parent, adoptive parent, stepparent, foster parent or other person acting “in loco parentis” or who has legal right of custody to a child, as well as government or other public institutions with legal rights of custody to a child.

- (1) **Left Behind Parent (LBP):** The person fitting the definition of “Parent” who has lost, or fears losing, physical and/or legal custody of a child through abduction or wrongful retention by the other parent.
- (2) **Taking Parent (TP):** The person fitting the definition of “Parent” who has removed, or plans to remove, a child from the physical and/or legal custody of the other parent in violation of the other parent’s rights of custody. This definition also applies to a parent who may have taken the child with the other parent’s consent, but who then retains the child abroad in violation of the other parent’s rights of custody (“wrongful retention”).

Child Abduction Convention. For the purposes of this chapter, this term, or simply the word “Convention”, is shorthand for the Hague Convention on the Civil Aspects of International Child Abduction.

Central Authority. Each country party to the Hague Abduction Convention

selects an entity or person to be responsible for coordinating the application of the Hague Convention in that country. The Department of State is the U.S. Central Authority. The Office of Children's Issues in the Consular Affairs Bureau (CA/OCS/CI) has been designated as the action office, and performs the functions required of the Central Authority under the Hague Abduction Convention.

IPCA Database. The International Parental Child Abduction computer application (IPCA) is a database used by the Office of Children's Issues and by posts abroad to record and monitor child abduction, access, and prevention cases.

National Center for Missing and Exploited Children. NCMEC was established in 1984 as a private, nonprofit 501(c)(3) organization to provide services nationwide for families and professionals in the protection of abducted, endangered, and sexually exploited children. Pursuant to the applicable federal regulations and an agreement with the U.S. Departments of State and Justice, NCMEC assists the Department of State in certain cases of international child abduction, particularly those where the child is in, or believed to be in, the United States (incoming cases). NCMEC provides a wide range of services, including:

- (1) Receiving and processing all incoming Child Abduction Convention cases, under the direction of CA/OCS/CI;
- (2) Helping to locate abducted children by liaising with federal, state, and local law enforcement;
- (3) Helping LBP's to find legal counsel in the United States to bring cases under the Convention and implementing legislation (ICARA). (see 7 FAM 1712 Authorities)
- (4) Counseling parents and referring the LBP to other mental health services; and
- (5) Monitoring U.S. Hague cases for compliance with the Convention and working with State when problems arise.

7 FAM 1711.5 The Scope Of Consular Action

(CT:CON-115; 10-17-2005)

- a. The basic principle of international law--that a person residing or traveling abroad is subject to the laws of the host country and the jurisdiction of its courts--applies to children as well as to adults. The laws of the country where the child is present physically, even though temporarily, are

normally controlling. As a consular officer you may not violate, or assist others in violating, the host country's law. Nonetheless, it is usually possible for you to provide significant assistance to parents and others seeking the lawful return of an abducted or wrongfully retained child to the United States. To do so effectively and within the law, you should:

- (1) Learn and understand the implications of local law in abduction, wrongful retention, custody, and access matters;
- (2) Develop contacts with resource personnel in the host country who can provide direct assistance, suggest guidance, or provide detailed information in specific cases;
- (3) Be able to outline the steps in the relevant local judicial, immigration and social welfare processes for parents; and
- (4) If the host country has a treaty relationship with the United States under the Hague Abduction Convention, be familiar with the provisions of the Convention, understand the process by which the host government fulfills its obligations under the Convention, and be aware of any problems with host government compliance with the Convention.

NOTE: Always keep in mind, and stress whenever appropriate, that an abducted or wrongfully retained child is present in the foreign country as the result of an act that is a **criminal offense** in the United States.

b. Return of Abducted Children: Consular officers have no legal authority to obtain physical custody of children or to return them to requesting parents. See 7 FAM 1772. Where a foreign court has ordered a child returned to the United States under the Hague Child Abduction Convention, consular officers should monitor the child's welfare and assist with return arrangements if necessary, but ultimate responsibility for return of the child rests with the host government authorities. New passports may be provided when necessary without two parent signature based upon the court return order. See 7 FAM 1360 Passports for Minors and 22 CFR 51.27. In addition, you may be asked to assist in obtaining a significant benefit parole visa for the taking parent, in coordination with CA/OCS/CI, to permit that parent's participation in custody proceedings in the United States. See 9 FAM 42.1 N4, Parole. For detailed instructions on return of a child to the United States, especially those abducted in non-Hague countries, see 7 FAM 1770 Return of Children. 7 FAM 180 provides guidance on the granting of temporary emergency protection.

7 FAM 1711.6 Information And Services

(CT:CON-102; 02-27-2005)

Consular officers may not offer legal advice to parents or others. However, you may (and should) provide a range of information and procedural guidance, and direct parents to those who can provide assistance and more specific advice, including legal counsel.

7 FAM 1711.6-1 Provide General Information

(CT:CON-102; 02-27-2005)

Have clear, current information on hand about the child custody laws of the host country and the relevant judicial procedures.

7 FAM 1711.6-2 Attorneys List

(CT:CON-102; 02-27-2005)

Develop and make available a current list of local attorneys who practice family law, or have experience in child abduction and custody matters. Identify those attorneys who are willing to take cases on a pro bono or reduced fee basis. In countries with which the United States has a treaty relationship under the Hague Abduction Convention, a list of attorneys who have handled prior Hague cases is especially useful. See 7 FAM 900 for general guidance on development of triennial lists of attorneys.

7 FAM 1711.6-3 Your Role

(CT:CON-102; 02-27-2005)

Explain what you, the post, and the Department can and cannot do in abduction cases. See the International Parental Child Abduction Handbook - Part II on the Department of State, Bureau of Consular Affairs Internet home page for sample information you may reproduce locally and give to inquirers to help explain the scope of and limits to the consular officer's role.

7 FAM 1711.6-4 Hearings

(CT:CON-102; 02-27-2005)

When necessary and appropriate, help convey U.S. Government interest in cases by attending or monitoring custody or related court proceedings or proceedings under the Hague Abduction Convention.

Note: if a Hague Abduction Convention return application is pending in a host country, custody proceedings should be stayed until it is clear that the child will not be returning to the United States under the Convention. (see Article 16)

7 FAM 1711.6-5 Encourage Dialogue

(CT:CON-102; 02-27-2005)

Suggest or arrange a neutral meeting place where parents involved in a custody or abduction-related dispute can attempt to resolve their differences.

Note: Be careful to maintain impartiality in arranging meetings and facilitating communications, regardless of the perceived relative merits of the case. Avoid influencing the decisions or actions of either parent.

7 FAM 1711.6-6 Professional Mediation

(CT:CON-102; 02-27-2005)

Provide information on any available mediation resources or organizations that parents might use to help resolve their differences. See, for example, NCMEC; International Social Services (ISS-USA) feature on Mediating in Child Abduction and Securing Home Assessments. ISS-USA also provides services to U.S. citizen/national repatriates under a cooperative agreement with the U.S. Department of Health and Human Services (HHS/ACS/ORR). See 7 FAM 390 Reception and Resettlement.

7 FAM 1711.6-7 Force And Deception

(CT:CON-102; 02-27-2005)

As a consular officer, you may **not** assist a parent to gain physical custody of a child by force or deception or otherwise in violation of a host country's law. You should:

- (1) Inform a parent contemplating such action of the dangers involved, including the possibility of criminal prosecution; and
- (2) Discourage parents from obtaining the services of professional "recovery experts", given the risks involved to the child and others, including the left-behind parent.

Note: Normally, you are under no obligation to report a parent's possible plans to gain physical custody of a child in violation of host country laws to either local authorities or the other parent. However, if a parent has threatened violence or appears to pose a threat to the safety of the child or the other parent, you may inform the other parent or local authorities, as appropriate.

Note: You should inform the Department immediately if you become aware of plans by a left-behind parent to "re-abduct" a child.

7 FAM 1711.7 Working With Parents

(CT:CON-102; 02-27-2005)

- a. Interacting with parents in an abduction or disputed custody situation is challenging and complex, and requires considerable tact, diplomacy and strong interpersonal skills.
- b. Custody disputes are often bitter; international abductions and wrongful retentions abroad are often extreme responses in custody disputes. The Left behind parent (LBP) or the Taking parent (TP), and sometimes both, often accuse each other of behavior harmful to the child or to the other parent. They may allege, for example, that the other parent is an alcoholic, drug addict, criminal, sexual deviate, or child abuser.
- c. You should never disregard such statements, or any claims that the child may suffer from serious diseases or health conditions, but you should always be mindful that mutual recriminations may be rooted in a bitter parental dispute and may not be supported by the facts. See 7 FAM 1720 – Child Abuse and Neglect.

7 FAM 1711.8 General Guidelines

(CT:CON-102; 02-27-2005)

- a. Review each active abduction and access case thoroughly to ensure you are familiar and current with all the relevant facts.
- b. When speaking to the LBP, personalize the case by using the child's name as much as possible.
- c. Pull the case up in the IPCA Database immediately so you can refer to

people by name, as well as take detailed notes of each conversation.

- d. Be polite and try very hard not to seem rushed. You may have a lot of work to do, but the LBP has lost his/her child. Bring your most compassionate and professional demeanor to bear.
- e. Try to treat each LBP as if this is the only case you have to work on. If you are in the middle of an urgent task, ask if you can call back or meet again when you have time to give the LBP your full attention.
- f. Return telephone calls and e-mails promptly.
- g. If you sense that the LBP needs more emotional support than you can or are qualified to provide, explain that there may be resources available where she/he lives to share expertise and provide support. Among them are:
 - (1) **State Victims of Crime programs:** CA/OCS can assist in locating local points of contact. (see 7 FAM 1900); and
 - (2) **NCMEC:** Particularly when the LBP is calling you from the United States, you may refer them to the NCMEC counseling services at 703-837-6304.
- h. Avoid inaccurate use of the term "child custody case." You should always refer to the case as an "abduction" or "wrongful retention" case, if that's what it is. This demonstrates to the LBP that you understand the seriousness of what has happened and the possible criminality involved.
- i. Avoid using acronyms as much as possible. Not only can they be confusing to the listener, but also they can be misinterpreted.

Note: The LBP will form his or her impression of you -- and the Department -- based on their initial contact with you, often over the telephone. Even though you may be under significant pressure from other work, interacting with the LBP with courtesy and compassion will help you build a relationship of trust, which will aid you as you work with the parent.

7 FAM 1711.9 Child Abduction and Criminal Law

(CT:CON-102; 02-27-2005)

Consular officers should not speculate or engage in dialogue with the host country officials, parents or their representatives regarding child abduction and extradition, mutual legal assistance treaties or prosecution in general

absent specific guidance from the Department (CA/OCS and L/LEI). Parental child abduction is a felony in every U.S. state and a federal crime under the International Parental Kidnapping Act, 18 U.S.C. 1204, (IPKA).

Nevertheless, a perpetrator must be charged with a crime and a warrant issued before any action will be taken against him/her. . Only if he perpetrator is the subject of an IPKA warrant or an Unlawful Flight to Avoid Prosecution, 18 U.S.C. 1073, (UFAP), warrant based on state felony laws, is there indication of an intent to prosecute. Therefore, absent the issuance of a warrant, you should not say, "the taking parent (TP) is a criminal", since there has been no criminal finding by a court of competent jurisdiction.

Rather, you may say, parental child abduction is a crime in the United States, citing 18 U.S.C. 1204 and/or state felony laws. See also Using the Criminal Justice System on the Consular Affairs Internet page and 7 FAM 1647 Extradition and Parental Child Abduction.

7 FAM 1712 AUTHORITIES

(CT:CON-102; 02-27-2005)

- a. Authority to provide consular services in parental child abduction cases derives from a variety of treaties, laws, regulations, and Executive Orders.
- b. **Treaties:** You should be aware of which treaties apply in the host country. See Treaties in Force on the Department of State Internet site.
 - (1) The Vienna Convention on Consular Relations (VCCR) provides the basic authority for consular protection of nationals. The United States and over 150 other nations are parties to the VCCR, which is among the basic sources of international legal authority for the consular officer's engagement on behalf of U.S. citizen/national children abroad. If the VCCR is in force in the host country, you should be familiar with the provisions of the treaty related to consular protection of nationals. See Treaties in Force on the Department of State Internet home page to confirm whether or not the host country is a party to the VCCR. While consular officers perform functions relating to the welfare of all U.S. citizens/nationals, the VCCR accords special recognition to the protection of minors because of their vulnerability. You have a special obligation to be proactive and creative when dealing with children's issues in general, and with abduction and custody issues in particular.

Article 5 of the VCCR provides that consular functions

include

“(h) **Safeguarding** within the limits imposed by the laws and regulations of the receiving State [host country], **the interests of minors** and other persons lacking full capacity who are nationals of the sending State [the United States], particularly where any guardianship or trusteeship is required with respect to such persons”

- The VCCR addresses not only your authority as consular officers, but also the responsibilities of the host country. Article 37 of the VCCR concerns host country responsibilities when it is apparent that a minor may be subject to appointment of a guardian or trustee.

Article 37 VCCR provides ...

“If the relevant information is available to the competent authorities of the receiving State, such authorities shall have the duty:

(b) to inform the competent consular post without delay of any case where the appointment of a guardian or trustee appears to be in the interests of a minor or other person lacking full capacity who is a national of the sending State. The giving of this information shall, however, be without prejudice to the operation of the laws and regulations of the receiving State concerning such appointments.”

- (2) **Bilateral Consular Conventions:** See the CA/OCS Intranet page treaties section for information about bilateral consular conventions. Check Treaties in Force on the Department of State Internet page to confirm the status of a particular treaty.
- (3) **The Hague Convention on the Civil Aspects of International Child Abduction.** This treaty was signed by the U.S. in 1980 and entered into force for the United States in 1988. The Hague Abduction Convention is perhaps our most useful tool in resolving those parental abduction cases governed by it and provides a conceptual framework for addressing non-Hague cases as well. For the mechanics of the system created by the Convention, see 7 FAM 1714. In general, the purposes of the Hague Abduction Convention are:
 - (a) To secure the prompt return of children wrongfully removed to or retained in one signatory country to the signatory country in which the child is habitually resident;

- (b) To facilitate parental access to children; and
 - (c) To ensure that rights of custody and of access under the law of one signatory country are effectively respected in another.
- c. **U.S. Laws, Regulations And Executive Orders:** Parental child abduction is a significant issue within the United States. As a result, several federal laws have been enacted on the subject, in addition to many more relevant state laws. While these laws are often enforceable only within the United States, they may have impact on the status of a child and a taking parent outside the United States.

(1) **General**

- 22 U.S.C. 1731 Protection of Naturalized Citizens
- 22 U.S.C. 3904(1) Functions of Service
- 22 CFR 71.1 Protection of Americans Abroad

(2) **Uniform Laws on Child Custody**

What is NCCUSL and What is a Uniform Law?

The National Conference of Commissioners on Uniform State Laws (NCCUSL) is a non-profit unincorporated association, comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. The state uniform law commissioners come together as the National Conference for one purpose—to study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. It must be emphasized that the Conference can only propose—no uniform law is effective until a state legislature adopts it.

- The Uniform Child Custody Jurisdiction Act (UCCJA) facilitates the mutual recognition and adjudication of child custody determinations by state courts. NCCUSL proposed the UCCJA in 1968 and all 50 States have adopted the UCCJA in some form. See also Uniform Matrimonial and Family Laws Locator.
- The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) enhances the UCCJA by granting exclusive continuing jurisdiction to the state making the original custody determination (child's "home state"), clarifying the limits of emergency jurisdiction, and providing for direct enforcement of custody orders

as well as Hague Convention return orders. The UCCJEA also provides for recognition of custody orders issued by courts outside the United States. To date, many, but not all states, have adopted the UCCJEA model.

- (3) **U.S. Federal Law and Parental Child Abduction International Parental Kidnapping Crime Act (IPKCA)**, (18 U.S.C. 1204) makes it a felony to remove or attempt to remove a child younger than 16 from the U.S., or to retain the child outside the United States, with the intent to obstruct the lawful exercise of parental rights.

National Child Search Assistance Act of 1990 (NCSA) (42 U.S.C. 5779 (Reporting Requirement) and 42 U.S.C. 5780 (State Requirements): The NCSA requires local, state and federal law enforcement agencies, when informed of an abduction, to immediately enter the appropriate data into the National Crime Information Center (NCIC) database without requiring a waiting period.

Parental Kidnapping Prevention Act (PKPA) (1980), 18 U.S.C. 1073, authorizes the issuance of Federal Fugitive Felony Warrants (i.e.: Unlawful Flight to Avoid Prosecution (UFAP)) in parental kidnapping cases when the abductor has fled the relevant state or the United States to avoid prosecution. It also authorizes the use of the Federal Parent Locator Service of the Department of Health and Human Services to locate abducted children and abducting parents.

International Child Abduction Remedies Act (ICARA) (1988), 42 U.S.C. 11601 implemented the Hague Abduction Convention in the United States in accordance with federal regulations found at 22 CFR 94, International Child Abduction.

The Reid Amendment ("Two Parent Signature Law"): Section 236 Of The Admiral James W. Nance And Meg Donovan Foreign Relations Authorization Act, Public Law 106-113, 113 STAT. 1501A-420 (22 U.S.C. 213 and 22 U.S.C. 213 Notes). This law requires that both parents or legal guardians execute the U.S. passport application for a child under the age of 14. There are, however, exceptions to this requirement. See 7 FAM 1300 Passport Services.

- (4) **Delegations of Authority:**

- Delegation of Authority No. 173: Delegation to the Director of the Office of Citizens Consular Services - Hague Convention on

the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act. (From CA to CA/OCS)

- Delegation of Authority No. 172: Delegation of Authority with Respect to Performance of the Functions of Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction. (From the Secretary to CA)

7 FAM 1713 RELEASE OF INFORMATION TO PARENTS

7 FAM 1713.1 Privacy Act Guidelines

(CT:CON-102; 02-27-2005)

- a. The Privacy Act of 1974, (5 U.S.C. 552a) subsection (h), permits, but does not require, the release to either parent of otherwise protected information concerning a minor, regardless of which parent has legal custody (for the text of the Act, and further background, see the CA/OCS/PRI Intranet library).
- b. There is no federal statute defining the age of a "minor" for all purposes. In most cases, the Department considers any unmarried U.S. citizen/national or lawfully admitted permanent resident alien under the age of 18 to be a "minor" (see 7 FAM 1711.1 for definition). This definition differs from that of "child" for visa purposes.
- c. The Privacy Act, in Sec. 3, defines an individual as "a citizen of the United States or an alien lawfully admitted for permanent residence". This means that the Privacy Act does not apply to an alien who is not a legal permanent resident. (See 7 FAM 1713.6 for more information on release of visa records.)
- d. The Privacy Act makes no distinction between married and unmarried parents.
- e. Either parent or legal guardian of a minor, regardless of marital status, may request access to Privacy Act protected records about that minor. However, the Act makes discretionary the release of any information about a minor to parents and legal guardians.
- f. You must consider the wishes of the minor concerning the release of Privacy Act protected information about him or her if you know them. A

minor's rights under the Privacy Act should be respected absent credible evidence that the release of the information is needed in order to ensure the health or safety of the minor.

NOTE: If a child objects to the release of Privacy Act protected information concerning him or herself, it should not be released, even to a parent, before consulting with the Department (CA/OCS/CI and CA/OCS/PRI) to determine whether disclosure is permissible under the circumstances.

- g. You may not release information concerning the minor to any relatives (other than the minor's parents or legal guardians), to the press, to members of Congress, or to others, **UNTIL**
- (1) A corresponding written Privacy Act waiver concerning only the minor is signed by the minor or one of the minor's parents authorizing such disclosure, **OR**
 - (2) One of the exceptions to the bar on disclosures (e.g., health and safety exception, routine use exception) is established.

7 FAM 1713.2 Refusing the Release of Information To A Parent About the Location of a Minor

(CT:CON-102; 02-27-2005)

You should refuse to release information about the location of a minor when:

- (1) In your judgment, doing so could endanger the minor or other people.
- (2) Disclosing the location of the minor will violate the privacy of a U.S. citizen or legal permanent residence parent who has physical custody of the minor (5 U.S.C. 552a(a)(2), also see 7 FAM 1721(b)).
- (3) The minor asserts his/her own rights under the Privacy Act and objects to the release of the information.
- (4) The parent requesting the information has had his or her parental rights terminated in an earlier judicial proceeding by a court of competent jurisdiction.

7 FAM 1713.3 Protecting Information About the Taking Parent

(CT:CON-102; 02-27-2005)

Often during a child abduction, retention, or custody case, you will come to know certain information regarding the Taking Parent (TP) (location, workplace, telephone number, etc.). The Left Behind Parent (LBP) may ask you to divulge this information. The factors to consider before sharing information about the TP with others are the nationality and immigration status of the TP, and the source of the information.

- (1) If the parent with physical custody of the child is a U.S. citizen or lawful permanent resident alien (LPR), the Privacy Act protects the parent's right to privacy relating to records about him or her.

<p>NOTE: In such cases, you need to obtain a written Privacy Act waiver from the Taking Parent BEFORE information about the Taking Parent, or information that relates to both the child and the Taking Parent, can be disclosed.</p>

- (2) If the TP is not a U.S. citizen/national or LPR, you may release information about the TP to the LBP or others, as necessary and appropriate. You may also release information about the child even when doing so would also result in releasing information about the TP, unless you determine that such release:
 - (a) Could endanger the child or other people; and/ or
 - (b) Is contrary to the child's own wishes concerning the release of information about him or her.
- (3) If the LBP requests information about the child and obtains a U.S. federal court order requiring the release of such information, forward any such requests and orders to the Department (CA/OCS/CI and L/LM) for authorization to release the information.

7 FAM 1713.4 Releasing Information About the Left-Behind Parent (LBP) to the Taking Parent (TP)

(CT:CON-102; 02-27-2005)

Sometimes the TP will ask for information regarding the Left Behind Parent. In most circumstances, it will not be in the best interests of the LBP or the child to release such information.

- (1) If the LBP is not a U.S. citizen or LPR, you may release the information if you believe it is in the child's best interest.
- (2) If the LBP is a U.S. Citizen or LPR, you must obtain a Privacy Act

waiver before releasing information about the LBP to the TP.

7 FAM 1713.5 Passport Records

(CT:CON-102; 02-27-2005)

The Department maintains United States passport information on individuals for the period from 1925 to the present. These records normally consist of applications for U.S. passports and supporting evidence of U.S. citizenship, and are protected by the Privacy Act.

7 FAM 1713.5-1 Obtaining Copies Of Passport Records

(CT:CON-102; 02-27-2005)

- a. The Privacy Act allows individuals to obtain copies of records relating to themselves.
- b. Either of a child's parents may also obtain from the Department of State copies of the United States passport records relating to their child.
- c. Either parent may request information about their child's U.S. passport, unless their parental rights have been legally terminated. To request information about a child's passport, the parent should submit:
 - (1) A typed or clearly printed and notarized request, providing the child's full name, date and place of birth, current address, and the reason for the request; and
 - (2) The estimated date of the passport's issuance and any additional passport information that will enable the Department to conduct a full search.
- f. If the parent would like an authenticated copy of the child's passport records, refer them to the guidance on the Department of State, Bureau of Consular Affairs Internet home page about Obtaining Copies of Passport Records.

7 FAM 1713.5-2 Cautioning Parents

(CT:CON-102; 02-27-2005)

When assisting parents with request for information about their children's passports or passport records, posts should also advise them that:

- (1) Passport records do not include evidence of travel such as

entrance/exit stamps, visas, residence permits, etc., since this information is entered into the passport book after issuance; and

- (2) This process does not apply to foreign passports. A child who has or may have the citizenship of another country (which is often the case if one parent has a foreign nationality) may be eligible to hold, or be included in, a foreign passport in addition to a U.S. passport. The concerned parent may contact the embassy of the other nationality for information and assistance.

7 FAM 1713.6 Visa Records

(CT:CON-102; 02-27-2005)

The Department's policies relating to release of visa information are contained in 9 FAM 40.4 Notes.

DO NOT RELEASE VISA RECORDS OR INFORMATION UNTIL YOU HAVE CHECKED 9 FAM AND CONFERRED WITH CA/VO AS APPROPRIATE.

7 FAM 1713.7 Requests for Department or Post Testimony or Other Records

(CT:CON-102; 02-27-2005)

Refer inquirers to 22 CFR 172 Service Of Process; Production Or Disclosure Of Official Information In Response To Court Orders, Subpoenas, Notices Of Depositions, Requests For Admissions, Interrogatories, Or Similar Requests Or Demands In Connection With Federal Or State Litigation; Expert Testimony. (see 2 FAM 500 Legal Affairs).

7 FAM 1714 THE HAGUE ABDUCTION CONVENTION

7 FAM 1714.1 Background

(CT:CON-102; 02-27-2005)

Twenty-three nations, meeting at the Hague Conference on Private International Law in 1976, agreed to negotiate a treaty aimed at deterring international parental child abduction. Between 1976 and 1980, the United States was a major force in preparing and negotiating the Hague Convention

on the Civil Aspects of International Child Abduction. The Convention came into force for the United States on July 1, 1988, and applies to abductions or wrongful retentions that occurred on or after that date. See the Hague Conference Child Abduction Home Page on the Internet.

7 FAM 1714.2 Purpose

(CT:CON-102; 02-27-2005)

Countries party to the Convention have agreed (subject to certain limited exceptions) that a child wrongfully removed to or retained in one country shall promptly be returned to the other member country where the child was habitually resident before the abduction or wrongful retention. The Convention also calls on signatory countries to facilitate the exercise of parental visitation (“access”) rights between party countries.

7 FAM 1714.3 General Provisions

7 FAM 1714.3-1 Return Of Child

(CT:CON-102; 02-27-2005)

Under the Hague Abduction Convention member nations must return an abducted or wrongfully retained child IF:

- (1) The child is below the age of 16;
- (2) The child was “habitually resident” in a Convention country prior to the wrongful removal or retention;
- (3) The applicant had and was exercising rights of custody under the law of the child’s country of habitual residence at the time of the wrongful removal or retention; and
- (4) The petition for return is filed with a court or other adjudicative body within one year of the date of the wrongful removal or retention.

FYI: After one year, a court or other competent authority is still obligated to order the child returned **unless** the person resisting return successfully demonstrates that the child is settled in the new environment.

7 FAM 1714.3-2 The Hague Convention Is Nationality-Neutral

(CT:CON-102; 02-27-2005)

If a child habitually resident in one Convention country is abducted to or wrongfully retained in another, the Convention's return and other remedies are available regardless of the child's nationality or the nationality of either parent.

- (1) For example, the United States is obligated to return to Italy an American citizen child habitually resident in Italy, even if the taking parent is an American citizen and the applying LBP is a citizen of Russia (which does not have a treaty relationship with the United States under the Convention).
- (2) The Convention also pertains in cases where the child is not a U.S. citizen but was habitually resident in the United States prior to an abduction or wrongful retention.

7 FAM 1714.3-3 Reasons a Return Application May Be Denied

(CT:CON-102; 02-27-2005)

A court or other competent authority may (but is not required to) refuse to order a child returned under the Convention if it determines that one or more of the following defenses to an application for return apply:

- (1) There is a grave risk (which should be narrowly interpreted) that the child would be exposed to physical or psychological harm or otherwise placed in an intolerable situation;
- (2) The left-behind parent consented to or acquiesced in the child's removal or retention;
- (3) The child objects to being returned and has reached an age and degree of maturity at which the court can take account of the child's views;
- (4) The application was filed more than one year after the abduction or wrongful retention AND the person resisting return demonstrates that the child is well settled in the new environment; and
- (5) The return of the child would violate the fundamental principles of human rights and freedoms of the country where the child is located.

7 FAM 1714.3-4 Access

(CT:CON-102; 02-27-2005)

Article 21 of the Hague Abduction Convention calls on states party to make arrangements for organizing or securing the effective exercise of rights of access, and to “remove all obstacles” to the exercise of access rights. The Convention does not specify how this is to be achieved.

7 FAM 1714.3-5 Central Authority

(CT:CON-102; 02-27-2005)

- a. Each country with which the United States has a treaty relationship under the Convention has designated a Central Authority to carry out specific duties under the Convention.
- b. A person seeking the return of a child to the United States under the Convention may submit an application to the U.S. Central Authority, directly to the Central Authority of the country where the child is believed to be located, or (in many countries) directly to the appropriate court or other adjudicative authority.
- c. The Central Authority for the United States is the Department of State, specifically:

**Office of Children’s Issues
Overseas Citizens Services (CA/OCS/CI)
Department of State
Washington, D.C. 20520-2818**

7 FAM 1714.3-6 Full Text

(CT:CON-102; 02-27-2005)

The English language text of the Convention is found at the Hague Conference on Private International Law Internet page Child Abduction feature. It is also available on the CA/OCS Intranet page.

7 FAM 1714.3-7 Party/Signatory Countries

(CT:CON-102; 02-27-2005)

The United States has a treaty relationship with certain specified countries. It is important to understand this because the United States does not have a treaty relationship with all countries party to the Convention as listed on the Hague Conference Child Abduction status page. It is also important to

understand that just because a country, which is a “signatory” to the Convention, does not mean that the treaty is in force for that country. Signing a Convention is a signal of interest, but does not mean that the country has acceded to or ratified the treaty. In addition, under the terms of the treaty, countries “party” to the Convention may have the right to refrain from entering into a treaty relationship with other countries “party” to the Convention. The U.S. evaluates a country’s preparedness for Child Abduction Convention duties before it accepts that country as a treaty partner. See Treaties in Force on the Department of State Internet page, 11 FAM 744.1 and CA/OCS Intranet treaties feature. In addition, see the Consular Affairs Internet page for Party Countries and Effective Dates With the United States.

7 FAM 1714.4 Department's Responsibilities In Hague Convention Return And Access Cases

(CT:CON-102; 02-27-2005)

As the designated U.S. Central Authority, the Department, through CA/OCS/CI, handles all inquiries and correspondence from parents, their attorneys, and other interested parties concerning children abducted to or from Hague Convention countries.

- (1) In cases involving abduction from a Hague country **to the United States** (“incoming”), CA/OCS/CI is assisted by the National Center For Missing and Exploited Children (NCMEC), a private, grant-funded agency headquartered in Alexandria, VA. Under the direction of the U.S. Central Authority, CA/OCS/CI, NCMEC acts as the primary point of contact for incoming cases, processing applications, locating children, arranging for legal services for applicants (including finding pro bono or reduced fee legal assistance in most cases), communicating with foreign central authorities and monitoring the progress of Hague Convention cases in the courts.
- (2) In cases involving abduction **from the United States** (“outgoing”) to another Hague Convention country, CA/OCS/CI is responsible for processing applications under the Convention, communications with foreign central authorities, and coordinating with posts.

FYI: For information about processing inquiries, correspondence, and applications concerning children abducted to or from non-Hague Convention countries, see 7 FAM 1715.

7 FAM 1714.5 Consular Officer Responsibility In Hague Convention Cases

(CT:CON-102; 02-27-2005)

Consular officers in countries with which the United States has a treaty relationship under the Hague Abduction Convention are responsible for supporting the Department's efforts to ensure that cases are handled consistently with the Convention. In some Hague Convention countries with highly developed administrative and legal systems experienced with the Convention, your involvement in individual return and access cases may be relatively limited. It is always important to remember, however, that even in Convention countries, a left-behind parent may choose, generally in consultation with legal counsel, to pursue remedies alongside or instead of those created by the Convention and that require significant consular assistance. Furthermore, posts may need to assist parents in facilitating a child's return to the United States pursuant to a return order.

7 FAM 1714.5-1 Cases Originating In The Department

(CT:CON-102; 02-27-2005)

The Department will advise posts for information purposes that a Hague case is ongoing in their district, and may call upon a post to conduct a welfare/whereabouts search, attempt to visit the child, make a formal protest, confirm communication, or take other actions on the Department's behalf.

7 FAM 1714.5-2 Cases Originating At Post

(CT:CON-102; 02-27-2005)

On occasion, your post will be the first to learn of an abduction case that may qualify as a Hague case, generally when the LBP contacts the post directly. In such cases, you should take the following actions:

- (1) **Make a Preliminary Determination:** The relevant Central Authority often will decide initially whether a particular case qualifies as a Hague case. However, consular officers in countries with which the United States has a treaty relationship under the Convention should try to make an informal determination about whether the Hague Convention is potentially applicable under the circumstances in order to provide meaningful guidance to the LBP or other inquiring party. The Worksheet at 7 FAM Exhibit 1714.5-2 should be helpful in this regard;
- (2) **Assist parents in making the initial contact with CA/OCS/CI**

and/or the host country central authority, after making clear that the parties should deal directly with the central authorities of the United States and the foreign country concerned;

- (3) **If the LBP is located in the United States**, and the case appears to qualify as a Hague case;
 - (a) Enter the facts of the case into the IPCA Database; and
 - (b) Refer the caller to CA/OCS/CI.
- (4) **If the LBP or other caller is physically located in the consular district**, whether the inquirer is a U.S. citizen parent or a foreign national, you should refer them to the host country central authority and notify CA/OCS/CI; and
- (5) **Explain to the caller** that the appropriate authorities (e.g., the relevant Central Authority or courts) must make the official decision on the applicability of the Hague Convention to a specific case.

Child abduction, wrongful retention, and access cases arising in countries with which the United States **DOES NOT** have a treaty relationship under the Convention, or cases in which the child's abduction or wrongful retention took place **PRIOR** to the Convention's entry into force between the United States and the host country, should be handled in accordance with 7 FAM 1715.

7 FAM 1715 NON-HAGUE CONVENTION CASES

(CT:CON-102; 02-27-2005)

The Hague Convention may not apply to a particular case of international parental child abduction/wrongful retention for any one of several reasons. Some of the most common include:

- (1) The host country does not have a treaty relationship with the United States under the Convention;
- (2) The child is age 16 or older;
- (3) The abduction or wrongful retention took place before the date on which the United States accepted the host country's accession to the Hague Convention; and

Note: Parents seeking **ACCESS** under the Convention, as opposed to **RETURN** of the child, may invoke the Convention even if the child's removal predates the Convention's entry into force between the U.S. and the host country.

- (4) The LBP has elected to pursue the child's return or other remedies without recourse to the Hague Abduction Convention.

7 FAM 1715.1 Department's Actions In Non-Hague Convention Return And Access Cases

(CT:CON-102; 02-27-2005)

- a. The Department provides services to U.S. citizens in cases of international parental child abduction or wrongful retention to which The Hague Abduction Convention is not applicable on the basis of its general responsibility for the welfare of private U.S. citizens abroad.

Note: Unlike in Hague Abduction Convention cases, the child **MUST** be a U.S. citizen/national, or the child of a U.S. citizen/national, in order for the Department or the consular officer to provide consular services in a non-Hague case.

- b. Consular Officers in CA/OCS/CI tailor the steps they take, and those they request of post, to each case, and to the judicial and administrative practices and cultural norms of the country involved.
- c. CA/OCS/CI oversees the International Parental Child Abduction (IPCA) database, making the majority of entries and creating a variety of management reports, public relations data, and background for congressionally mandated reports.
- d. Recognizing the strong media and public attention these cases can generate, CA/OCS/CI works closely with the geographic bureaus, Public Affairs, and Congressional Relations, to generate press guidance, briefing papers, talking points and recommended political and diplomatic approaches to specific cases.

7 FAM 1715.2 Consular Officer Role In Non-Hague Return And Access Cases

(CT:CON-102; 02-27-2005)

Non-Hague cases tend to be particularly complex and difficult, and require considerable effort, expertise, and creativity on the part of consular officers

both in the Department and at post in a coordinated effort to achieve the return of an abducted or wrongfully retained child to the United States. In such cases, simultaneously pursuing consular and parental access to the child is a related goal. Occasionally, left-behind parents may only want the Department to help the parent gain access, not the child's return.

Note: CA normally relies more heavily on the consular officers in the field in non-Hague cases, both as experienced sources of information and as action officers.

7 FAM 1715.2-1 Locate Child And Ascertain Welfare

(CT:CON-102; 02-27-2005)

Often the first step in responding to an abduction/wrongful retention case is to confirm the child's welfare and whereabouts. In situations where the taking parent is uncooperative, this may require host government assistance. (see 7 FAM 1716).

7 FAM 1715.2-2 Coordination With Host Government And Department

(CT:CON-102; 02-27-2005)

Responding to abduction/wrongful retention cases often requires the involvement of host government authorities. Some posts have found it useful to establish regular meetings with key host government officials to review outstanding cases and identify potential remedies.

7 FAM 1715.2-3 Information On Options And Resources

(CT:CON-102; 02-27-2005)

As a consular officer at a U.S. embassy or consulate abroad, you are a source of information and experience for the Department and for the individuals involved in the dispute concerning the child. As such, it is vital that you develop a core of information and contacts that includes:

- (1) Background on the judicial system of the host country, with emphasis on the law (including judicial opinions), regulations, and law enforcement and administrative practices relevant to custody and related disputes;
- (2) An understanding of any laws, traditions or cultural mores that might affect the parents or the child on the basis of gender, age, nationality, or religion;

- (3) A working knowledge of local nationality laws, particularly as they might affect a United States citizen spouse or child;
- (4) A list of capable local attorneys willing to represent a parent in abduction and access cases, particularly those willing to provide pro bono or reduced fee services;
- (5) Information on social welfare services and benefits available to children and parents, including access to free or reduced fee legal aid;
- (6) Information on any domestic violence shelters or similar social service organizations or facilities that might assist a parent and/or child;
- (7) A list of other private or quasi-government organizations that may be able to provide support and assistance; and
- (8) A range of contacts within the public and private sector that you can call upon for assistance and information in specific cases

7 FAM 1715.3 Cases Originating At Post

(CT:CON-102; 02-27-2005)

Normally, inquiries from the LPB or their representative will be directed to the Office of Children's Issues (CA/OCS/CI). Some inquirers may contact the post directly, either because they are unaware of the existence of the Office of Children's Issues and their role, or because they are already in country. Whenever the post is contacted directly, the consular officer should:

- (1) Obtain all available information from the requesting party;
- (2) Initiate a new case in the IPCA database;
- (3) Notify the appropriate case officer in CA/OCS/CI of the case immediately by e-mail, telephone, or cable. A list of case officers and their portfolios is available to posts on the CA/OCS/CI Intranet website; and
- (4) Advise the caller, particularly if in the U.S., to contact CA/OCS/CI directly.

Office of Children's Issues (CA/OCS/CI)
Department of State (SA-29)

Washington, D.C. 20520-2818

General Information: 1-888-407-4747 (8 a.m.-8 p.m. EST)

CA/OCS General Number: 202-736-9090

Abduction Unit 202-736-9124

Fax: 202-736-9133

Automated Fax: 202- 647-3000

Internet: <http://travel.state.gov/family/abduction.html>

OCS/CI Office Hours: 8:30 a.m. to 5:00 p.m., Mon-Fri

OCS After Hours Duty Program: Available 24/7.

7 FAM 1716 WELFARE AND WHEREABOUTS VISITS TO ABDUCTED OR WRONGFULLY RETAINED CHILDREN

7 FAM 1716.1 Locating An Abducted Or Wrongfully Retained Child

(CT:CON-102; 02-27-2005)

Whether as a result of a request from CA/OCS/CI, a phone call or a visit from an left behind parent (LBP), often one of your first actions in a specific case will be to locate the child and, in most cases, the taking parent (TP). Possible resources include:

7 FAM 1716.1-1 Available Records

(CT:CON-102; 02-27-2005)

- a. **Post Records:** Check your own records for any recent or previous information on the child and/or the TP.
- b. **Immigration Records:** Assuming records are reliable, and that you can gain access to them, often the best and fastest method of locating the child, or at least confirming their entry into the country, is through host government immigration sources.
- c. **School Records:** If the child is school age, school officials may be a useful source.

7 FAM 1716.1-2 Family Members

(CT:CON-102; 02-27-2005)

Often the LBP can provide the names, addresses, and phone numbers of various members of the TP's family. Whether these inquiries can be made by phone or require a personal visit will depend on the circumstances of the case.

- (1) You may wish to have an FSN or other individual with language capability at the native level to make the initial call, if the TP is a national of the host country.
- (2) When making "cold" calls on family members, it is generally best to try and contact every person in quick succession, to minimize the possibility of one family member alerting another that you are looking for the child, which may cause them help to conceal the child's whereabouts.
- (3) It is often best to simply ask to speak to the taking parent, rather than immediately ask about the child. If he or she does answer, the circumstances of the individual case will dictate whether you should disconnect at that point, or begin a dialogue with the TP.
- (4) Occasionally, the LBP will provide the contact information for an in-law or family friend who may be sympathetic to the LBP, and therefore an excellent source of information for the consular officer.
- (5) It is conceivable that the abducted child might answer the phone. While the circumstances of the case will dictate your actions, in most instances it is probably not best to identify yourself at that point to the child or begin questioning the child. Instead, consider asking for the Taking Parent or simply ending the call.

7 FAM 1716.1-3 Visual Identification

(CT:CON-102; 02-27-2005)

On occasion, the only way to confirm definitively the location of the child or the taking parent may be for the consular officer to see them personally or to enlist the help of others in the community who may have seen the child or TP.

- (1) Whenever possible, CA/OCS/CI will obtain photographs of the child and the TP and provide them to post.
- (2) Consider utilizing the expertise of your anti-fraud investigators to circulate the photos in neighborhoods, shops, schools, churches,

synagogues, mosques, etc. where the child or TP may spend time.

- (3) Children who have been abducted or wrongfully retained are often the subjects of Interpol missing persons ("yellow") notices. These are disseminated through law enforcement channels. CA/OCS/CI can assist in confirming that local law enforcement has received copies of "yellow notices" for children in a particular country.
- (4) Once a child is located, the consular officer should make every effort to interview or visit the child personally. If unusual circumstances prohibit a personal visit by the consular officer, post should arrange for an appropriate local official or consular agent to make the visit. See sections 7 FAM 1716.3 through 1716.6 for detailed instructions about how to conduct and report on these "welfare and whereabouts" visits.

7 FAM 1716.2 Objection To Visit By LBP

(CT:CON-102; 02-27-2005)

Normally, "welfare and whereabouts" visits are part of the services offered LBP's and most are eager to have the visit take place and anxious to hear the results. At times, however, an LBP will specifically ask that no visit be made. This is usually out of concern that the TP might be alarmed and take the children to another, more secret, and location. Sometimes, however the LBP believes that the child will soon be back in her/his physical custody, and does not want to involve U.S. and/or host government officials. In these cases:

Note: Remember that our first concern is for the welfare of the child. While we normally want to respect the wishes of a parent, there are rare circumstances, such as when credible evidence or allegations of abuse exist, in which the visit should take place notwithstanding objections from the LBP.

- (1) Determine the LBP's reasons for objecting to the visit;
- (2) Assess the child's circumstances;
- (3) If you believe that a visit is necessary, consult with CA/OCS/CI before conducting the visit, if circumstances permit; and
- (4) If the urgency of the circumstances requires it, take action immediately to protect the child and consult with CA/OCS/CI as soon as possible thereafter.

7 FAM 1716.3 Preparation For Visit

(CT:CON-102; 02-27-2005)

You should carefully plan and execute consular welfare visits in abduction cases. The checklist at 7 FAM Exhibit 1716.3 should be helpful. These visits are extremely important for a number of reasons:

- (1) To confirm the health and welfare of the child;
- (2) To provide some measure of comfort or reassurance to the LBP;
- (3) To promote direct communications between the LBP and child;
- (4) To develop background material for possible later use; and
- (5) To aid in the process of eventually bringing the two parents or families together to try and come to a resolution.

7 FAM 1716.3-1 Consent Of The TP Or Other Custodian

(CT:CON-102; 02-27-2005)

While a "cold" visit may be appropriate to locate or confirm the whereabouts of the child, in-depth consular visits normally will be possible and successful only with the cooperation, or at least the consent, of the TP or the other person supervising the child. You should be as persuasive as possible in trying to obtain this cooperation or permission, pointing out the advantages to all concerned of an impartial third party seeing the child.

7 FAM 1716.3-2 List Key Issues

(CT:CON-102; 02-27-2005)

Establish in advance the points you wish to observe and questions you want to ask during the visit.

Note – Child Abuse: An important part of this is to be aware of the signs of CHILD ABUSE, whether or not it has been alleged by the LBP. See 7 FAM 1720 Child Abuse and Neglect for further information.

7 FAM 1716.3-3 Input From Left Behind Parent (LBP)

(CT:CON-102; 02-27-2005)

Before the visit, have the LBP provide you with a list of items or issues of key interest to them, including:

- (1) Questions they would like you to ask;
- (2) A description of the general appearance of the child(ren) the last time they saw them;
- (3) Photographs of the child(ren), if available;
- (4) Any long term or chronic medical conditions that mandate continued use of medication;
- (5) Any existing learning disabilities or issues, and how they should be addressed in school; and
- (6) Any allegations or history of abuse or mistreatment (see above).

7 FAM 1716.3-4 Equipment

(CT:CON-102; 02-27-2005)

You may find it useful to take along:

- (1) A camera, preferably digital;
- (2) Cellular telephone; and
- (3) Portable audio recording device.

7 FAM 1716.3-5 Items From Left Behind Parent

(CT:CON-102; 02-27-2005)

You may be asked by the LBP to provide certain things to the child, or even to the TP. While you should carry out the LBP's wishes if possible, you should also exercise a reasonable degree of caution:

- (1) **Letters to the child:** Advise the LBP that you can only pass on open correspondence that you have the opportunity to read in advance.

<p>Note: You do not want to unknowingly aid in an illegal "rescue" plan. Nor do you want to unnecessarily damage any potentially useful relationship between you and the Taking Parent.</p>
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- (2) **Photographs** of the LBP and other family members
- (3) **School Records:** Advise the LBP that you may give them to the TP, or the school authorities, but normally not directly to the child.
- (4) **Medical and Dental Records:** Again, generally you should give

these documents to the TP, unless the child is of sufficient age to deal with them responsibly.

7 FAM 1716.4 Conducting The Visit

(CT:CON-102; 02-27-2005)

While the exact logistics and circumstances of the visit will depend on the specific case and your own judgment and experience, there are some standard issues you should try to address:

7 FAM 1716.4-1 Visit the Home

(CT:CON-102; 02-27-2005)

The visit should take place in the home where the child is actually living if at all possible. If the TP brings the child to the consulate, ask if a follow-up home visit can be scheduled.

7 FAM 1716.4-2 Keep It Informal

(CT:CON-102; 02-27-2005)

The checklist at 7 FAM Exhibit 1716.3 and the information on child abuse at 7 FAM 1720 and 7 FAM 1900 (Crime Victim Assistance) intended to assist you in organizing the visit. Taking informal notes during the visit is recommended.

Note: Avoid obviously ticking off a paper checklist in front of the child and TP. You may seem overly intrusive and bureaucratic.

7 FAM 1716.4-3 Private Conversation

(CT:CON-102; 02-27-2005)

If the child is old enough to converse, ask if it is possible to meet alone with the child for a portion of the visit.

7 FAM 1716.4-4 Be Observant

(CT:CON-102; 02-27-2005)

Note the abducting parent's demeanor or conduct toward the abducted child, and towards the consular officer. Also, note any comments the TP makes about the LBP.

7 FAM 1716.4-5 Medications

(CT:CON-102; 02-27-2005)

Make a specific inquiry about any special care required by the child, such as the continued use of necessary medication. Ask to see any medicine the child is taking.

7 FAM 1716.4-6 Camera

(CT:CON-102; 02-27-2005)

Offer to take photographs of the child and surroundings to share with the LBP, if the tenor of the visit permits.

7 FAM 1716.4-7 Contact With The LBP

(CT:CON-102; 02-27-2005)

Offer to let the child use your cell phone to communicate directly with the LBP if the tenor of the visit permits. If this is not feasible, ask if the child may make a voice recording to be given to the LBP.

7 FAM 1716.4-8 Arrange Future Communications

(CT:CON-102; 02-27-2005)

Ask if the LBP may communicate directly with the child after the visit by telephone, mail, or the Internet, as appropriate.

7 FAM 1716.4-9 Maintain A Compassionate But Professional Demeanor

(CT:CON-102; 02-27-2005)

As you interact with the TP and the child, keep in mind that feelings between the TP and the LBP often run very high and the TP may seek to influence you by making prejudicial claims against the LBP. Focus on the purpose of the visit—to observe the welfare of the child and make a report. As you interact with the TP over time, it will be important to maintain this professional demeanor and avoid taking sides in the details of the parental conflict.

7 FAM 1716.5 Frequency Of Visits

7 FAM 1716.5-1 Follow-Up Visits

(CT:CON-102; 02-27-2005)

After the initial visit, you may have to make frequent follow-up visits depending on the level of activity on the case. Circumstances such as serious or prolonged illness of the child or a change of residence may also require frequent visits.

7 FAM 1716.5-2 Routine Visits

(CT:CON-102; 02-27-2005)

If there is no need for more frequent visits, you should visit an abducted child at least quarterly.

7 FAM 1716.5-3 Ending Routine Visits

(CT:CON-102; 02-27-2005)

If a one-year period elapses without deterioration of the child's condition, you may request authorization from CA/OCS/CI to end the routine visits.

- (1) Indicate whether the LBP is in regular contact with the child, since this will influence the decision.
- (2) Questions regarding the advisability of visits or other monitoring of a child's welfare should also be addressed to CA/OCS/CI.

7 FAM 1716.6 Reporting On Child Visits

(CT:CON-102; 02-27-2005)

It is essential that a concise, factual report be made of each visit. You can expect these reports to be of great interest to the LBP, and to be scrutinized in great detail. You should also bear in mind that they will often reach a wider audience, including attorneys, congressional offices, and the media.

7 FAM 1716.6-1 Cable

(CT:CON-102; 02-27-2005)

Send a report of the visit by telegram to the Department using text in a form that can be directly converted to a letter addressed to the LBP or other requester.

- (1) The cable should be informative, but factual. Include your direct observations, without interpretation or comment.
- (2) Avoid direct quotes if possible, and if you do include them, make

certain they are accurate - word for word – and given in the context of the conversation.

- (3) Address any specific questions or topics provided by the LBP in advance of the visit.
- (4) Include only information relating to the child. Do not provide information on the TP, and avoid commenting on any other members of the household, unless their presence or activities are relevant to the welfare of the child.

7 FAM 1716.6-2 Separate Reporting Cable

(CT:CON-102; 02-27-2005)

Any information gathered during a welfare and whereabouts visit to which the LBP should not have access (including information about the abducting parent) should be reported by separate telegram. Be aware that any reporting by SEPTTEL, FAX, or E-Mail may be disclosed pursuant to a Freedom of Information Act request or court order.

- (1) Your reporting in abduction cases should be as fact-oriented as possible.
- (2) Do not make prejudicial or judgmental statements that might undermine the report's character as an objective and evenhanded statement of facts important to the case.
- (4) If you deem it necessary to include subjective information or judgments, whenever possible quote a local authority's evaluation of the situation.
- (5) If you must report on statements made by others during the visit with which you disagree or that you think are not supported by the facts, include an appropriate explanation. An example might be: "Please be aware that while we are reporting [the TP's] statements as they were made to us, we do not necessarily agree with or believe them to be true."

7 FAM 1717 PARENTAL ACCESS TO THE ABDUCTED OR WRONGFULLY RETAINED CHILD

(CT:CON-102; 02-27-2005)

Your objective in abduction and wrongful retention cases, in consultation with the left-behind parent, is normally the lawful return of the child to the United States. Some parents, however, prefer to seek **access instead** of return. Others may prefer to seek **access simultaneously** with efforts to achieve return. Action to promote access often presents issues similar to those discussed in 7 FAM 1716 on seeking welfare and whereabouts visits.

NOTE: In addition to aiding LBP's in abduction and wrongful retention cases, you should also assist parents to exercise their legal rights of access to children overseas who were NEITHER abducted NOR wrongfully retained, but who reside in the foreign country.

7 FAM 1717.1 Policy On Access

(CT:CON-102; 02-27-2005)

Access to both parents is generally in the best interests of the child. The Hague Abduction Convention is based on the premise that children should have access to both parents. Our efforts to assist the TP to permit access to the LBP under reasonable conditions serve this general principle.

7 FAM 1717.2 Negotiating Access

(CT:CON-102; 02-27-2005)

Assisting parents and their representatives to arrive at reasonable access arrangements may require the coordinated efforts of the Department, law enforcement, local police and social welfare authorities, consular officers and others. Some parties are able to make these arrangements with no intervention on the part of consular officers. Many require additional assistance.

7 FAM 1717.2-1 The Consular Role In Access

(CT:CON-102; 02-27-2005)

As consular officer, you provide a critical interface with the taking parent and host country officials who often make or break an access case. You may also be called upon to interact with both Taking and Left Behind parents.

7 FAM 1717.2-2 Meaningful Access

(CT:CON-102; 02-27-2005)

Access can take many forms. The following are common methods of access

that may be acceptable to the parties in access cases abroad:

- (1) **Telephone calls:** Regular or periodic scheduled calls or calls at the child's initiation on a cell phone or calling card provided by the LBP.
 - (a) In some countries, with the consent of the TP, schools are willing have LBP's call a child while at school.
 - (b) Social service agencies in some countries will facilitate phone contact, as well.
- (2) **International Mail:** Initially, many TP's are unwilling to permit any form of interaction between the LBP and the abducted or wrongfully retained child. Access in the form of letters may be a first step to re-establish contact.
 - (a) Some TP's will insist on screening all letters.
 - (b) Some may permit packages as well as letters.
 - (c) Some parents prefer letters and packages not be sent directly to their home, but will permit use of a post office box.
 - (d) Some TP's will permit mail to be sent through third parties such as attorneys, relatives, friends, or church leaders.
- (3) **Mail Through the Post:** If no direct or neutral third party contact is possible, you may accept and deliver opened mail, e-mail and fax messages on behalf of either party. Advise the LBP that you must be able to read the contents of any such mail in order to accept and deliver it.

Note: The acceptance and delivery of any such mail must, of course, take place in compliance with Departmental rules regarding pouch and mail services.
- (4) **Visits By The LBP:** In-country visits by the LBP are a frequent request. If unsupervised visits are not possible, supervised visits at a visitation facility or other neutral location may be an option.
- (5) **International Vacation Travel:** Many LBP's request assistance arranging for visitation travel back to the LBP's home in the United States or elsewhere for the summer or other holiday periods.
 - (a) In most cases, TP's are reluctant to permit such travel for fear that the LBP will not return the child at the conclusion of the visit.

- (b) Taking this into account, consular officers should make a good faith effort to encourage visitation travel whenever possible.
- (6) **Video:** Some parents have been successful preparing a "home video" about their life, surroundings, and interests to share with the abducted or wrongfully retained child. You may deliver such a video to the child once you have viewed it.
- (7) **E-mail:** Internet access is common in many countries, in homes, schools, or Internet cafés. Arranging for e-mail communication may be as easy as providing the child or LBP, an e-mail address.

7 FAM 1717.2-3 Discussing Access With The LBP

(CT:CON-102; 02-27-2005)

In most cases, the LBP sees the return of the child to his or her custody as the only satisfactory resolution of an abduction case, at least initially. Some LBP's will not consider pursuing access until the return issues are resolved. Many, however, are willing to work simultaneously on return and access. You should broach the subject with them early on, offering to seek access as you work to achieve return. In discussing access with the LBP, consider the following:

- (1) Are there local resources to assist with access? Do social service agencies provide neutral, controlled settings for parents to meet children? Can the agency assist the parents with dispute resolution?
- (2) Can local courts assist to encourage or compel access?
- (3) The LBP's legal counsel may be concerned that seeking access will prejudice or delay a return. Relating your prior experiences in access cases may help legal counsel make an informed recommendation to the LBP.
- (4) Discussions or interim access agreements do not necessarily preclude continuing efforts to obtain return of the abducted or wrongfully retained child.
- (5) Some parents seeking return may ultimately settle for access if it is reasonable and frequent enough. Helping to facilitate an access agreement may lead to resolution of the case.
- (6) Developing meaningful access may lead to the possibility of the child's eventual travel to the U.S.

7 FAM 1717.2-4 Discussing Access With The Taking Parent

(CT:CON-102; 02-27-2005)

It is helpful to consider the perspective of the taking parent as you work with them to develop access arrangements. Often the TP believes that he or she has the upper hand, and sees no advantage to permitting access, much less to entering into a dialogue with the consular officer or LBP. To the extent possible, you need to emphasize to the TP the potential benefits of agreeing to access, including:

- (1) A reminder, if true, that the laws and the legal process in the host country may eventually work in favor of the LBP;
- (2) Even if the host country's laws or practices are heavily weighted in the TP's favor, the legal battle could be long and costly;
- (3) Appeal to the TP's concern for the best interests of the child by allowing access in order to achieve a reduction in hostilities with the LBP; and
- (4) If the TP believes that he or she has the upper hand at the moment, ask what he or she has to lose by permitting reasonable visits between the LBP and the child.

7 FAM 1717.2-5 Promoting Dialogue

(CT:CON-102; 02-27-2005)

Except perhaps in those situations in which dialogue seems impossible or even potentially counter-productive, such as cases with a pattern of domestic violence or other abuse, you should make a reasonable effort to assist the two sides to communicate. Although consular officers provide an essential coordinating service, they are not trained social workers or therapists and should avoid taking on that role. With that in mind, consider providing the following types of assistance:

- (1) Offer to serve as a go-between with information and proposals;
- (2) Facilitate the logistics for a meeting or place for a visit; and
 - (a) Identify and offer a neutral meeting point that will provide the maximum amount of reassurance and security to both parties;
 - (b) It is often helpful to arrange for these meetings to take place in a professional family care environment – offices of a family

therapist, counselor, psychologist, etc.

- (c) Post facilities may be an appropriate venue in some cases, particularly if there is some concern for the welfare or safety of the LBP.
 - (d) A meeting spot controlled by the host government can sometimes provide assurances of safety to both sides.
- (3) If possible, arrange for a mutually acceptable family care professional to facilitate the meeting. As a consular officer, you should not attempt to take on that role, even if you have some prior social work experience.

NOTE: Avoid participating in the meeting yourself, if possible. If your presence seems necessary or desirable, make certain all parties understand you are there only as an observer.

7 FAM 1717.3 Assistance Of Local Authorities

(CT:CON-102; 02-27-2005)

The point at which you approach local authorities for assistance in gaining consular access will vary from country to country and perhaps from case to case. In some countries, you may find it more expedient to work through cooperative local authorities from the beginning.

7 FAM 1717.3-1 Explaining Your Involvement

(CT:CON-102; 02-27-2005)

Point out to local authorities the interest that the U.S. Government has in ascertaining the health and welfare of one of its citizens, an internationally recognized function of any nation's consular officers. If necessary, refer local officials to Articles 5(h) and 37(b) of the Vienna Convention on Consular Relations (VCCR) or the similar provisions of a bilateral convention, if applicable. See Treaties in Force on the Department of State Internet home page to confirm if there is a consular convention in force between the United States and the host country. See also the CA/OCS Intranet Treaties feature for texts of bilateral consular conventions.

7 FAM 1717.3-2 Locating The Child

(CT:CON-102; 02-27-2005)

Local authorities are often the best source of information to help locate the

child or to verify a child's presence in the country. You should stress that you are not simply representing the LBP in his or her efforts to locate the child, but that you have an independent need to find the child and determine his or her health and safety as a part of your official responsibilities.

7 FAM 1717.3-3 Visiting The Child

(CT:CON-102; 02-27-2005)

Local authorities can sometimes be useful in arranging a consular welfare or access visit, by persuading the TP of the merits, or by providing an appropriate neutral venue.

7 FAM 1717.3-4 Confronting Abuse

(CT:CON-102; 02-27-2005)

If there is evidence of child abuse, neglect or potential danger or harm to the child, you must make strong representations to local authorities for an investigation and, if warranted, for appropriate action to protect the child. See 7 FAM 1720 for further information on handling cases involving child abuse or neglect. See also 7 FAM 1730 for guidance on child exploitation.

7 FAM 1718 U.S. PASSPORT AND VISA ISSUANCE AND DENIAL

7 FAM 1718.1 Passports

(CT:CON-102; 02-27-2005)

U.S. law and regulations governing passport issuance and denial, as provided in 7 FAM 1300 Passport Services, are often involved in international custody or abduction cases. The primary examples are:

- (1) To protect against a non-custodial parent or other obtaining a passport for minors with the intent to abduct them; and
- (2) To provide a basis for determining that a parent has committed fraud in obtaining a passport for a minor.

For specific guidance on passport issuance and denial, see 7 FAM 1300 Passport Services.

7 FAM 1718.2 Visa Denials And Revocations Under INA 212(a)(10)(C)

(CT:CON-102; 02-27-2005)

Complete guidance on this ineligibility is provided at 9 FAM 40.103 Notes.

DO NOT ISSUE A U.S. VISA TO A PERSON WITH ANY INVOLVEMENT IN A CHILD ABDUCTION CASE UNTIL YOU CONSULT 9 FAM AND CONFER WITH CA/VO and CA/OCS/CI AS APPROPRIATE.

7 FAM 1719 CONSULAR ASSISTANCE WHEN ABDUCTED CHILD IS IN THE UNITED STATES

(CT:CON-102; 02-27-2005)

Periodically, posts may receive requests for assistance from persons in the host country who are anxious to ascertain the welfare or whereabouts of their children who are, or who they believe are, in the United States. While in some circumstances assisting such a person may not appear to fall directly within the purview of your consular responsibilities, you should provide, as appropriate, reasonable assistance.

- (1) **Foreign Consuls in the United States:** Foreign nationals abroad who are concerned about the welfare and whereabouts of children who may be in the United States should be advised to contact their embassy in the United States or their country's consular official responsible for the region in which the child is thought to be physically located. The foreign consul may be able to conduct a welfare and whereabouts inquiry. This is a function of consular officers under the VCCR and applicable bilateral consular conventions. (See 7 FAM 1712 Authorities)
- (2) **Hague Abduction Convention Countries:** If the parent claims that a child habitually resident in a Hague Convention country has been abducted to or is being wrongfully retained in the United States, you should:
 - (a) Refer the parent to the Central Authority for the Hague Abduction Convention in the host country that will assist the parent to pursue the child's return; and
 - (b) You may also advise the parent that they may pursue the return of a child by filing a Hague Abduction Convention

application directly with the U.S. Central Authority or by filing an appropriate action in the appropriate U.S. court.

- (3) **Countries not party to the Hague Abduction Convention:** you may direct inquirers to several sources of assistance in child custody cases, and in locating children within the United States, including, but not limited to:
 - (a) NCMEC;
 - (b) Federal Parent Locator Service (FPLS) in the U.S. Department of Health and Human Services (HHS). See 7 FAM Exhibit 1721; and
 - (c) Attorney general's office of the state where the child is believed to be located. See the Internet page for the National Association of Attorneys General and NAAG Contact page. See also Child Custody: An Overview, Federal And State Laws and Uniform Matrimonial and Family Laws Locator.
- (4) **Enforcement and Recognition of Foreign Custody Orders:** You may advise inquirers that information concerning recognition and enforcement of custody decrees and other aspects of child custody law may be obtained from the attorney general's office of the state where the child is believed to be located. See general flyer on Enforcement of Judgments on the CA Internet page.
- (5) **Requests for Legal Counsel:** If inquirers are seeking private legal counsel in the United States, there are a variety of sources, including:
 - (a) Martindale-Hubbell Law Directory. This is often available at post, or in local foreign libraries;
 - (b) American Bar Association: American Bar Association Consumer's Guide to Legal Help; ABA Directory of Lawyer Referral Services and ABA Family Law Section;
 - (c) State bar association where the child is believed to be located. See the ABA State and Local Bar Association Directory; and
 - (d) International Academy of Matrimonial Lawyers Directory (IAML).
- (6) **Judicial Assistance Treaties and Child Abduction:** The U.S. Department of Justice, Civil Division, Office of Foreign Litigation,

which is the U.S. Central Authority for the Hague Conventions on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters, the Inter-American Convention on Letters Rogatory and Additional Protocol (Service of Process) and the Hague Convention on the Taking of Evidence Abroad advises that it is receiving increasingly requests under the service and evidence conventions pertaining to home studies, compulsion of visitation by social service experts and other matters related to child abduction work. Questions regarding the use of these treaties should be directed to CA/OCS/PRI at ASKPRI@state.gov, which will coordinate with the Justice Department. See 7 FAM 900 Judicial Assistance.

7 FAM Exhibit 1714.5-2

(CT:CON-102; 02-27-2005)

HAGUE CASE WORKSHEET

Before you can provide the LBP with specific information, and outline possible courses of action, you should first determine whether the case is a Hague Case, Possible Hague Case or a Non-Hague Case. Often these factors require information not available at the initial inquiry, and will be made later in the history of the case.

Definite Hague Return Case

All of the following questions must be answered **affirmatively**:

The child was born _____ and is under the age of sixteen.

The child is known or presumed to have been taken to a Hague country.

The Hague Treaty was in force between the U.S. and that country on or before _____, the date of the abduction.

The LBP wishes to file for return under the Hague Convention.

The child was habitually resident in the U.S. prior to the removal.

The LBP had some form of rights of custody at the time of the removal beyond mere visitation rights.

The LBP was apparently exercising those rights of custody at the time of removal.

The abduction took place on _____, less than one year ago (with some exceptions), or LBP offers reasonable explanation for failure to apply under the Convention within one year.

Possible Hague Case

In some instances, a negative answer to one of the conditions above may be resolved and the case made eligible as a Hague case.

a. Right of Custody: If the LBP does not have a court order clearly establishing custody, the case may still qualify as a Hague case under the following conditions:

The laws of the state of residence of the child provide the LBP with some form of custodial rights.

OR

The court document awards sole or joint custody to the TP, but specifically

prohibits removal of the child from the court’s jurisdiction.

OR

The LBP petitions for and receives an affirmative determination under Article 15 of the Hague Convention.

b. Exercising Right of Custody: If the LBP was NOT exercising his or her right to custody at the time of the removal, the case may still qualify as a Hague case provided:

- The LBP can show he/she would have exercised custody rights but for the removal.

(**Note:** Deciding actual exercise or any other element of a Hague case is ultimately a judicial decision. When in doubt, assume that a case is provable.)

c. U.S. Residence: If the LBP cannot provide convincing evidence of the child’s U.S. residence prior to the removal, the case may still qualify as a Hague case provided:

The LBP files for and receives a positive determination under Article 15 of the Hague Convention that the child’s habitual residence was the United States

OR

The abduction occurred from another treaty country but the LBP now lives in the United States.

d. Date of Removal: Even if the date of removal was more than one year ago, the case may still qualify as a Hague case provided:

The LBP is advised of, and understands, the sharply reduced chances of return under Article 12 of the Hague Convention.

Non-Hague Case

The case may be processed as a non-Hague case if the case does not meet the above guidelines, AND

The child is under 18 years of age; and

The child is a U.S. citizen

7 FAM Exhibit 1716.3

(CT:CON-102; 02-27-2005)

CHECKLIST CHILD WELFARE/WHEREABOUTS VISIT

During the visit observe and take note of such factors as:

The Child's Demeanor

How does he or she seem overall?
Is the child tense, relaxed, angry, afraid, etc.?
Any unusual body language during the visit?

Physical Appearance

Does the child appear well fed, healthy?
Any symptoms of possible abuse? (See 7FAM 1720)
Any unusual or marked changes from photographs or LBP's last description?
Is the child taking any medication necessary for an ongoing condition?

Hygiene

Is the child clean (hands, face, fingernails, etc)?
If an infant is the diaper clean and does it appear to be changed regularly?
Is the child still practicing former learned hygiene habits such as brushing teeth?

Sufficiency Of Clothing

Is the child appropriately dressed for the climate?
Does the child have a reasonable wardrobe? (School and play clothes, etc.).

Child's Attitude toward the TP

How does the child act around the TP? Close, distant, fearful, angry, respectful etc?
Does the child either cling to the TP, or distance himself or herself?

Child's Attitude Toward The LBP

Does the child volunteer any positive or negative comments about the LBP?
Are there indications that the child is being misinformed about LBP's actions, true feelings etc.

Freedom of Movement

If old enough, is the child able to leave the house on his or her own?
Does he or she play with other children?
Any marks or other signs of restraints, such as window bars and locks in bedroom?
Any indication the child would leave if given the opportunity?

Educational Progress

Is the child in school? Where?
Is he or she in the appropriate grade for their age? Making adequate progress?

Social Adaptation

Does the child seem acclimated to his or her surroundings?
Does he or she speak the local language?
If not, is he or she receiving instruction?
Does the child seem to interact normally with other family members and others in the household?

Privacy Act Issues

Other:

7 FAM EXHIBIT 1721 PARENTAL CHILD ABDUCTION RESOURCES

(CT:CON-102; 02-27-2005)

U.S. State Department

U.S. Department of State, Bureau of Consular Affairs, Directorate of Overseas Citizens Services, Office of Children’s Issues (CA/OCS/CI)

Parental Child Abduction Internet Page

Child Abduction Prevention Internet Page

Country Specific Information

Child Abduction Resources

Passport Assistance International Child Abduction

CA/OCS Intranet Children’s Issues

CA/OCS/CI Intranet

National Center for Missing and Exploited Children (NCMEC)

NCMEC Internet Home Page

International Abduction Assistance

Family Resource Guide on International Parental Kidnapping

Family Abduction

Prevention Tips for Parents

When Your Child is Missing: A Family Survival Guide

International Child Abduction Attorney Network (ICAAAN)

International Forum on Parental Child Abduction

Just In Case ...Family Separation

Just In Case ... Federal Parent Locator Service

When Your Child is Flying Unaccompanied

Inter-Agency Agreement International Child Abduction

FBI Crimes Against Children: NCMEC

Department of Health and Human Services (HHS), Administration for Children and Families (ACF), OCSE Policy Documents:

See HHS Action Transmittals (AT), Information Memos (IM) and Dear Colleague Letters (DCL):

- AT-03-06 Requests for Information from the Federal Parent Locator Service for Parental Kidnapping, Child Custody or Visitation Purposes;
- DCL-00-36 Who May Request FPLS Data; Who May Request Data from Statewide Child Support Enforcement Systems
- IM-99-01 Use of the Federal Parent Locator Service for Child Welfare Services
- DCL-95-27 FPLS Locate Only and Parental Kidnapping
- DCL-95-013 Parental Kidnapping/Child Custody
- DCL-95-02 Kidnapping Cases Processed by FPLS
- DCL-93-064 International Parental Kidnapping Crime Act of 1993
- DCL-92-043 Parental Kidnapping
- DCL-89-017 Parental Kidnapping
- AT-83-017 Requests to Use the Federal Parent Locator Service in Parental Kidnapping and Child Custody Cases;
- AT-81-012 Use Of The Federal Parent Locator Service (PLS) In Parental Kidnapping And Child Custody Cases

FBI

FBI Crimes Against Children: Parental Kidnapping

FBI Most Wanted Parental Kidnapping

Justice Department

Criminal Division, Child Exploitation and Obscenity Section

(CEOS)

(CEOS) – International Parental Kidnapping

CEOS International Parental Kidnapping FAQs

Office for Victims of Crime – Victim Reunification Travel Program

Office of Juvenile Justice and Delinquency Programs (OJJDP)

Early Identification of Risk Factors for Parental Abduction

Family Abductors: Descriptive Profiles and Preventive Interventions

Issues in Resolving Cases of International Child Abduction by Parents

Uniform Child Custody Jurisdiction and Enforcement Act

National Criminal Justice Reference Service (NCJRS)

A Report to the Attorney General on International Parental Kidnapping
(1999)

Parental Abduction: A Review of the Literature by NCJRS

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Definition of Parental Abduction

Extent of the Problem

Reasons for Parental Abductions

Characteristics of Abductors and Abducted Children

Psychological Impact of Abduction

Criminal Justice System's Response

Conclusion

Endnotes

References

Title 9 Criminal Resource Manual

Section 1957 – International Parental Kidnapping

Section 1960 – Alternative Remedy – Hague Child Abduction Convention

Section 1961 – Relationship to Federal Kidnapping Act

Section 1962 – Use of Unlawful Flight to Avoid Prosecution Warrants (UFAP)

Section 1781 – Parental Kidnapping