

2019 Coalition Congressional Briefing: International Parental Child Abduction

There have been 47 congressional hearings on international parental child abduction since 1979. The most recent was in December.

The Office of Children's Issues (or OCI) at the Department of State was established in 1994 to seek return of abducted American children, among other goals. In 2010, then Secretary Clinton designated a Special Advisor for International Children's Issues to "actively engage with foreign government officials to protect the welfare and interests of children."

In a July 16, 2015 Congressional hearing, special advisor Susan Jacobs testified that the top three offending countries are Brazil, India and Japan. She furthered that we get cooperation from some of these countries, but we don't get the returns. Now, I don't understand what cooperation without returns means. I thought the whole point of this is to bring the children home.

According to State Department figures provide in a response to the QFR to the Senate Judiciary 9,127 American children were kidnapped from the U.S. from 2008-2015. That averages to 1,141 per year. Another important part of the response was that less than 4,000 children came home.

We believe the number of kidnapped children is much higher because not all victimized families think of registering their case with the State Department and some cases are rejected. Using this conservative figure from the QFR, that is 47,000 children kidnapped since Congress held its first hearing 40 years ago.

Strait-forward data on the number of children kidnapped and the number returned to the U.S. is a simple, baseline metric to start with. This is not what State provides in its annual IPCA report to Congress mandated by the "Sean and David Goldman International Child Abduction Prevention and Return Act of 2014".

Though The Coalition has asked for it, State continues to refuse requests to provide transparent data on the number of U.S. children kidnapped by a parent to a foreign country and the number actually returned to the United States. Instead they focus on reporting "open cases." This practice minimizes the depth of the problem because the lay assumption is if a case is resolved or closed the child must have come home. This is gives an inaccurate picture.

In the most recent IPCA report released this month, State wrote "In 2018, country officers handled 794 outgoing abduction cases, including 339 cases opened in 2018." To a layperson, a family law judge looking at a motion for travel restraints to protect a child, or a Member of Congress it could appear that there is not a serious crisis.

All Children Must Be Counted

There needs to be a transparent and full accounting of all kidnapped children. Focusing on open cases marginalizes still victimized families by invalidating us and our kidnapped children.

The Coalition recommends complete reporting by year, by total and broken down by country abducted to for all kidnapped American children since 2008 since State has demonstrated they can provide the figures. It should include:

- 1) How many children been abducted from the U.S.?
- 2) How many children have been returned to the U.S.?
- 3) How many total children's cases have been closed or reclassified as resolved because:
 - The judicial or administrative authority is complying with the Hague Abduction Convention;
 - The parents reach a voluntary arrangement;
 - The left-behind parent withdraws the application for return;
 - The left-behind parent cannot be located for one year despite documented efforts by the Department of State to locate the parent;
 - The death of the left-behind parent or child; and
 - The child has reach age 16 and "aged out"
- 4) A comparison of Hague vs. Non-Hague partner countries that includes the sum total of children returned by year due to:
 - Court or Administrative Return Orders;
 - Mediation;
 - Voluntary Returns; and
 - Other Returns

We recommend that this information is updated and provided annually under the required reporting in The Goldman Act. This should be done in total and on a country-by-country basis. It will serve as a more accurate record and be a useful prevention tool to educate the public and the legal community about the serious risks of international parental child abduction.

Constituent Best Practices

From our collective experiences and years of advocacy we'd like to suggest some best practices for constituent casework at the district and DC level.

1. Designate a staff member to engage with Office of Children's Issues quarterly for updates on new and existing cases.
2. Advise new cases that contact your office to connect with Coalition partner organizations.
3. Directly engage with our U.S. ambassador's in country. They need to hear from Members directly that our kidnapped children are important and need to come home.
4. Meet with the foreign ambassadors here in DC. They need to believe that America cares about its stolen kids.
5. Place IPCA on the agenda for all codels and interactions with foreign leaders and their government officials.
6. Take IPCA to the media and the public. Members have the ability to move the needle rapidly. There is nothing controversial here. We are talking about innocent kidnapped children; crime victims. It's an opportunity to speak out and represent the voiceless.

Congressional Oversight

Congressional oversight in relevant committees and subcommittees is needed. This is a serious, life altering crime that crushes your soul. Victimized children and parents need your help.

I know a case where our consulate sent a kidnapped teenager wanting to come home back to the kidnapping parent. There was a time when State closed a case because they misplaced the custody documents. Our leadership team all know of parents who don't know who their country officer is or can't get a call back. There is an all too frequent change in OCI staff. We have to start all over again explaining to the new person what is happening with our kidnapping case. I am personally on my 10th country officer in nine years.

FBI agents around the country refusing to investigate or even call back parents of internationally kidnapped children. Then parents face the next hurdle of having to convince an Assistant U.S. Attorney that their case is worth the time.

Greater accountability is needed from the departments and agencies funded to prevent IPCA, prosecute those responsible for these crimes and to bring kidnapped children home.

Legislative Changes Are Urgently Needed

DOJ's response letter to Senators Tillis and Feinstein states from 2012 through February 2019 there were 71 criminal cases charging a violation of 18 USC 1204 (that's International Parental Kidnapping Crime Act)

That works out to 1% of the cases State reported on the QFR responses I mentioned earlier.

Without amendments, DOJ is not going to put better effort into investigating and indicting under the International Parental Kidnapping Crime Act.

State has had five years through two administrations to implement what Congress intended with The Goldman Act. Still State relies primarily on raising cases and delivering the occasional demarche. What they continue to rely even more on is the victimized parent to figure out how to try resolve it themselves in a foreign country. This comes at prohibitive expense. There ought to be financial assistance to help with parents with this.

Countries such as Armenia, Fiji, Andorra, Thailand, Japan, South Korea, Trinidad and Tobago, Morocco and Singapore have all transitioned to become Hague Abduction Convention signatories over the past ten years.

Having attended, in person, or viewed all of the Congressional hearings leading up to the passage of the Goldman Act there is no argument that the intent of Congress was that all abduction cases must be counted. No child was to be erased or excluded. A country becoming a Hague Abduction Convention signatory was not to be rewarded with a clean slate. But that is what has happened with countries like Japan. The nearly 400 pre-convention children don't factor in to the non-compliance determination according to State's lawyers. That was not the intention of Congress.

Without amendments, that is what State will do to all the children kidnapped to India and other countries when they eventually become Hague signatories.

This is documented in hearing after hearing, five years of reports and in responsive letters from State and DOJ. We know what needs to be fixed. Prioritize amending it before the end of the year so that next years report is right and transparent with the kind of clear simple data that will prevent more kidnappings.

When legislation is introduced, we urge you to work with your colleagues to get members of Congress to co-sponsor it so it can proceed efficiently.