



# A LAW ENFORCEMENT GUIDE ON International Parental Kidnapping



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The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office for Victims of Crime; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

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**International Parental  
Kidnapping**





# Foreword

International parental kidnappings know neither boundaries nor borders. Children are wrongfully taken daily—often by a family member. When a child is wrongfully taken to or wrongfully retained in a foreign country, the obstacles of dissimilar legal systems, increased time constraints, international boundaries, and language barriers complicate efforts to return a child home safely.

Although international parental kidnapping cases present formidable challenges, they can be lessened when law enforcement actions are timely and informed. Access to the necessary information and resources is critical. This guide provides law enforcement with the information they need to work effectively with parents to locate and reconnect with their children and to investigate and prosecute criminal offenders.

This guide is for local, state, and federal law enforcement officers who are called upon to respond to the unlawful removal or retention of a child outside of the United States. It suggests ways to prevent child kidnapping and discusses the applicable law and legal remedies both as to the return of children and any investigation or prosecution of abducting or retaining parents. The guide describes the role of law enforcement as the initial responder and investigator and offers strategies for the reunification and recovery of children as well as the criminal pursuit of offending parents.

Our hope is that, equipped with this guide, the law enforcement community will have the tools required to protect our children from the dangers of international parental child kidnapping, to reunite the victims of this crime with their families, and to bring offenders to justice.

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Because of the working group’s commitment to addressing these issues, perseverance in preparing this document, and dedication to the families and agencies that face these difficult issues, this guide will be a resource for law enforcement officers throughout the country.

Special thanks go to the professionals who gave their expertise, energy, and talents to ensure that this document provides law enforcement agencies with the information they need. This includes Helen N. Connelly, Nadia Eley, and Melissa Blasing of Fox Valley Technical College.





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# Introduction

International parental kidnapping, whether as a result of a parent or other person taking or wrongfully retaining a child with the intent to obstruct the lawful exercise of parental rights, merits the full and timely attention of law enforcement. The child (or children) should be considered to be in danger, especially when the person taking or retaining the child has previously threatened to abduct or harm the child or themselves, or is otherwise unstable. In these cases, the law enforcement responsibility is much broader than the simple act of retrieving the child. Officers, and the agencies they represent, who respond promptly, professionally, and efficiently to reports regarding what many term “family kidnappings” become, in effect, a means of protection for the child (Findlay and Lowery, 2011).

This guide is for local, state, and federal law enforcement authorities who respond to international parental child kidnapping cases. It suggests methods for preventing international child kidnappings by family members; describes the role of law enforcement as the initial responder and investigator; discusses applicable laws, treaties, and legal remedies for child recovery and reunification; and outlines considerations for criminal prosecution and extradition of offenders. The guide covers:

- Risks and effects of the problem, as well as scope and remedies.
- Law enforcement interventions for preventing kidnapping.
- Initial law enforcement response.
- Interdiction: How to stop a kidnapping in progress.
- The continuing investigation in the United States and abroad.
- Federal resources that can aid in the investigation.

- Criminal charging options.
- Extradition.
- Child recovery mechanisms.
- Reunification and recovery.
- Law enforcement liability concerns.

Before coordinating an investigation, it is critical to identify federal and state resources. Doing so prepares law enforcement to respond effectively to international parental kidnapping cases.

## Introduction to the Terminology

Many names are given to the act of any person taking, retaining, or concealing a child and crossing international borders or trying to obstruct another parent's rights, including physical custody or visitation rights. Throughout the guide, the term "parent" includes parents, guardians, other family members, or other persons with parental rights.

The term "abduction" encompasses the taking or retaining of a child after a permitted visit, according to the Hague Convention on the Civil Aspects of International Child Abduction (also known as the Hague Abduction Convention), which is the primary civil mechanism for achieving the return of children.

Congress created the federal crime of "international parental kidnapping" through the International Parental Kidnapping Crime Act, codified in Title 18, U.S. Code § 1204, which includes both the unlawful removal and retention of a child outside the United States in derogation of another's parental rights. Definitions and terms may vary depending on the applicable state's kidnapping statutes. Other terms used to describe this conduct may include "family abduction," "custodial abduction," or "parental child kidnapping." This guide will use the term "international parental kidnapping" to refer to all such criminal takings or retentions.

Similarly, the labels applied to the persons involved vary depending on the statute being used or the context in which they are being referenced. Common terms include the taking, abducting, or retaining parent or person; and the left-behind or searching parent.

# Chapter 1. Putting the Issue in Perspective



*What Is the Impact of Wrongfully Removing or Retaining a Child, Why Do Parents Wrongfully Take Their Children, and What Civil and Criminal Remedies Are Available To Address the Problem?*

## Impact of Parental Kidnapping on Children

International parental kidnapping can have serious emotional, psychological, and even physical consequences for the abducted child. When children are wrongfully taken abroad or kept in another country, they may be initially traumatized by differences in customs and language, movement from place to place, and assumption of a new identity. Over time, the child may be forced to adapt to a completely new culture, language, and school environment. Completely separated from familiar friends and extended family, abducted children may suffer a sense of isolation or develop an unhealthy bond with the taking parent. The child also may develop a skewed perspective on one or both parents based on the influence of the abducting parent.

## Statistical Overview

The U.S. Department of State, Bureau of Consular Affairs, Office of Children's Issues maintains [statistics](#) on reported international parental child abduction cases. This information is available through its "[Data](#)" webpage. Go to [www.travel.state.gov](http://www.travel.state.gov), select the "International Parental Child Abduction" tab and then the "Legal Information" tab. In the left menu bar, click on "Reports and Data" and select "Data."

## Wrongful Parental Kidnapping Risk Factors

A wrongful parental kidnapping is more likely to occur if a parent has:

- Previously taken or threatened to take the child.
- No strong ties to the child's current place of residence.
- Strong ties to a foreign country.
- A strong support network of family or friends elsewhere.
- No regular job, especially when coupled with financial independence or the ability to easily earn a living anywhere.
- Engaged in planning activities, such as quitting a job, selling a home, terminating a lease, closing bank accounts or liquidating other assets, hiding or destroying documents, applying for passport books or passport cards, or requesting copies of the child's school records or birth certificate.
- A history of marital instability, lack of cooperation with the other parent, domestic violence, or child abuse.
- A criminal arrest record.

Source: Girdner, L., and Johnston, J. 2000. *Prevention of Family Abduction Through Early Identification of Risk Factors*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

## Risk Factors for Kidnapping

Some factors are known to increase the likelihood of a parental child kidnapping; however, parental child kidnapping cases can be unpredictable. Some parents are engaged in lengthy custody disputes lasting for months or years prior to the wrongful retention or removal of the child. In other cases, parents or family members are blindsided by the wrongful taking of their child. Other parents, and children, may be fleeing an abusive situation.

## Civil Remedies

The most important civil remedy available to parents in international parental kidnapping cases is the Hague Convention on the Civil Aspects of International Child Abduction (Hague Abduction Convention), which provides for the prompt return of internationally abducted children to their country of habitual residence. Parents whose children have been wrongfully removed from or retained internationally in a country that is a Hague

Abduction Convention partner with the United States should immediately contact the U.S. Department of State's Office of Children's Issues and consider seeking the child's return with a Hague application through the office, which operates 24 hours a day. See appendix A for contact information.

Be mindful of timeliness; applications made within 1 year of wrongful retention or removal receive more favorable terms within the Hague Abduction Convention. If the child has been taken to a country that is not a Hague treaty partner of the United States, the left-behind parent is also advised to contact the Office of Children's Issues as soon as possible for assistance. For more information, visit the U.S. Department of State website for an overview of the Hague Abduction Convention and to see a list of [treaty partner countries](#). Go to [www.travel.state.gov](http://www.travel.state.gov), choose the "International Parental Child Abduction" tab, click on the "Abductions" tab, and then choose "U.S. Hague Convention Treaty Partners" in the left menu bar.

Parents may obtain custody orders in the United States under applicable statutes, which include the Uniform Child Custody Jurisdiction and Enforcement Act, and may attempt to enforce these orders in foreign courts. However, some foreign courts, particularly those outside of the Hague Abduction Convention, may not have a process for recognizing and/or enforcing a U.S. custody agreement.

State prosecutors and law enforcement in numerous states have civil statutory authority to locate and recover children wrongfully taken by their parents. The Uniform Child Custody Jurisdiction and Enforcement Act, in particular, gives state prosecutors (or other designated public officials) civil statutory authority to take any lawful action—including instituting a civil proceeding—to locate a child, facilitate a child's return, or enforce a child custody determination. State prosecutors have discretion to decide how to proceed in a particular parental kidnapping case. They may pursue civil or criminal remedies or both simultaneously. They act on behalf of the court and do not represent any party.

## **Criminal Remedies**

Parental kidnapping is a crime in every state, and each state has circumstances under which it is charged as a felony. Title 18, U.S. Code § 1204—enacted as part of the International Parental Kidnapping Crime Act—also makes it a federal offense to remove or retain a child outside of the United States with intent to obstruct the lawful exercise of parental rights.

## Passports and Complications of Dual Nationality

Awareness is the first line of defense in an international parental kidnapping. Law enforcement can take the following steps to prepare to respond to potential international kidnapping cases:

- Become familiar with international travel, passport requirements, and passport revocation procedures for adults and minors.
- Be aware of dual nationality issues (see the subsection below for more information).
- Institute training programs for officers on pertinent state and federal laws.
- Ensure that departmental procedures for handling these types of cases are in place.

Refer parents with prevention-related questions about passport access to the Office of Children’s Issues’ [“Prevention Tips”](#) webpage. Go to [www.travel.state.gov](http://www.travel.state.gov), select the “International Parental Child Abduction” tab and then the “Prevention” tab. In the left menu bar, select “Prevention Tips.”

### Passports

Local, state, and federal law enforcement may be able to coordinate with the Legal Affairs Division and Law Enforcement Liaison of the U.S. Department of State’s Office of Passport Services to limit a taking parent’s movements. This office denies or revokes U.S. passports in accordance with federal regulations (see 22 C.F.R. §§ 51.60–51.62). Procedures for requesting revocation and other [passport actions](#) are available on the U.S. Department of State website. Go to [www.travel.state.gov](http://www.travel.state.gov), select the “U.S. Passports” tab and then the “Legal Matters” tab. For additional discussion on passport revocation, see chapter 5: Federal and Nonfederal Resources.

### Complications of Dual Nationality

Unique issues surround dual nationality. The concept of dual nationality means that a person is a citizen of two countries at the same time. Each country has its own citizenship laws based on its own policies. Persons may have dual nationality automatically because of countries’ differing laws rather than by choice. For example, a child born in a foreign country to parents who are U.S. citizens may be a citizen of both the United States and the country of birth and may be subject to the laws of that country. For more information, see the Office of Children’s Issues’ [“Dual Nationality”](#) fact sheet at [www.travel.state.gov/content/dam/childabduction/dual\\_nationality.pdf](http://www.travel.state.gov/content/dam/childabduction/dual_nationality.pdf).



# Chapter 2. Preventing International Parental Kidnapping



## *What Can Law Enforcement Do To Prevent International Parental Kidnapping?*

### **Kidnapping Prevention for Law Enforcement**

It is far easier—and preferable—to prevent an international kidnapping than to resolve one that has already happened. Local, state, and federal law enforcement is in the best position to prevent an international kidnapping: first, by taking a parent’s allegations seriously and second, by understanding the law and their authority to intervene.

The risk of an international kidnapping may become known to a law enforcement officer when a concerned parent seeks help. The parent’s concerns may be based on specific threats or on suspicious conduct. For law enforcement, the case may originate from a domestic disturbance call.

With timely intervention, law enforcement may prevent an international kidnapping. Early in the investigation, law enforcement agencies should contact the U.S. Department of State’s Office of Children’s Issues, which will work closely with them and parents to prevent a kidnapping or to stop a kidnapping in progress. For more information about child abduction, see the U.S. Department of State’s [“Child Abduction Frequently Asked Questions”](#) webpage. Go to [www.travel.state.gov](http://www.travel.state.gov), select the “International Parental Child Abduction” tab and then the “Prevention” tab. Select “Child Abduction Frequently Asked Questions” in the left menu bar. To contact the Office of Children’s Issues, visit [www.travel.state.gov](http://www.travel.state.gov), click on the “International Parental Child Abduction” tab and then the “Abductions” tab. Select “Contact Us” in the right menu bar.

In addition to filing the appropriate charges, officers should do the following:

- Warn the parent who is considering removing or retaining the child of the consequences of their conduct. Kidnapping may result in criminal charges, extradition, prosecution, and jail time. At the very least, a parent who threatens to wrongfully take a child could expect to have their visits with the child reduced or supervised.
- Take threats of taking or retaining a child seriously. Provide the potential left-behind parent with contact information for local law enforcement. Reaching law enforcement quickly may allow officers to apprehend the taking parent before he or she leaves the country.
- Contact your local port authority law enforcement units. Keep a current list of airport law enforcement personnel and their contact information. Alert port authority personnel about specific children who are at risk of imminent kidnapping. Provide photos and ask law enforcement in airports, bus terminals, or train stations to immediately notify the assigned law enforcement officer if the child is identified at their location.

## **Kidnapping Prevention for Parents**

Educate the potential left-behind parent about steps he or she can take to reduce the risk of kidnapping. Some helpful steps are listed below and throughout this guide.

- Inform the parent that the National Center for Missing & Exploited Children (NCMEC), [www.missingkids.org](http://www.missingkids.org), provides support for families and works in partnership with the U.S. Department of Justice to help law enforcement prevent kidnapping and find missing children. Refer the concerned parent to NCMEC and to the Office of Children's Issues' "[Prevention](#)" webpage for guidance on preventing kidnappings and information on the laws of the countries in question. To access the webpage, go to [www.travel.state.gov](http://www.travel.state.gov), select the "International Parental Child Abduction" tab and then the "Prevention" tab.

- Inform the parent about the [Children's Passport Issuance Alert Program](#), which is one of the U.S. Department of State's most important tools for preventing international parental child kidnapping. The program allows parents to register their U.S. citizen children younger than age 18 in the Department's Passport Lookout System, so that the enrolling parent can be contacted if a passport application is submitted for the enrolled child. Additional information is available in chapter 5: Federal and Nonfederal Resources and on the Office of Children's Issues' website. Go to [www.travel.state.gov](http://www.travel.state.gov), select the "International Parental Child Abduction" tab and then the "Prevention" tab. Click on "Children's Passport Issuance Alert Program" in the left menu bar.
- Tell the parent to teach the child his or her full name, parent's name, telephone number, and how to place a collect call and obtain operator assistance.
- Advise the parent to notify school authorities about the potential for kidnapping and to be sure that the school knows not to release the child to unauthorized persons. The parent should give a copy of his or her custody order to the school principal.
- Suggest that the parent contact an attorney and secure a well-written court order with clear travel guidelines and restrictions.
- Try to ascertain from the parent if the child has dual nationality. If so, suggest that the parent seek assistance from the foreign embassy to prevent issuance of a passport for the child unless both parents approve the request.



# Chapter 3. Initial Response



*What Are the Critical First Steps Law Enforcement Should Take When a Parental Child Kidnapping Case Is Reported, and What Special Steps Should Be Taken To Stop a Kidnapping In Progress?*

Every report of a missing child poses potential serious risk to a child and requires an immediate and coordinated response from law enforcement. Often, this initial law enforcement response determines whether a child is recovered quickly and safely. Because international parental child kidnappings pose unique circumstances—such as international treaties, foreign legal systems, and limited jurisdictional authority—a comprehensive and effective initial response is essential to the investigation and may prevent a long-term international kidnapping and the compounding legal complexities that can occur.

## **The Role of the Dispatcher**

When the local law enforcement emergency communications center receives a complaint concerning an abducted child, the dispatcher who takes the phone call should follow the agency's policy and protocols concerning missing children and obtain as much information as possible. In all cases, an officer or deputy should be sent immediately to take a report in person from the left-behind parent (or other complainant). In some circumstances, such as when an international child kidnapping is in progress, an investigator will begin taking action while the initial responding officer is en route to the complainant. If the taking parent can be prevented from leaving the United States, the chances for recovering the child are greatly enhanced.

Local law enforcement or the left-behind parent may immediately contact the Federal Bureau of Investigation (FBI)—with its investigative responsibilities for interstate flight and the federal international parental kidnapping crime statute—in any matter involving an attempted parental kidnapping from the United States.

## The First Responder

The initial response to a missing child report is the most crucial part of the investigation. It is imperative that appropriate action be taken without delay. Do not assume that a child in the company of either parent is safe. The child could be in imminent danger if either the taking parent or the left-behind parent is believed to have physically or sexually abused the child or to have threatened to kill the child or to commit suicide. The child also may be in danger from the left-behind parent even though the child is not currently with that parent. With timely involvement, law enforcement will be able to assess the source of danger to the child and help secure a safe environment for the child.

Until the child's exact whereabouts are confirmed, law enforcement should not speculate as to whether the child is still in the country or safe, regardless of the suspicions of the reporting parent. After responding to the call and collecting pertinent information, officers should take the following steps to ascertain the child's whereabouts:

1. Inquire about the child's last known location and the taking parent's place of residence to establish jurisdiction and the appropriate authorities to determine the need for a joint, coordinated investigation.
2. Interview the person who made the initial missing child report. Identify the circumstances of the child's disappearance or kidnapping.
3. Thoroughly search the residence, yard, and vehicles at the home to ensure that the child is not hiding or injured somewhere on the premises.
4. Obtain information on the taking parent's vehicle, method of transportation, and contact information, including telephone and mobile numbers, e-mail address, and social network accounts.
5. Obtain detailed descriptions and recent photographs of the taken child, taking parent, and any possible companions.

## The Missing Person Report

Most states have codified the requirements for accepting a missing person report in their jurisdiction. Many require only that the reporting party live in that jurisdiction and that he or she request that a report be made. The originating agency is responsible for the complete preliminary investigation, even if it involves requesting assistance from an agency in another jurisdiction.

Source: Findlay, P., and Lowery, R., eds. 2011. *Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management*. Fourth ed. Alexandria, VA: National Center for Missing & Exploited Children.

6. Inquire about the existence of a custody order. If a custody order exists, verify that the document is valid and that it is the most recent order issued by the court of jurisdiction. Consultation with prosecutors may help this process. You do not need a court order to enter the incident into the National Crime Information Center (NCIC) registry, to seek a child's return under the Hague Abduction Convention, or to bring International Parental Kidnapping Crime Act (IPKCA) charges.
7. Enter the missing child information into the NCIC system within 2 hours of when the incident is first reported to law enforcement, as required by the National Child Search Assistance Act of 1990. Neither a custody order nor criminal charges are required to make the entry. Also enter the child's information into state and local crime information system centers. The FBI has concurrent jurisdiction for making NCIC entries in missing child cases and should do so promptly if the FBI is the left-behind parent's first point of contact.
8. Ensure that supporting documents, such as warrant information for the taking parent, civil court orders, and photographs of the child and taking parent, are available in the local agency's communications center or records division.
9. Relay BOLO (Be On the Look Out) information to law enforcement agencies statewide for broadcast on all channels. Include descriptions of the child, vehicle, taking parent, and companions.
10. Notify the appropriate investigator, detective, agent, or missing person unit specialists.
11. Send a patrol unit to the taking parent's house or phone the taking parent to determine what has happened to the child.

12. Advise the left-behind parent to call the National Center for Missing & Exploited Children (NCMEC) (800-THE-LOST) and the U.S. Department of State's Office of Children's Issues (888-407-4747) to report a potential kidnapping in progress or a completed kidnapping and seek assistance. Both agencies can be reached 24 hours a day.
13. Determine whether the circumstances meet the criteria for issuing an AMBER Alert.

## The National Crime Information Center Entry

The removed or retained child's information should be entered into the NCIC Missing Person File (NCIC-MPF) as "Involuntary Missing" (MKE/EMI) or "Endangered" (MKE/EME). Vehicle information and aliases for the taking parent (if applicable) should be included in the supplemental sections of the NCIC field, as these will result in a "hit" if run through NCIC. The taking parent's name may be included as a Person With Information (PWI), which is a supplemental record in the Missing Person record. A Person With Information record should include intelligence related to the taking parent, custodian, legal guardian, or anyone who might have information regarding an abducted child case for which there is no warrant. Ensure that all entries are cross-referenced to one another.

When there is a reasonable indication or suspicion that a child has been taken or is missing under circumstances suggesting foul play or a threat to life, enter the "Child Abduction" (CA) flag in the Missing Person field of the record. The CA flag automatically notifies NCMEC and the FBI's National Center for the Analysis of Violent Crime of the case.

In instances where the child is taken by a noncustodial parent, enter "N" in the Missing Person Circumstances (MPC) field. This denotes "abducted by a noncustodial parent."

If a missing person record is for a child who has been removed from the United States, is known to be in another country, and the issue of return has not been resolved, place the following caveat in the Miscellaneous (MIS) field of the record: "RECORD IS FOR A MISSING CHILD BELIEVED TO BE IN (NAME OF COUNTRY). REFER TO NCIC MANUAL, MISSING PERSON FILE CHAPTER, FOR FURTHER INFORMATION BEFORE PLACING A LOCATE."



## Exigent Circumstances: Stopping a Kidnapping or Attempted Kidnapping in Progress

When a law enforcement agency is notified of a kidnapping in progress, it may be possible to stop the taking parent from leaving the country with the child or to ask the law enforcement authorities in the other country to intercept the taking parent and child at the port of entry. Prompt action is critical. This includes:

- Prompt NCIC entries on the child (Missing Person File) and the taking parent (Wanted Persons File, if there is a warrant), which improves the chances for detection in the United States.
- Prompt contact with the U.S. Department of State's Office of Children's Issues, which coordinates with U.S. Customs and Border Protection (CBP) at the national level, with its Bureau of Diplomatic Security abroad, and with foreign Central Authorities under the Hague Abduction Convention.
- Prompt contact with the Crimes Against Children Special Agent at the local FBI field office to determine how the FBI can assist. The FBI can coordinate with its Legal Attachés abroad and FBI agents who are stationed at airports. A list of local field offices can be found on the FBI's "[Field Offices](http://www.fbi.gov/contact-us/field-offices)" webpage at [www.fbi.gov/contact-us/field-offices](http://www.fbi.gov/contact-us/field-offices).

### Missing Person Circumstances

The Missing Person Circumstances (MPC) field is optional and provides additional information about the nature of the disappearance. MPC field categories include:

- Abducted by Noncustodial Parent (N)
- Abducted by Stranger (S)
- Adult Federally Required Entry (F)
- Runaway (R)

Source: National Center for Missing & Exploited Children. 2012. [Effective Use of the National Crime Information Center Database With Missing-Child Incidents: A Reference Guide for Public-Safety Telecommunications Personnel](#). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

## Using the NCIC 2000 Database

To assist law enforcement personnel in identifying the missing child's movements or location, the National Crime Information Center (NCIC) changed its record retention policy in 2000. The policy states that in international parental kidnapping cases, a record for a child who has been located in a foreign country should not be removed from NCIC until the child is returned or until the issue of return has been resolved.

In addition, a nationwide Notify Originating Agency flag can be placed in a child's missing entry and the taking parent's wanted entry in the NCIC 2000 system. It is a one-character alphabetic field activated by entering Y (yes) or N (no). This flag sends immediate notification to the entering law enforcement agency whenever the taking parent's or child's name is queried in NCIC. It may also be possible to flag this information in the state crime information system and receive notification if the taking parent or child is queried statewide.

Like the Notify Originating Agency flag, the Delayed Inquiry Hit Notification may also provide investigative leads. This is an automatic feature of the NCIC 2000 format. The originating agency does not have to activate it and is automatically notified of any inquiries made about the subject of their NCIC records in the 5 days before the records are entered.

For more information on the National Crime Information Center Database, visit [Effective Use of the National Crime Information Center Database With Missing-Child Incidents: A Reference Guide for Public-Safety Telecommunications Personnel](http://www.missingkids.org/content/dam/ncmec/en_us/documents/ncicguide.pdf), available at [www.missingkids.org/content/dam/ncmec/en\\_us/documents/ncicguide.pdf](http://www.missingkids.org/content/dam/ncmec/en_us/documents/ncicguide.pdf).

- Prompt contact with the U.S. National Central Bureau–International Criminal Police Organization (USNCB–INTERPOL), which communicates with its foreign counterparts in countries around the world.
- Prompt contact with the Office of International Affairs at the U.S. Department of Justice, to determine whether an urgent provisional arrest with a view toward extradition can be sought, or if other means are available under the domestic law of the other country, to return the taking parent to the United States to face criminal charges.

Successful interception usually depends on a criminal warrant or investigation in connection with the taking parent. However, this is not the only way to thwart a taking parent's plans. In the United States, civil court orders may provide authority for law enforcement to pick up an abducted child. Civil statutes, such as the Uniform Child

Custody Jurisdiction and Enforcement Act, may provide authority for law enforcement to locate and recover abducted children in Hague and non-Hague cases. Additionally, foreign governments may respond to an urgent Hague application transmitted by the U.S. Department of State, or they may take other measures to protect the child. In addition to arresting a taking parent on criminal charges, foreign governments may also stop an undocumented alien from entering the country.

## **Intercepting the Child and Taking Parent in the United States**

In addition to the strategies listed above, U.S. law enforcement should promptly take the following steps to prevent a taking parent from leaving the United States with the child:

1. Contact local police serving airports, bus stations, and train stations in the area as well as in nearby cities. If you suspect international travel, insert an NCIC entry and coordinate with CBP or contact CBP's Office of Children's Issues' liaison. If the child may be in immediate danger, contact the U.S. Department of State's Office of Children's Issues' liaison at CBP to request that they post a bulletin. For additional information, see the Bureau of Consular Affairs' webpage, "[Steps to Stopping an Abduction in Progress.](#)" Go to [www.travel.state.gov](http://www.travel.state.gov), select the "International Parental Child Abduction" tab and then the "Prevention" tab. Click on "Steps to Stopping an Abduction in Progress" in the left menu bar. The security division of major airlines may provide U.S. law enforcement with passenger registry information. If you discover that the child and taking parent are airborne, contact authorities in the destination country immediately for assistance in intercepting them at the airport when their flight lands, as described below.
2. If appropriate, ask the media to disseminate the child's photograph and description.
3. If local law enforcement is the left-behind parent's first contact, ask the FBI Field Office to coordinate the federal interdiction effort. They can also contact the U.S. Department of State's Office of Children's Issues, which works closely with law enforcement and CBP, when the missing child is still in the United States and at risk of imminent kidnapping.

Once contacted, the FBI works with the prosecutors and local law enforcement and will coordinate with other appropriate agencies—including, depending on the facts of the case, the U.S. Department of State, INTERPOL, the U.S. Department of Justice's

## The Role of U.S. Customs and Border Protection

U.S. Customs and Border Protection (CBP) may assist in stopping an international kidnapping in progress. If the taking parent and child are identified, CBP may detain the individuals at the port of departure and contact the relevant state or federal agency to take the appropriate action.

Law enforcement officers (not parents) can create National Crime Information Center entries or otherwise coordinate with CBP via the U.S. Department of State's Office of Children's Issues.

Office of International Affairs, CBP, and local law enforcement authorities such as port authority police—to investigate and, if possible, stop the international kidnapping in progress. The FBI agent may treat the kidnapping in progress as an Unlawful Flight To Avoid Prosecution (UFAP) matter or an IPKCA investigation and open a preliminary or full investigation. The FBI will use all available resources to track and arrest any criminal fugitive attempting international flight.

4. After contacting federal authorities, law enforcement can also contact NCMEC (800-THE-LOST) for prevention assistance, including support for kidnappings in progress. NCMEC has case managers that specialize in family kidnappings who can help coordinate services both during and after office hours.

### **Authority for Detaining the Taking Parent and Recovering the Child Before They Leave the United States**

***State and local law enforcement.*** Law enforcement officers should be familiar with state laws on child custody, custodial interference, and the taking of a juvenile into custody. A clear custody order, including a temporary order, may provide sufficient grounds for law enforcement to take physical custody of a child. State law may also allow officers to intercept a child taken in predicted kidnapping situations (that is, before custody orders have been made). It is important to obtain and review current, valid court orders when investigating parental child kidnapping. Law enforcement should contact their prosecution counterparts to help clarify these issues if necessary.

***The Uniform Child Custody Jurisdiction and Enforcement Act.*** This Act and similar statutes in some states give state prosecutors and law enforcement discretionary

authority to obtain pickup orders (e.g., a warrant for taking physical custody of a child, a warrant in lieu of a writ of *habeas corpus*) on an expedited basis in exigent circumstances (when risk of imminent flight or danger to the child exists), enabling them to take a child into physical custody. The child is then brought before the court for further disposition or delivered to a person designated by the court (usually the left-behind parent). Private attorneys may also seek pickup orders. (See chapter 7: Mechanisms for Child Recovery.)

In some circumstances, law enforcement may detain a suspected taking parent for questioning in connection with a criminal parental kidnapping investigation. The taking parent also may be arrested if probable cause or a criminal warrant for parental kidnapping exists. Law enforcement is encouraged to discuss these decisions with local or federal prosecutors.

***The Uniform Child Abduction Prevention Act.*** The Uniform Child Abduction Prevention Act (UCAPA) allows the court to impose kidnapping prevention measures at any time. See section 9: Law enforcement authority to enforce UCAPA pickup orders at [www.uniformlaws.org/shared/docs/child\\_abduction\\_prevention/ucapa\\_final\\_oct06.pdf](http://www.uniformlaws.org/shared/docs/child_abduction_prevention/ucapa_final_oct06.pdf).

***Federal law enforcement.*** If a child is identified at a U.S. land border, seaport, or airport as a result of an NCIC inquiry, CBP may temporarily detain the potential taking parent and child, even if there is no criminal warrant for the taking parent. In these cases, CBP may contact the local, state, or federal agency to determine the appropriate next steps. (See chapter 6: Criminal Prosecution and Extradition.)

After further investigation and after discussion with state or federal prosecutors, if the facts do not support filing IPKCA or other criminal charges under state or federal law against the suspected taking parent, and if no other basis exists on which to detain the potential taking parent for criminal investigative purposes (such as indications the child is in danger), the suspected taking parent would be free to go. However, it may be possible to prevent the child's departure with the suspected taking parent. Federal law enforcement should communicate with relevant local or state law enforcement authorities, who may have authority under civil statutes (described above) or may be directed by civil court order to take the child into physical custody. The left-behind parent should be notified of these circumstances so that possible civil remedies may be swiftly pursued to recover the child.

If allegations of parental abuse are raised, law enforcement should contact state social service agencies to assist with the investigation of allegations of abuse.

## **Intercepting the Child and Taking Parent Abroad**

Taking parents who succeed in leaving the United States may be stopped as they enter, leave, or travel through another country, provided that foreign authorities are promptly notified and their cooperation is sought. Local law enforcement officials may begin this process by immediately contacting the FBI Field Office; the U.S. Department of State's Office of Children's Issues, which will coordinate with CBP; and/or USNCB-INTERPOL, which in turn will call on and coordinate with foreign authorities to exercise any power they may have under their own domestic law to intercept the taking parent and protect the child. If the FBI field agent is the point of first contact for the left-behind parent, the agent will coordinate the federal response. Time is critical.

Interception abroad may be possible through one or more of the following: (1) the urgent filing of a Hague application; (2) foreign law enforcement cooperation to use its domestic law, generated by CBP or USNCB-INTERPOL or other law enforcement communication; (3) the expedited revocation of the taking parent's passport or other travel documents; or (4) making an urgent provisional arrest request for the taking parent with a view to extradition, based on an applicable treaty and a U.S. criminal arrest warrant and charging document or complaint.

### **Extradition and Provisional Arrest Requests**

State and federal prosecutors must contact DOJ's Office of International Affairs (OIA), regarding international extradition and provisional arrest requests. For specific contact information, see chapter 5: Federal and Nonfederal Resources.

Most extradition requests require either a state or federal felony violation with a maximum penalty exceeding 1 year of imprisonment, and a commitment to prosecute the taking parent even if the child can be returned. See chapter 6: Criminal Prosecution and Extradition for a more thorough discussion of extradition.

Prosecutors may seek an urgent "provisional arrest with a view toward extradition" to intercept a kidnapping in progress. If the requested foreign government provisionally arrests the defendant, the United States must submit (by its prosecutor, working with OIA) the full extradition request to the foreign government (including sufficient evidence) via the U.S. Department of State before the deadline provided by the applicable extradition treaty. Law enforcement, working with the relevant criminal prosecutor, should reach out to OIA as soon as possible for more information on this process and

the prospect of extradition in a particular country. When no extradition treaty is in place with the other country, the United States may ask the other country to use its domestic powers to intercept the offender.

## **Passport Revocation**

Local, state, and federal law enforcement can request revocation of a U.S. passport through the Legal Affairs Division of the U.S. Department of State's Office of Passport Services. They may also coordinate the request first with the FBI Field Office, which will liaise with the U.S. Department of State's Diplomatic Security office. Passports are revoked for the reasons set forth in 22 C.F.R. §§ 51.60–51.62. Contact information and procedures for requesting passport revocation and other passport actions are discussed in chapter 5: Federal and Nonfederal Resources and are available on the Bureau of Consular Affairs "[Passport Information for Law Enforcement](#)" webpage. Go to [www.travel.state.gov](http://www.travel.state.gov), select the "U.S. Passports" tab and then the "Legal Matters" tab. Click on "Passport Information for Law Enforcement" in the left menu bar.

If the parent has dual nationality, revoking a U.S. passport will not affect his or her ability to obtain or retain travel documents from the other country of nationality. Local law enforcement can request reciprocity from a foreign embassy or consulate, but there is no obligation under international law for the country to cooperate (by limiting a parent's ability to obtain or retain travel documents from that country). A foreign country's domestic law also may limit that country's ability to cooperate with the United States.

Law enforcement handling the case should advise the left-behind parent to contact the Office of Children's Issues immediately for assistance in starting the Hague process. Some state prosecutors have the authority to initiate a Hague return application (e.g., under the Uniform Child Custody Jurisdiction and Enforcement Act).

## **Urgent INTERPOL Communications**

Local, state, or federal law enforcement should communicate with USNCB–INTERPOL without delay to request that diffusions be sent on an urgent basis to one or more foreign national central bureaus (NCBs) about the kidnapping in progress.<sup>1</sup> Police authorities of each recipient country should be asked to place the abducted child in protective custody. In addition to using INTERPOL's dedicated telecommunications system, NCBs may communicate by telephone or fax.

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<sup>1</sup> The U.S. National Central Bureau can transmit immediate, text-only messages—called diffusions—at any time to one or more foreign NCBs.

## Urgent Hague Application or Other Urgent Civil Step

As discussed in chapter 5, steps under the Hague Abduction Convention or other civil means for securing the safety and recovery of the child must be considered in parallel to efforts to arrest or return a taking parent.

## Response From the Destination Country

The discretion to intercept a taking parent or an abducted child at a foreign port of entry rests with the foreign law enforcement and immigration authorities. The foreign government may exercise authority under its domestic law to prevent entry of a taking parent, to expel or deport a taking parent, or to address the welfare of the child. Some foreign authorities will use their domestic police powers to intervene if they find a factual basis for believing the child is endangered, regardless of whether the taking parent is wanted. Foreign authorities also may execute a request from the United States for the urgent provisional arrest of a taking parent for extradition purposes. If a taking parent is arrested, foreign authorities may safeguard the child while the custodial parent arranges for the child's return.

## Taking Custody of a Missing Child

Some states have granted law enforcement specific authority to pick up missing children. Every state allows law enforcement at least some authority to take custody of a child in an emergency, when there are concerns about abuse or neglect, or when the child has been abandoned. Early contact with state social service agencies will help this process.

However, an entry in the National Crime Information Center's missing persons category does not ensure that the child will be taken into custody if located. Few jurisdictions will hold a child indefinitely. They often want assurance that a parent or law enforcement representative will respond promptly to take custody of the child.

If the child is located in the United States, a custody order (including temporary orders) clearly specifying which parent has custody, a "pickup order," or both, may be required for law enforcement to take physical custody of the child. Securing custody orders or pickup orders in anticipation of the child being located can provide such assurance and expedite the child's recovery. Law enforcement should have a plan in place for the child's care when they recover the child; it may include placing the child with social service agencies if the caregiver is arrested with the child.



# Chapter 4. The Continuing Investigation



## *Which Law Enforcement Agencies Investigate International Parental Child Kidnapping Cases, and How Is the Investigation Conducted in the United States and Abroad?*

International parental child kidnapping cases involve investigative work in the United States and abroad. Communication among all local, state, and federal investigative agencies involved in the same case is imperative to avoid redundancy and use resources efficiently.

### **Understanding Local, State, and Federal Investigative Roles**

This section provides detailed information on the roles of local, state, and federal investigators.

#### **When Local Law Enforcement Is the First Responder**

In addition to using local and state resources to search for the child and conduct the criminal investigation, the international aspect of the case requires coordinating with other local, state, and federal agencies. For example, when a kidnapping is underway, local law enforcement should immediately contact the Federal Bureau of Investigation (FBI), the U.S. Department of State's Office of Children's Issues, the U.S. National Central Bureau–International Criminal Police Organization (USNCB–INTERPOL), or all three for assistance in rapidly garnering international law enforcement cooperation to intercept a taking parent.

#### **When and How the FBI Gets Involved**

The ability to investigate the case at the local level may be hindered by the taking parent's flight from the state or country. When this happens, federal law enforcement, in

coordination with a federal prosecutor, may seek an Unlawful Flight To Avoid Prosecution (UFAP) arrest warrant under the federal Fugitive Felon Act (18 U.S.C. § 1073), which will bring the FBI into the case—with its nationwide resources and international criminal law enforcement contacts. (For more information on procedures for obtaining a UFAP warrant, see chapter 6: Criminal Prosecution and Extradition.) The FBI is the sole federal agency with investigative jurisdiction for international parental kidnappings.

In addition to treating a kidnapping as a Fugitive Felon Act matter, the FBI agent may treat a kidnapping or attempted kidnapping as a felony under the International Parental Kidnapping Crime Act (IPKCA) and open a preliminary or full investigation. IPKCA investigations may be initiated by parents (whose first contact may be their FBI Field Office) or by state prosecutors or other law enforcement (who may be hampered by state law or other considerations from pursuing the case solely as a state law matter). Federal prosecutors, in consultation with the FBI, will make decisions about initiating the criminal process in international parental kidnappings on a case-by-case basis.

If a taking parent is charged under IPKCA, the FBI is the lead investigator. In addition to using all appropriate federal resources to conduct the investigation, the FBI may call on local authorities to help collect information.

As stated earlier, if the FBI is the first point of contact for the left-behind parent, the FBI should enter the child into the National Crime Information Center (NCIC) Missing Person File without delay and without regard to which law enforcement agency—state or federal—will lead the investigation.

## How To Obtain an Unlawful Flight To Avoid Prosecution Warrant

Unlawful Flight To Avoid Prosecution arrest warrants are obtained from a federal magistrate judge by federal law enforcement and prosecutors following the filing of a federal criminal complaint for a violation of the Fugitive Felon Act (18 U.S.C. § 1073).

## Extending the Search Internationally

Once taking parents are on foreign soil, U.S. law enforcement must enlist the cooperation of law enforcement authorities in the foreign country to carry on the investigation. This can be arranged by FBI Legal Attachés (often referred to as “Legats”) and by Regional Security Officers of the U.S. Department of State’s Bureau of Diplomatic Security (DS Special Agents) assigned to U.S. embassies and consulates abroad. USNCB–INTERPOL can also serve as a liaison to law enforcement in all INTERPOL member countries. (For a more complete description of the Diplomatic Security Service, Legats, and INTERPOL, including contact information, see chapter 1: Putting the Issue in Perspective.)

U.S. law enforcement can contact the Office of Children’s Issues, whose staff can call on foreign governments to assist in locating the child, report on the child’s condition, and assist in the child’s safe return. The Office of Children’s Issues can provide investigators with information on the laws and customs of foreign countries. Investigators should understand that the other country’s policies and customs—as they relate to religion, gender, nationality, and other factors—can negatively impact U.S. investigative efforts. The U.S. Department of Justice’s (DOJ’s) Office of International Affairs (OIA) can provide country-specific information on extradition and another country’s possible application of its domestic laws to intercept or deport an abductor and/or child.

The United States also maintains treaty or nontreaty relationships with most countries, whereby prosecutors and law enforcement may formally request assistance for a criminal investigation or prosecution. Contact the Criminal Division of OIA for more information.

## Conducting the Investigation

The investigator must gather as much information as possible about the child and the taking parent, the searching parent, and the circumstances of the case. The investigator will need to interview the left-behind parent extensively and gather copies of important documents and any custody orders that may exist. He or she should take statements from witnesses, neighbors, friends, school officials, and family members. Review the National Center for Missing & Exploited Children’s (NCMEC’s) [Investigative Checklist for First Responders](http://www.missingkids.org/content/dam/ncmec/en_us/desktop/publications/nc88.pdf) at [www.missingkids.org/content/dam/ncmec/en\\_us/desktop/publications/nc88.pdf](http://www.missingkids.org/content/dam/ncmec/en_us/desktop/publications/nc88.pdf).

## **Confirm National Crime Information Center Entries**

One of the investigator's first tasks is to confirm that all NCIC entries have been made correctly and are cross-referenced to one another. This includes the missing person record for the child as well as any wanted records and stolen vehicle records for the taking parent. Investigators should double check names and dates of birth for accuracy. An incorrectly spelled name or a wrong date of birth may result in the system failing to make a "hit" when a query is conducted.

## **Determine Allegations of Abuse**

Determine if there are any allegations of abuse against the taking parent or the left-behind parent. In many cases, a taking parent will claim that he or she fled the country to escape an abusive relationship with the left-behind parent. Under IPKCA and many state kidnapping statutes, it is an affirmative defense to the crime of parental kidnapping if the offender was fleeing an incident or pattern of domestic violence (see 18 U.S.C. § 1204 (c) (2)). Therefore, it is imperative that law enforcement fully investigate any such allegations or possibility of domestic violence in the home. As a first step, investigators should check whether any such reports have been filed locally or with state child protective services.

## **Conduct Interviews**

Interview siblings, relatives, employers, neighbors, schools, bank officials, friends of the suspect and child, and others. Contact anyone who might provide information about possible destinations, routes, departure times, and even insight into the resources available to the taking parent. These individuals may also have key information regarding whether any allegations of domestic abuse by the taking parent are valid. Consider notifying authorities in potential destinations and stopovers to look out for the child and taking parent. The FBI and INTERPOL can coordinate with foreign authorities to ensure they watch for the taking parent.

## **Review the Court File**

Review the original court file and acquire a copy of any existing court order for the case file. The civil court file can hold a wealth of information, including identifying data on all parties, notices and dates of service, history of drug or alcohol abuse, history of

child abuse, prior contempt actions, passport information, financial and employment records, records from other states, mental health history, domestic violence history, correspondence, list of prior residences and other contacts, and a history of interference with custody or visitation. A suspect, or his or her attorney, may decline to participate in an interview, yet will often fill the court file with motions, affidavits from friends and family, and statements from the suspect. The history and dates compiled from these files can provide a timeline and can help investigators prepare for interviews with key individuals in the case. Access to court files can be arranged through the prosecutor's office, the sheriff's civil division, or the court itself. It is also beneficial for the agency or investigator to have a standing court order on file that allows access to sealed files.

If a court order exists that establishes or outlines custodial or parental rights, the investigator should acquire a copy for the case file. If the investigator receives the custody order from the parent, he or she should contact the issuing court to verify that it is valid and is the most recent order issued.

Although some states require the left-behind parent to have custody or to obtain temporary custody to file state criminal charges, IPKCA and the Hague Abduction Convention do not require a custody order for criminal charges to be filed or to seek the return of a child.

## **Review Passport Records**

Seek information from passport records that may aid the investigation. Flagging U.S. passport applications may produce leads as to the taking parent's whereabouts. Searching passport records for information such as passport numbers and dates of issuance also can aid the investigation. You must have an open law enforcement investigation to request copies of passport records (which contain the applicant's personal information, but not travel records). Contact the Law Enforcement Liaison Division in the U.S. Department of State's Office of Passport Services for assistance in obtaining these records. To request these records, follow the procedures discussed in chapter 1: Putting the Issue in Perspective and listed on the Bureau of Consular Affairs' ["Passport Information for Law Enforcement"](#) webpage. Go to [www.travel.state.gov](http://www.travel.state.gov), select the "U.S. Passports" tab and then the "Legal Matters" tab. Click on "Passport Information for Law Enforcement" in the left menu bar.

## Determine Whether a Warrant Exists

Consult with the local state or district attorney to determine whether the taking parent has been charged with a state crime. If an arrest warrant is issued, it should be entered into NCIC immediately. The existence of a warrant ensures that the taking parent will be detained if located in the United States and helps facilitate cooperation from other law enforcement agencies. If prosecution is requested, the following documents will be needed:

- Copies of all sworn statements.
- A copy of the missing person report.
- A copy of the most recent custody or court order (if any).
- Any documentation or evidence that the child is being hidden by the taking parent or has been taken out of the state or country by the taking parent.

## Obtain Biometric Information

Obtain biometric information early in the investigation. State and federal guidelines require entering dental and medical records into NCIC within 30 days. This step is often overlooked until the later stages of a prolonged investigation or when a tragic outcome is anticipated. Where appropriate, investigators should collect DNA for all missing children and from the biological parents in a timely manner.

## Involve the Media as Appropriate

The media—television, radio, and newspapers—can publicize information about a taking parent and victim child locally and nationally, when appropriate. It is important to establish a positive relationship with the media before you need their help with a child kidnapping situation.

NCMEC's Missing Children Division can assist parents and law enforcement officers in creating a missing child poster, which can be disseminated in various ways (newspapers, mailers, television, and digital media), including being featured on NCMEC's website.

Once information about the child is in NCIC, law enforcement can work with the parent and local nonprofit organizations, state missing children's clearinghouses, and NCMEC to prepare and disseminate fliers and posters with the child's photo and description. If the child is suspected of being in a particular country or region outside the United States, law enforcement can check with NCMEC, the Office of Children's Issues, or their

clearinghouse for distribution options that may be available in a foreign country (e.g., using social media). NCMEC may also provide other technical assistance with cases.

## Investigative Resources

As long as the location of the child and the taking parent remains unknown, the investigator must draw from a variety of resources to generate new leads regarding their whereabouts. To obtain certain legal processes, such as grand jury subpoenas or search warrants that may be needed during the investigation, consult with a prosecutor early on.

The following sources may help establish proof that the child has left the country and ultimately assist in finding the taking parent and child:

**School records.** Ask officials at the abducted child’s school to “flag” the child’s records so that any change in or request for the child’s file is noticed immediately.<sup>2</sup> In particular, ask the school to contact the left-behind parent or law enforcement agency if a transfer of school records is requested.

**Medical and dental records.** Contact family physicians, dentists, hospitals, pharmacies, and any specialists who may have provided health care or medicine to the child or taking parent.<sup>3</sup> Ask them to contact the left-behind parent or law enforcement agency if any records for the child or taking parent are requested or prescriptions are refilled.

**NCIC/state crime information centers.** Ensure that NCIC entries for the child (missing person file) and the taking parent (wanted file, stolen vehicle file, or others) have been made and cross-referenced and that applicable flags have been activated.

**Friends, relatives, and coworkers.** Have the left-behind parent make a list of the taking parent’s relatives (including children), close friends, and coworkers with whom the taking parent may possibly confide. The list should include addresses and phone numbers for all individuals.

**Other records.** Other significant records that may be requested or flagged include court records, professional licenses, insurance policies, passports, visas, military records,

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<sup>2</sup> In many states, the law requires that school and birth records be flagged for missing children. For more information, visit [www.missingkids.org/ourwork/publications/safety/school-records-and-birth-certificates](http://www.missingkids.org/ourwork/publications/safety/school-records-and-birth-certificates).

<sup>3</sup> Although personal health information is generally private and protected, federal law allows some disclosure for law enforcement purposes in a variety of situations, including to locate a suspect, fugitive, material witness, or missing person (45 C.F.R. § 164.512(f)). For more information about health information privacy, visit the U.S. Department of Health and Human Services’ “[Health Information Privacy](http://www.hhs.gov/hipaa/index.html)” webpage at [www.hhs.gov/hipaa/index.html](http://www.hhs.gov/hipaa/index.html).

## Investigative Procedures Checklist

- Missing child entry in National Crime Information Center (NCIC)  
Date:  
NCIC number:
- Warrant for taking parent in NCIC  
Date:  
NCIC number:
- AMBER Alert issued  
Date:
- Vehicle entry  
Date:
- Passport number  
(Office of Children's Issues)  
Taking parent:  
Child:  
Date:
- Request to deny issuance of child's passport  
(Office of Children's Issues)  
Date:
- Port police contacted  
Date:  
Officer:
- Bus and train stations contacted  
Date:  
Contact:
- Airlines contacted for passenger information  
Date:
- Left-behind parent interviewed  
Date:
- Allegations of domestic abuse fully investigated  
Date:
- Custody order  
Date:
- Copy of court order acquired  
Date:  
Number:
- Court file reviewed for leads  
Date:
- Dental records obtained  
Date:  
Dentist:
- Fliers about child prepared  
Date:
- Birth certificate flagged  
Date:  
County/state:
- School records flagged  
Date:  
School:
- Medical records flagged  
Date:  
Doctor:
- Hague application filed by parent  
(Office of Children's Issues)  
Date:  
Contact:
- Local prosecutor  
Date:  
Case number:
- Federal prosecutor  
Date:  
Case number:
- State missing children clearinghouse  
Date:  
Contact:
- National Center for Missing & Exploited Children  
Date:  
Contact:
- Office of Children's Issues  
Date:  
Contact:



immigration files, union participation, voter registration, employer references, and airline and travel records for the child and taking parent.

**Credit checks.** Have the major credit bureaus—Equifax, TransUnion, and Experian—run credit checks on the taking parent to determine whether there are any recent purchases or lines of credit that would disclose location information.

**Credit cards.** Contact the taking parent's credit card companies to trace recent purchases. Although some credit card companies may require a grand jury subpoena to disclose this information, other companies may be willing to act as a confidential source in child abduction cases and release limited information pertaining to travel expenditures, such as airline tickets, hotel stays, and gas purchases.

**Employment.** Determine the taking parent's employment status. If the taking parent has recently terminated employment, it may be possible to find out where the final paycheck is to be sent.

**Military service.** If the taking parent is a member of the armed services on active duty, a civilian employee, or a retired employee, the U.S. Department of Defense can provide an address and trace pension payments or direct deposit information.

**Financial institutions.** Check the taking parent's bank accounts to see if an account has been closed or if funds have been transferred to another bank or financial institution. You may need a grand jury subpoena to obtain detailed information.

**Loans.** If the taking parent has an outstanding loan, ask the lender to save payment envelopes or other documents so postmarks can be checked. If payments are made by check, contact the bank for account information.

**U.S. Postal Service.** Check with the post office to find out if the taking parent has a forwarding address on file. Mail covers can be placed on friends and relatives of the taking parent to record all the return addresses on mail they receive. Mail covers can be requested through the U.S. Postal Inspection Service.

**Departments of highway safety and motor vehicles.** Check on recent vehicle registrations, title transfers, new licenses, and renewals.

**Professional licenses and unions.** If the taking parent practices a profession or trade that requires a state license or union membership, contact the licensing board or union to determine if the taking parent's license, union card, or other information has been transferred to or reissued in another location.

**Telephone records.** The taking parent's telephone and mobile phone records may be subpoenaed. The record of incoming and outgoing calls can be used to determine the areas of the city, state, or country, or another country, he or she communicated with prior to departing. Tracing calls through the local telephone company's security office can be coordinated by placing a mechanical device called a "trap" on the telephones of the taking parent's relatives and friends, if they agree to it.

**Federal Parent Locator Service.** Several databases can trace the use of the taking parent's and child's Social Security numbers. Request information from the Federal Parent Locator Service, which uses Social Security numbers to search many federal databases for address information for the taking parent and child.

**The Internet.** Many public record databases can be accessed easily and searched online. The Internet also offers various international directories and people finders that will search for phone numbers and addresses. A thorough investigation of social media websites, both for the victim and the taking parent, should also be conducted as soon as possible for location-specific information. In most cases, a search warrant will be required to obtain this information.

**Offline searches.** Consider requesting an offline search for activity involving the taking parent. This can be conducted against the NCIC database of active records or against historical data, such as records of inquiries or entries. This search can be helpful when there has been some delay in issuing a warrant for the taking parent. If any NCIC queries on the taking parent are identified, authorities can contact the agencies making them prior to the warrant's entry in the system. An offline search may be requested through NCIC and state crime information centers.

## **Working With the Left-Behind Parent**

This section discusses law enforcement's role in working with the left-behind parent.

### **Clarify Roles**

At the outset of the investigation, law enforcement should clarify the roles of left-behind parents in responding to the kidnapping. Make sure the parent understands that in criminal parental child kidnapping cases, law enforcement's first priority is to protect the child from harm. Law enforcement should also notify parents that the arrest, extradition, prosecution, and incarceration process that may be directed at the taking parent will not necessarily result

in the child's recovery. Left-behind parents should continue to explore civil remedies for the return of the child with the assistance of the U.S. Department of State and a private attorney.

Apart from investigating the criminal case, law enforcement may also be authorized under state law to take part in the civil aspects of custody enforcement and child recovery. In some cases, law enforcement will travel abroad to recover the child. If the responding law enforcement agency is unable to take part in the recovery, explain the constraints (such as lack of statutory authority) and advise the left-behind parent to actively pursue civil remedies on his or her own.

### **Obtain Information From the Parent To Advance the Investigation**

In some cases, the left-behind parent can provide important information about the history, habits, and assets of the taking parent, as well as insight into the customs, culture, and language of the taking parent's destination country. The left-behind parent may still be in contact with the taking parent by telephone, e-mail, or other means. After consulting with the prosecutor, law enforcement may be permitted to record telephone conversations between the taking parent and the left-behind parent or to participate in an undercover capacity in online communications with the taking parent. There may even be family members or friends in the destination country who can provide information to the left-behind parent about the taking parent's activities and whereabouts.

Ask the left-behind parent to maintain close contact with law enforcement and to provide phone numbers and addresses where the parent can be reached when away from home.

### **Ensure the Parent Can Travel on Short Notice**

Advise the left-behind parent that he or she may be required to travel to another location on very short notice to recover the child once the child has been located. Information on applying for a U.S. passport is available at the Bureau of Consular Affairs' "[U.S. Passports](https://www.travel.state.gov/content/travel/en/passports.html)" webpage at [www.travel.state.gov/content/travel/en/passports.html](https://www.travel.state.gov/content/travel/en/passports.html).

Parents who are financially unable to recover their children from another country or attend a foreign court proceeding should contact NCMEC, which administers funds from DOJ's Office for Victims of Crime to provide travel assistance for qualified individuals.

Law enforcement can also work with the Office of Children's Issues or refer the parent to them whenever foreign travel may be involved for a left-behind parent or if the abducted child is returning accompanied or unaccompanied. For further discussion on the Office of Children's Issues, see chapter 1: Putting the Issue in Perspective.

## Keep the Parent Informed of Progress on the Case (Where Appropriate)

Although the investigator's time may be limited, it is important to follow up regularly with the parent, provide updates on the investigation, and confirm or clarify facts discovered during the search. Law enforcement should use discretion where there is a history or allegation of abuse by the left-behind parent and ensure that the safety of the child remains paramount.

## Refer the Parent to Helping Agencies

Enlist the assistance of your police department's victim-witness advocate to provide support to the parent. Refer the left-behind parent to groups that can provide support and assistance, including local missing child nonprofit groups, the state missing children clearinghouse, NCMEC, and Team HOPE ([www.missingkids.org/ourwork/TeamHOPE](http://www.missingkids.org/ourwork/TeamHOPE)). Team HOPE is a national support network that matches left-behind parents with trained parent volunteer mentors who have experienced a kidnapping in their own families, usually to the same country.

## Resources for Left-Behind Families

The following publications from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) can assist families throughout the reunification and recovery process. OJJDP publications can be viewed and downloaded from the OJJDP website, [ojjdp.gov](http://ojjdp.gov) (select "Publications"). The NCJ numbers in parentheses can also be used to search for or order the publications from the National Criminal Justice Reference Service at [www.ncjrs.gov](http://www.ncjrs.gov).

- [\*The Crime of Family Abduction: A Child's and Parent's Perspective\*](#) (NCJ 229933)
- [\*When Your Child Is Missing: A Family Survival Guide\*](#) (NCJ 228735)
- [\*What About Me? Coping With the Abduction of a Brother or Sister\*](#) (NCJ 217714)
- [\*You're Not Alone: The Journey From Abduction to Empowerment\*](#) (NCJ 221965)
- [\*A Family Resource Guide on International Parental Kidnapping\*](#) (NCJ 215476)
- [\*Law Enforcement Response to Child Abuse\*](#) (NCJ 243907)

# Chapter 5. Federal and Nonfederal Resources



## *What Help Is Available to Law Enforcement, and How Can It Be Accessed?*

Investigators with little or no experience in international matters can draw on the resources of numerous agencies—federal and nonfederal—in an international parental child kidnapping case. The individuals who staff these agencies have extensive experience with international cases and can facilitate communication with foreign officials. This chapter highlights agencies and organizations that provide services, support, and assistance to left-behind parents and their children. Contact information is provided in appendix A.

### **U.S. Department of State**

The U.S. Department of State offers many resources to assist in international parental kidnapping investigations, as discussed in the following sections. Although this guide uses the phrase “international parental kidnapping” in accordance with the International Parental Kidnapping Crime Act, codified in Title 18, U.S. Code § 1204, “child abduction” is used in this section when referring to procedures surrounding the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the sidebar “Introduction to the Terminology” on page 2 for additional information.

### **Office of Children’s Issues**

As part of the U.S. Department of State’s Bureau of Consular Affairs, the Office of Children’s Issues develops and implements policies and practices to promote the welfare and safety of children involved in international parental child abduction. It works regularly with law enforcement to provide technical assistance on what information law enforcement needs to gather quickly. Law enforcement is encouraged to reach out to

the Office by phone (888–407–4747) or via e-mail at [CA-CI-DOJ-liaison@state.gov](mailto:CA-CI-DOJ-liaison@state.gov) first if the child has departed the United States. If the child is still in the United States, contact [preventabduction1@state.gov](mailto:preventabduction1@state.gov) for technical assistance as soon as a potential international child abduction is suspected. More information on stopping an abduction in progress can also be found at the Bureau of Consular Affairs' "[Steps to Stopping an Abduction in Progress](#)" webpage. Go to [www.travel.state.gov](http://www.travel.state.gov), select the "International Parental Child Abduction" tab and then the "Prevention" tab. Click on "Steps to Stopping an Abduction in Progress" in the left menu bar.

As the U.S. Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, the Office of Children's Issues works to strengthen treaty compliance in the United States and abroad. It is the primary federal contact for child return in cases of parental child abduction to or from the United States and another partner country.

The Hague Abduction Convention is the primary civil law mechanism for parents seeking the return of children from treaty partner countries. Countries that are party to the Convention have agreed that a child who was a habitual resident in one Convention country, and who has been removed to or retained in another Convention country in violation of the left-behind parent's custodial rights, shall be returned promptly. However, officials and parents should be aware that submitting a request for return promptly does not guarantee the court will order the return of the child.

Once the child has been returned to his or her habitual residence, the custody dispute can then be resolved in the courts of that jurisdiction, if necessary. The Convention does not address who should have custody of the child; it addresses where the custody case should be heard. A detailed summary of the basic provisions of the Hague Abduction Convention, the role of the Central Authority, and the process for invoking the Convention is available at the "[Legal Information](#)" webpage of the Bureau of Consular Affairs' website. Go to [www.travel.state.gov](http://www.travel.state.gov), click on the "International Parental Child Abduction" tab and then select the "Legal Information" tab.

As of February 15, 2018, the Hague Abduction Convention is in force between the United States and 77 other countries. Each country that is party to the Convention has designated a Central Authority, a specific government office, to carry out specialized Convention duties. To see a list of countries that are [treaty partners](#) with the United States under the Convention, go to [www.travel.state.gov](http://www.travel.state.gov), choose the "International Parental Child Abduction" tab, click on the "Abductions" tab, and then choose "U.S. Hague Convention Treaty Partners" in the left menu bar.

## Types of Assistance the U.S. Department of State Can Provide to Law Enforcement

The Office of Children's Issues coordinates the following services for law enforcement:

- Facilitates the return of an abducted child in cases where the Hague Convention on the Civil Aspects of International Child Abduction applies.
- Coordinates interagency efforts to ensure the safe return of a child abducted from the United States, especially when U.S. embassies abroad are involved.
- Coordinates with consular officers at U.S. embassies and consulates to provide support and assistance to returning children.
- Facilitates issuance of U.S. travel documents for a child when necessary.
- Assists parents who are financially unable to recover their child from another country in conjunction with the National Center for Missing & Exploited Children, which provides travel assistance to qualified parents.
- Furnishes information concerning passport issuance and passport number for a child. (Information from an adult's passport records is available from the Office of Passport Services' Law Enforcement Liaison Division.)
- Requests that a U.S. embassy or consulate abroad attempt to verify entry of a taking parent and a child into that country, establish their whereabouts, and check on the child's welfare.
- Enrolls the child's name in the Children's Passport Issuance Alert Program, and facilitates placing a hold on the issuance of a passport to a minor child when a custody order exists. Note: The U.S. Department of State Office of Passport Services' Legal Affairs Division and Law Enforcement Liaison may take revocation action regarding adults' passports, consistent with applicable regulations, upon an appropriate law enforcement request.
- Alerts foreign officials to any apparent child abuse or neglect.
- Provides country-specific information on diverse topics such as custody and immigration laws, travel restrictions, and crime and security data.
- Requests that foreign governments exercise any power they have under their domestic law to protect an abducted child.
- Coordinates the urgent filing of a Hague application to allow foreign authorities to assist as appropriate, and coordinates itinerary and arrival times with the Central Authority and law enforcement in the United States and/or the destination country.

Central Authorities communicate with each other and help parents file applications for the return of their children or for access to their children under the Convention. Information on how to [“File a Hague Application”](#) is available on the Bureau of Consular Affairs’ website. Go to [www.travel.state.gov](http://www.travel.state.gov), choose the “International Parental Child Abduction” tab, click on the “Abductions” tab, and then choose “File a Hague Application” in the left menu bar.

Investigators should note that although the Office of Children’s Issues plays a key role in coordinating the resolution of child abduction matters through the Hague Abduction Convention, the Office does not act as an attorney or agent on behalf of the applicant parent. Left-behind parents may be eligible for free legal representation in the foreign country; the Office can discuss this with the foreign Central Authority. Law enforcement should immediately refer left-behind parents to the Office of Children’s Issues for further information and assistance regarding Hague return applications.

As part of the Bureau of Consular Affairs’ Overseas Citizen Services, the Office of Children’s Issues provides information to parents with child kidnapping cases involving U.S. citizen children younger than age 16 who are taken to countries that are not partners with the United States under the Hague Abduction Convention.

Law enforcement investigators should maintain close consultation with the Office of Children’s Issues and provide new developments or updates on the case.

## **Passport Services**

***Children’s Passport Issuance Alert Program.*** The [Children’s Passport Issuance Alert Program](#) (CPIAP) is one of the U.S. Department of State’s most important tools for preventing international parental child abduction. The program allows parents who are concerned about a possible abduction to register their U.S. citizen children younger than age 18 in the Department’s Passport Lookout System. If a passport application is submitted for a child who is registered in the CPIAP system, the Office of Children’s Issues attempts to alert the requesting parent. This procedure provides parents with advance warning of possible plans for international travel with the child. More information is available at the Bureau of Consular Affairs’ website. Go to [www.travel.state.gov](http://www.travel.state.gov), select the “International Parental Child Abduction” tab and then the “Prevention” tab. Click on “Children’s Passport Issuance Alert Program” in the left menu bar.

Unless an exception applies, both parents or each of the child’s legal guardians must execute the passport application for children younger than age 16. A passport application



may be executed on behalf of a minor younger than age 16 by only one parent or legal guardian if that person provides a notarized, written statement or affidavit from the nonapplying parent or legal guardian consenting to the issuance of the passport, or documentary evidence that he or she is the sole parent or has sole custody of the minor. Minors younger than age 18 generally must appear in person when applying for a U.S. passport. For children ages 16 to 18, the child may be able to execute his or her own application. However, the passport authorizing officer has the discretion to require a minor age 16 or 17 to submit the notarized consent of a parent, legal guardian, or person in *loco parentis*. Detailed information on passports for minors age 16 and younger is available at the Bureau of Consular Affairs' U.S. Passports webpage for "[Children Under 16.](#)" Go to [www.travel.state.gov](http://www.travel.state.gov), select the "U.S. Passports" tab and then the "Apply for or Renew My Passport" tab. Select "Children Under 16" in the left menu bar. Detailed information on passports for minor [children ages 16 and 17](#) is available on the same webpage.

***Before any passport is issued, the passport applicant's name is checked against a central system.*** A local, state, or federal law enforcement agency may request that a subject under criminal investigation be placed in the passport name-check system so law enforcement will be notified before a passport is issued, even when there is no felony warrant or court order. The written request should be sent to the Legal Affairs Division of the Office of Passport Services. It must include the subject's full biographical data (including date and place of birth and Social Security number), the factual basis for the request, the criminal statute under which the subject is being investigated, and the contact information of the investigating officer. More information on how to submit a passport records request can be found on the Bureau of Consular Affairs' website. Go to [www.travel.state.gov](http://www.travel.state.gov), select the "U.S. Passports" tab and then the "Legal Matters" tab. Click on "[Passport Information for Law Enforcement](#)" in the left menu bar.

***Passport denial and revocation.*** A local, state, or federal enforcement agency may request the denial or revocation of a passport on several regulatory grounds found at 22 C.F.R. §§ 51.60–51.62. Passports may be denied or revoked for a number of reasons. Among them are a valid unsealed local, state, or federal felony warrant of arrest; a state or federal criminal court order or a condition of parole or probation forbidding departure from the United States; or a request for extradition to or from the United States. All passport applications are run through various law enforcement and other databases. Note: A defendant fugitive will be notified of the warrant when he or she receives the notice of passport revocation.

The Legal Affairs Division and Law Enforcement Liaison of the U.S. Department of State's Office of Passport Services must authorize all revocations of a U.S. passport. Passport revocation may be prompted for the reasons a passport may be denied under 22 C.F.R. § 51.60, or as addressed in 22 C.F.R. § 51.62, upon a determination that the passport was obtained fraudulently, illegally, or erroneously or when the person's certificate of naturalization or certificate of citizenship was canceled. The U.S. Department of State can revoke a child's passport only if it was erroneously, illegally, or fraudulently issued at the time or if the child is not entitled to it under the provisions set forth in 22 C.F.R. §§ 51.60–51.62.

The Office of Passport Services' Legal Affairs Division will coordinate the placement of a hold on the issuance of a passport to a fugitive, and may revoke a fugitive's U.S. passport. Law enforcement should notify the Legal Affairs Division once a subject is apprehended, when the warrant is quashed, or when passport action is no longer needed.

## **Bureau of Diplomatic Security**

In cases involving international parental child abduction, the Office of Children's Issues coordinates with the Diplomatic Security Service (DSS), the U.S. Department of State's law enforcement arm around the world. DSS has more than 900 special agents who serve as Regional Security Officers (RSOs), Deputy Regional Security Officers (DRSOs), and Assistant Regional Security Officers (ARSOs) in 189 of the 266 U.S. embassies, consulates, and locations of interest abroad. In many countries, the resident RSO is the only U.S. law enforcement representative. U.S. diplomatic missions without a resident RSO are covered regionally by the nearest RSO. DSS officers also work closely with officials at U.S. international airports.

The Washington, DC-based DSS Criminal Investigative Liaison Branch serves as a clearinghouse for law enforcement leads on international parental kidnapping and wrongful retention cases. Requests for law enforcement assistance can be sent directly to [crimeliaison@state.gov](mailto:crimeliaison@state.gov). In addition, DSS has 8 field offices located in major U.S. cities and 21 resident offices in other cities throughout the United States.

In conjunction with efforts by the Office of Children's Issues, RSOs on U.S. diplomatic missions abroad may request that foreign police contacts ascertain a child's location, even when there is no warrant for the taking parent. Additionally, domestic and overseas DSS agents investigate passport and visa fraud violations in relation to parental child abduction cases.

## **U.S. Department of Justice**

The U.S. Department of Justice (DOJ) also offers resources to assist in international parental kidnapping investigations, as discussed in the following sections.

### **Federal Bureau of Investigation**

The Federal Bureau of Investigation (FBI) is the law enforcement agency tasked with investigating international parental kidnapping cases under the International Parental Kidnapping Crime Act (IPKCA) and the Fugitive Felon Act. Requirements for obtaining Unlawful Flight To Avoid Prosecution (UFAP) warrants and IPKCA charges are discussed in chapter 6. The FBI can take steps to stop kidnappings in progress and coordinate the international law enforcement response when taking parents have reached their foreign destinations. See *When and How the FBI Gets Involved* (page 23) for further discussion of the FBI's role in investigating IPKCA cases.

The FBI Legal Attaché (often referred to as a "Legat") has an official presence in many countries to serve mutual law enforcement interests. Located in U.S. embassies around the world, Legats act as liaisons to the principal law enforcement and intelligence services in their host countries. The Legat stationed at a U.S. embassy abroad may request assistance from local law enforcement in that country to locate or to confirm the location of a taking parent and child. Although the FBI will not divulge criminal investigative information to the left-behind parent, the case agent may notify the parent if the child is found so the parent can pursue appropriate civil remedies to secure the child's lawful return.

### **U.S. Attorneys' Offices**

There are 93 U.S. Attorneys' Offices (USAOs) throughout the country. USAOs work closely with various state, local, and other law enforcement authorities to prosecute violations of federal child exploitation laws, including violations of IPKCA. Each U.S. Attorney's Office works as a cooperative team with the law enforcement community to prosecute this crime. Furthermore, each district has victim assistance personnel who provide services to crime victims and ensure they are accorded their rights as cases progress through the criminal justice system. Victim assistance staff have been trained to ensure that child victims of crime have access to services that will address their unique and challenging needs.

## **Child Exploitation and Obscenity Section, Criminal Division**

Trial attorneys with DOJ's Child Exploitation and Obscenity Section (CEOS), in conjunction with the U.S. Attorneys' Offices throughout the nation, investigate and prosecute defendants who have violated federal child exploitation laws, including violations of IPKCA. CEOS provides advice and litigation support to other federal prosecutors regarding prosecutions under IPKCA. It also conducts training for federal prosecutors, law enforcement personnel, and others on IPKCA and its interplay with the Hague Convention on the Civil Aspects of International Child Abduction.

## **Office of International Affairs**

DOJ's Office of International Affairs (OIA) in the Criminal Division assists state and federal prosecutors with requests for the extradition of a fugitive from a foreign country, including requests for the urgent provisional arrest of a criminal fugitive in flight or who poses a danger. It also helps obtain evidence from abroad. OIA can quickly assess whether there is an extradition treaty in force with another country and whether parental kidnapping is encompassed by the relevant treaty. OIA maintains relationships with nontreaty countries regarding the potential for cooperation in the absence of a treaty. It does not handle child return but closely coordinates its efforts to locate and return a criminal fugitive with efforts by the Office of Children's Issues at the U.S. Department of State and others to return a child. To learn more about OIA, visit its webpage at [www.justice.gov/criminal-oia](http://www.justice.gov/criminal-oia).

## **U.S. National Central Bureau**

The International Criminal Police Organization (INTERPOL) is a 190-nation police communications network that enables police forces around the world to coordinate international criminal investigations and to exchange information about humanitarian issues. INTERPOL has no independent law enforcement authority; a country's participation is voluntary.

All INTERPOL member countries maintain a national central bureau (NCB) that serves as that country's point of contact with the international law enforcement community. The U.S. National Central Bureau (USNCB) is an office within the U.S. Department of Justice. Each state also has an INTERPOL coordinator who acts as a liaison with the USNCB.

When an international kidnapping from the United States is underway, U.S. law enforcement must rapidly notify and request assistance from appropriate foreign law

enforcement authorities. In addition to calling the FBI Field Office, local, state, and federal law enforcement in the United States can contact USNCB–INTERPOL 24 hours a day, 7 days a week, to alert foreign authorities of a potential child abduction. For additional assistance, contact the INTERPOL liaison in your state.

**INTERPOL diffusions.** USNCB can transmit immediate, text-only messages, called diffusions, to one or more foreign NCBs at any time, asking police authorities of each recipient country to do the following:

- Search for a fugitive charged with a crime carrying a penalty of more than 1 year of imprisonment, whom the prosecutor is willing to extradite.
- Trace and locate a taking parent, even if he or she is not charged with a crime.
- Locate and ascertain the safety and welfare of a missing or abducted child.

Diffusions may also inform foreign authorities of any medical conditions that a child has, warn of any particular danger to the child, and ask that an abducted child be placed in protective custody.

The most expedient way to have an INTERPOL diffusion issued on a child is to give INTERPOL the necessary information via NLETS (The International Justice and Public Safety Network) at [www.nlets.org](http://www.nlets.org).

**INTERPOL notices.** If a taking parent and child are believed to have entered a foreign country and their location is unknown, USNCB may apply to INTERPOL headquarters in Lyon, France, for color-coded notices to search for them internationally. Each notice includes the subject’s identification, photograph, and fingerprints, if available, as well as case information. It asks any country that locates the parent and child to notify the requesting country immediately so it may request extradition, facilitate a request for the child’s return under the Hague Abduction Convention, or take other action as appropriate. INTERPOL headquarters translates notices into four languages and sends them to all 190 INTERPOL members.

INTERPOL will also perform the following services:

- Interview witnesses.
- Provide name, criminal history, fingerprint, and license checks.
- Search for telephone subscriber information.

## INTERPOL Notices

**Red notices** (fugitive) seek persons wanted for criminal prosecution and return to the prosecuting country. A red notice requires a state or federal arrest warrant for at least one crime that carries more than 1 year of imprisonment, plus the prosecutor's written agreement to seek extradition of the fugitive (generally, from any country that can extradite the fugitive to the United States for the crime in question).

A red notice asks police in all International Criminal Police Organization (INTERPOL) member countries to locate the fugitive and, if permissible under the law of the country in question, to detain the fugitive for a limited period so the seeking country can make a formal request for extradition through the prescribed channel. All red notices requested for international parental kidnapping must include a yellow notice for each victim who is a minor.

**Blue notices** (trace and locate) seek persons, including taking parents, even when they have not been charged with a crime.

**Yellow notices** (missing person) seek missing persons, including abducted children. A yellow notice on an abducted child can be requested with a red or blue notice on a taking parent.

- Conduct photograph and physical description checks.
- Locate information on ownership of weapons and vehicles.

Whether to request a diffusion and/or notice in any given case is a decision for law enforcement and the prosecutor. Each foreign law enforcement authority handles INTERPOL diffusions and notices according to its country's law and practice. USNCB has no authority over how a foreign country handles INTERPOL communications. USNCB promptly conveys any response it receives to the relevant U.S. authorities.

## U.S. Department of Homeland Security

### U.S. Customs and Border Protection

U.S. Customs and Border Protection (CBP) is the unified border security agency within the U.S. Department of Homeland Security focused on securing U.S. borders while facilitating lawful international trade and travel. As required by Title III of the International Child Abduction Prevention and Return Act, 6 U.S.C. § 241, CBP, in cooperation with the U.S. Department of State, has established a program that seeks to prevent the departure

of a child from the United States when presented with an order from a court of competent jurisdiction that prohibits the child's removal from the United States. Parents and legal guardians may submit such a court order to the U.S. Department of State's Office of Children's Issues, which coordinates closely with CBP and other law enforcement officials to prevent international child kidnappings. Additionally, state and federal agencies may work directly with CBP, for example, in an emergency situation or when there is a warrant issued to detain the potential taking parent and child who are attempting to depart the United States, and to permit the state or federal agency to take appropriate action.

## **U.S. Department of Defense**

Law enforcement agencies investigating cases of children wrongfully removed to or retained at an overseas military installation may seek a base commander's assistance in addressing the criminal or civil aspects of the case. Official U.S. Department of Defense (DoD) policy, expressed in Department of Defense Instruction 5525.09 (Compliance of DoD Members, Employees, and Family Members Outside the United States With Court Orders), is to cooperate with the courts and with local, state, and federal officials in enforcing court orders relating to active-duty members and civilian employees of the Armed Forces stationed outside the United States and family members who accompany them, who have been charged with or convicted of a felony, held in contempt, or ordered to show cause for parental kidnapping.

### **Legal Assistance Offices**

The Army, Navy, Air Force, and Marine Corps legal assistance offices are the points of contact for inquiries concerning legal issues in the kidnapping of a child by a parent or other family member either on active duty with that armed service or accompanying such a service member. They are also points of contact for the U.S. Department of State in cases of international kidnapping of the children of service members. You can find the appropriate military legal assistance office by using the search tool on the U.S. Department of Defense "[Military Installations](http://www.militaryinstallations.dod.mil/MOS/f?p=MI:ENTRY:0)" webpage at [www.militaryinstallations.dod.mil/MOS/f?p=MI:ENTRY:0](http://www.militaryinstallations.dod.mil/MOS/f?p=MI:ENTRY:0).

### **Military Locator Service**

State and federal agencies and family members can obtain location information for active-duty service members by their respective branch of service from the

following webpage at USA.gov: [“Locate Military Members, Units, and Facilities”](http://www.usa.gov/military-personnel-and-installations) ([www.usa.gov/military-personnel-and-installations](http://www.usa.gov/military-personnel-and-installations)).

## **Office of Personnel Management**

The Office of Personnel Management can provide current address information on any retired civil servant if the proper release document or legal authority has been received. Law enforcement also may obtain investigative leads for locating the taking parent and abducted child by tracing pension payments through address or direct deposit information.

## **Family Educational Rights and Privacy Act Office**

A child’s school records, as well as requests to transfer records, may provide investigative leads in a parental kidnapping case. The Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) permits a parent to find out from school officials whether a minor child’s school records have been transferred to a new school or if copies have been sent to the taking parent. If the records have been forwarded, the left-behind parent is entitled to learn the name, address, and telephone number of the new school.

Through a court order, a parent also has the right to block a transfer of school records. However, this is not recommended because it eliminates an often successful means of tracking the suspect’s movements.

## **Federal Parent Locator Service**

The Federal Parent Locator Service (FPLS) may provide address information on taking parents and abducted children to “authorized persons” pursuant to the Parental Kidnapping Prevention Act for purposes of making or enforcing child custody determinations and for enforcing state or federal criminal parental kidnapping laws (42 U.S.C. § 663).

FPLS uses Social Security numbers to search numerous government databases for the most recent address and employment information on the taking parent and child. Participating agencies include the Office of Children’s Issues, Social Security Administration, Internal Revenue Service, U.S. Department of Defense, U.S. Department of Veterans Affairs, state employment security agencies, and the National



Directory of New Hires. In particular, two Office of Children’s Issues webpages may be helpful: [“Steps to Stopping an Abduction in Progress”](#) and [“Information About the Sean and David Goldman International Child Abduction Prevention and Return Act.”](#) Go to [www.travel.state.gov](http://www.travel.state.gov), select the “International Parental Child Abduction” tab and then the “Prevention” tab. Click on the respective resources in the left menu bar.

Authorized persons include:

- State and federal attorneys authorized to investigate, enforce, or prosecute the unlawful taking or restraint of a child.
- Any agent or attorney of any state with the duty or authority under state law to enforce child custody determinations.
- Courts (or their agents) with jurisdiction to make or enforce a child custody determination.

The U.S. Central Authority and DOJ’s Office of Juvenile Justice and Delinquency Prevention may also obtain address information from FPLS.

Federal prosecutors and FBI agents may submit requests directly to FPLS. Such requests must be accompanied by a statement signed by the agent or U.S. Attorney attesting that the request is being made solely to locate an individual in connection with a parental kidnapping or child custody case and that any information obtained through FPLS shall be treated as confidential, safeguarded, and used solely for the purpose for which it was obtained. Other authorized persons can submit requests to the State Parent Locator Service in their state, which will forward them to FPLS. Requests must include the taking parent’s name, date of birth, and Social Security number. If the Social Security number is not known, FPLS will try to find it.

Courts may obtain address information in custody and visitation cases where there is evidence of domestic violence or child abuse, but further disclosure is restricted if it would endanger the parent or child.

Law enforcement officers with questions about FPLS can also contact the National Center for Missing & Exploited Children (NCMEC). Requests for address information can be made by calling 800–THE–LOST.

## National Center for Missing & Exploited Children

NCMEC is the nation's clearinghouse on issues related to missing and sexually exploited children. It is a private, nonprofit organization that provides programs and services to assist law enforcement, families, and the professionals who serve them. As part of its mission, NCMEC provides technical assistance in cases of child kidnapping, missing children, and child sexual exploitation.

### Family Abduction Unit

NCMEC's Family Abduction Unit provides technical assistance and support for families, law enforcement agencies, and attorneys. This support focuses on preventing family kidnappings and assisting in the location and recovery of missing children both nationally and internationally.

The unit's case managers work each case individually, coordinating with government and nongovernment agencies in the United States and other countries to provide technical assistance and information regarding both civil and criminal remedies. The unit also helps identify, develop, and promote resources for resolving national and international family kidnappings through trainings and presentations for the legal and law enforcement communities. For more information, call 800-THE-LOST or visit [www.missingkids.org/theissues/familyabduction](http://www.missingkids.org/theissues/familyabduction).

### Family Advocacy Division

NCMEC's Family Advocacy Division is a team of dedicated professionals who work with officers and families to provide counseling and reunification assistance and referrals. The division can also locate short- and long-term support for families through local victim advocates and mental health agencies. Its staff can help make skilled therapists available during every stage of reconnecting and rebuilding, whether it is at the airport as a recovered child steps off a plane or months later.

The Family Advocacy Division works closely with DOJ's Office for Victims of Crime and administers its Victim Reunification Travel program. Eligible parents can request financial assistance to attend a Hague Abduction Convention or custody hearing or to be reunited with a child located in another country. To learn more about the program, visit [www.missingkids.org/reunification](http://www.missingkids.org/reunification). For more information, call 800-THE-LOST or visit [www.missingkids.org/Support](http://www.missingkids.org/Support).

## State Missing Children Clearinghouses

Every state has a missing children clearinghouse that serves as a central repository for information on missing children and that provides assistance to both parents and law enforcement. State clearinghouses offer services such as case registration, information research, analytical assistance, technical support, photo and poster dissemination, and preventive and educational programs. Investigators may contact clearinghouses in other states for help following up on out-of-state leads. A list of state missing children clearinghouses and their contact information is available at [www.missingkids.org/theissues/missing/clearinghouses](http://www.missingkids.org/theissues/missing/clearinghouses).

### NCMEC Services Related to International Parental Child Kidnapping

The National Center for Missing & Exploited Children (NCMEC) provides the following services to assist law enforcement and parents:

- Confirms National Crime Information Center Missing Person File entries for missing children.
- Provides technical case assistance.
- Organizes networks for law enforcement personnel investigating cases in the United States and internationally.
- Operates a 24-hour, toll-free hotline.
- Distributes photos and posters of missing children.
- Provides photo enhancement and age progressions of missing children photos.
- Records leads and sightings and disseminates related information.
- Operates Project ALERT, a team of retired law enforcement professionals, with members located throughout the country, that provides free onsite assistance to local law enforcement agencies in difficult missing children cases.
- Helps coordinate and plan successful reunification of the child and parent.
- Administers victim reunification travel funds to financially eligible parents for international travel to attend a court hearing or to reunite with abducted children.
- Provides information and technical assistance to parents, officers, and attorneys on preventing family kidnappings.
- Provides information about the Hague application process and assists parents and attorneys with questions about necessary forms.

# Resource Sheet

This resource sheet is a guide for tracking communications throughout the investigation. It does not contain an exhaustive list or any required resources.

## State Prosecutor

Date:  
Contact:

## U.S. Attorney's Office

Date:  
Contact:

## U.S. Department of Justice Federal Bureau of Investigation

Date:  
Contact:

- o Unlawful Flight To Avoid Prosecution warrant  
Date:
- o International Parental Kidnapping Crime Act Warrant  
Date:
- o Legal Attaché (Legat)  
Name:  
Country:

## INTERPOL

Date:  
Contact:

- o Diffusion  
Date:
- o Color-coded notices  
Date:

## Office of International Affairs

Date:  
Contact:

## U.S. Department of State Office of Children's Issues

Date:  
Contact:

- o Welfare and whereabouts check  
Date:
- o Child in Children's Passport Issuance Alert Program—hold on passport issuance with appropriate court order or request for notification  
Date:
- o Hague Abduction Convention application  
Date:

## Office of Passport Services

Date:  
Contact:

- o Taking parent passport denial/revocation

Date:

## Bureau of Diplomatic Security

Date:  
Contact:

## U.S. Department of Homeland Security Customs and Border Protection

Date:  
Contact:

## U.S. Department of Defense Overseas base commanders

Date:

## Legal Assistance Offices

Date:

## Military Members, Units, and Facilities Locator

Date:

## Office of Personnel Management

Date:  
Contact:

## Federal Parent Locator Service

Date:  
Contact:

## National Center for Missing & Exploited Children

Date:  
Contact:

## State Missing Children Clearinghouse

Date:  
Contact:

## Local Nonprofit Missing Children Organizations

Agency name:  
Date:  
Contact:

# Chapter 6. Criminal Prosecution and Extradition



## *What Are the Options for Criminal Charging in International Parental Kidnapping Cases, and When Should Charges Be Pursued?*

All 50 states, the District of Columbia, the territories, the federal government, and many foreign governments recognize the international kidnapping of a child by his or her parent as a serious crime, subject to penalties of more than 1 year in prison. State felony kidnappings that involve interstate or international flight to avoid prosecution may also result in federal criminal charges under the Fugitive Felon Act. International parental child abduction is a federal felony under the International Parental Kidnapping Crime Act (IPKCA). Some kidnappings may not be a crime under state law but may be subject to prosecution under IPKCA (for example, kidnappings or attempted kidnappings that occur before the entry of a custody decree in states that require violation of such orders for prosecution, or kidnappings or attempted kidnappings that interfere with visitation rights not encompassed by a state statute).

### **Charging Considerations**

Decisions on whether to seek state or federal criminal charges are made on a case-by-case basis. Any assessment of whether to proceed criminally against a taking parent involves many factors, as discussed below.

### **Criminal Charges May Cause the Abductor To Go Deeper Into Hiding**

Upon learning of criminal charges, some individuals may return a child, but others may react by going deeper into hiding, particularly if they are in a country where family or community support exists. For this reason, it may be appropriate to seal arrest warrants and charging documents except for purposes of locating and bringing the fugitive into

custody. Consult with the prosecutor on these matters and on how best to communicate with the parties involved.

## **Filing Criminal Charges May Affect Hague Abduction Convention Return Proceedings**

IPKCA expresses the sense of Congress that the Hague Abduction Convention, if applicable, is the preferred remedy for parents who are seeking to recover a child. This is not a legislative prohibition against criminal charges but rather a view that the Hague Abduction Convention should be a parent's first recourse when the goal is the return of a child abducted to a Hague country. Additional discussion and a list of pros and cons on this action in a Hague case are available on the "[Pressing Criminal Charges](#)" webpage of the Bureau of Consular Affairs' website. Go to [www.travel.state.gov](http://www.travel.state.gov), choose the "International Parental Child Abduction" tab, click on the "Abductions" tab, and then choose "Legal Information for Parents" in the left menu bar.

Filing criminal charges in cases involving kidnappings to non-Hague countries may have some benefits, but bringing the taking parent to justice can be challenging. Some non-Hague countries may not consider the kidnapping or retention of a child by his or her parent a crime, making it impossible to extradite the offender. These offenders might be arrested if they return to the United States or enter other countries that recognize parental kidnapping as a crime. International Criminal Police Organization (INTERPOL) alerts of various kinds may help detect the taking parent's travel to the United States, with or without the child, or that parent's travel to other countries from which extradition might be possible. Consult INTERPOL to determine whether certain alerts can be issued in a particular case. Consult the U.S. Department of Justice's (DOJ's) Office of International Affairs (OIA) to learn about the country in question.

## **Effect of a Trial on the Victims**

Discuss with the prosecution and the left-behind parent the appropriateness and necessity of criminal proceedings. A left-behind parent may be reluctant to pursue criminal charges because the child may be required to testify against the taking parent at trial. If the left-behind parent has to pursue private civil remedies to recover the child, the added emotional burden of a criminal trial may be daunting. Although civil remedies and sanctions can support family stability, bringing private civil actions against an uncooperative and resourceful parent may be difficult and costly.

The decision to pursue criminal charges is complex and should be made following consultation between the prosecution and the left-behind parent. The decision to pursue criminal charges should not be made solely to influence the results of any civil litigation.

## Statutory Defense

Evaluate all possible statutory defenses, including domestic violence and abuse. It is crucial in any case involving parental kidnapping to fully evaluate all aspects of the case, including potential affirmative defenses. The federal IPKCA statute and many state

## Criminal Statutes

### Parental Kidnapping

The abduction of a minor across international borders is a felony offense under federal law and the laws of all 50 states. The language used in the federal statute also makes an attempt to kidnap a child a criminal offense.

### International Parental Kidnapping Crime Act (18 U.S.C. § 1204)

(a) Whoever removes a child from the United States, or attempts to do so, or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years or both.

#### Definitions

(b)(1) "child" means a person who has not attained the age of 16 years

(b)(2) "parental rights" means the right to physical custody of the child

(A) whether joint or sole (and includes visiting rights); and

(B) whether arising by operation of law, court order, or legally binding agreement

#### Affirmative Defenses

(c)(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that the order was obtained pursuant to the UCCJA [Uniform Child Custody Jurisdiction Act (or the UCCJEA) [Uniform Child Custody Jurisdiction and Enforcement Act] and was in effect at the time of the offense;

(c)(2) the defendant was fleeing an incidence or pattern of domestic violence; or

(c)(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control and defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

statutes include potential affirmative defenses to a charge of parental kidnapping. Such defenses include a valid court order granting custody or visitation rights to the defendant, the defendant's flight was due to domestic violence, or circumstances beyond the defendant's control prevented the return of the child (see 18 U.S.C. § 1204(c)). During the investigation, law enforcement should evaluate the evidence developed in the case with these potential defenses in mind and pursue evidence to fully investigate them.

## **The Child's Safety**

The safety of the child is paramount, and it may conflict with returning the child to the left-behind parent and with apprehending and prosecuting the taking parent. When responding to parental child kidnapping cases, law enforcement and prosecutors should draw on civil or criminal remedies (or both), whichever are best suited to the overall objectives in the case, and whichever remedy has the facts to support any such action. This flexibility is provided by the Uniform Child Custody Jurisdiction and Enforcement Act (see chapter 7: Mechanisms for Child Recovery). When criminal remedies are the exclusive means by which law enforcement can respond to a parental kidnapping, pursuing these remedies will be particularly important. These may include cases in which the taking parent poses a risk of harm—or even death—to the child or left-behind parent, conceals the child, splits up sibling groups, or effectively abandons the parental role by leaving the child with relatives. Other cases, such as the wrongful retention of children following a lawful visiting period or other visitation interference, may also warrant criminal charges. However, first consider any civil remedies that may be available to the left-behind parent for seeking the child's return.

## **Prosecution Options**

This section discusses various prosecution options.

### **State Law Prosecution, Coupled With Extradition Request**

Law enforcement and prosecutors must review state parental kidnapping statutes to determine if a violation has occurred in a particular case. Federal authorities can assist with state criminal investigations and prosecutions by locating the fugitive and facilitating international extradition. With this assistance, state law is usually sufficient to address the criminal aspects of the kidnapping.



## **State Law Prosecution, Coupled With an Unlawful Flight To Avoid Prosecution Warrant, Under the Federal Fugitive Felon Act**

The Fugitive Felon Act (18 U.S.C. § 1073) is a federal statute that aids state prosecution. It enhances the ability of local and state law enforcement authorities to pursue felons beyond state and national borders. Because it permits the Federal Bureau of Investigation (FBI) to investigate an otherwise state-only case, it may also facilitate investigation internationally. In addition, the Parental Kidnapping Prevention Act clarifies congressional intent that federal fugitive felony warrants (i.e., Unlawful Flight To Avoid Prosecution, or UFAP warrants) may be issued in parental kidnapping cases when the taking parent flees the state or the country to avoid prosecution under state felony statutes.

***Procedure for securing an Unlawful Flight To Avoid Prosecution warrant.*** The local or state prosecutor requests a UFAP warrant from a federal prosecutor or the FBI. The requirements for obtaining a UFAP warrant in parental kidnapping cases are the same as in other fugitive felony cases:

- A state or local felony warrant must already exist.
- The state or local prosecutor must agree to extradite the fugitive for prosecution.
- The federal prosecutor files a criminal complaint charging the fugitive with a violation of 18 U.S.C. § 1073 based on probable cause that the fugitive has fled the jurisdiction of the state to avoid prosecution or confinement.

***FBI investigations pursuant to an Unlawful Flight To Avoid Prosecution arrest warrant.*** Once issued, a UFAP warrant brings the FBI into the investigation, with a focus on locating and apprehending the taking parent for a criminal law violation. The agent assigned to the case has the full range of federal investigative tools at his or her disposal, including access to national and international resources for pursuing the fugitive.<sup>4</sup> Federal agents will coordinate with the local or state law enforcement agency working on the underlying state felony case. If agents discover during a UFAP investigation that the taking parent has left the country with the child, the FBI may continue its investigation internationally by requesting assistance from law enforcement authorities in other countries. Foreign law enforcement assistance would be arranged by the FBI Legal Attaché (Legat) or Regional Security Officer in a U.S. embassy or consulate abroad.

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<sup>4</sup> If FBI agents discover the child's whereabouts during their efforts to locate and apprehend the taking parent, they may be authorized to alert local child welfare authorities and left-behind parents so they can pursue the child's recovery.

A taking parent who is apprehended by foreign authorities abroad and returned to the United States then faces prosecution on the state felony charges.

## **Federal Prosecution Under the International Parental Kidnapping Crime Act**

As discussed above, international parental kidnapping may be charged as a federal felony under the International Parental Kidnapping Crime Act (18 U.S.C. § 1204), available at [www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-part1-chap55-sec1204.pdf](http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-part1-chap55-sec1204.pdf).

***Elements of the offense.*** It is a federal felony to remove or attempt to remove a child from the United States, or to retain a child outside the United States, with the intent of obstructing the lawful exercise of parental rights. A child is defined as a person who is younger than age 16. Parental rights are defined as the right to physical custody of the child (including visitation rights), whether the right is joint or sole, and whether the right arises by operation of law, court order, or a legally binding agreement of the parties. Individuals other than parents also can have these rights, such as grandparents who may have been granted rights by a court order.

Although IPKCA (18 U.S.C. § 1204) is mostly used to charge a parent of the child victim, the statute can be used to charge anyone who removes or attempts to remove a child from the United States, or retains a child outside the United States, with the intent of obstructing the lawful exercise of parental rights.

Violation of this statute is punishable by a fine, up to 3 years' imprisonment, or both.

***Affirmative defenses.*** The alleged taking parent has an affirmative defense if he or she:

- Was acting within the provisions of a valid custody or visitation rights order in effect at the time of the offense.
- Was fleeing an incident or pattern of domestic violence.
- Had physical custody of the child pursuant to a court order, failed to return the child as a result of circumstances beyond the defendant's control, notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period ended, and returned the child as soon as possible.

**U.S. Attorney or Chief of the Child Exploitation and Obscenity Section brings an IPKCA case.** The decision to bring an IPKCA case is made—on a case-by-case basis—by the U.S. Attorney in the district from which the child was taken, or in certain circumstances by the Chief of the Child Exploitation and Obscenity Section in consultation with the FBI. Depending on the circumstances, IPKCA cases may be prosecuted in the district in which the offense was begun or completed (including the district in which the child was removed from the United States), the district in which the overseas offender was first arrested or brought, or following an indictment, in the district of the offender’s last known residence. *See e.g., United States v. Miller*, 808 F.3d 67 (2d Cir. 2015). *See also* 18 U.S.C. §§ 3237 and 3238 (federal venue statutes). Federal prosecutors may consult with and obtain information concerning the statute from the U.S. Department of Justice, Child Exploitation and Obscenity Section.

**Effect of pending local or state charges.** No local or state criminal charge is required to charge a defendant under IPKCA. In fact, the existence of state or local charges against the taking parent may weigh against issuing federal charges. Because state charges assisted by federal resources may be just as effective as federal charges in the international arena, pursuit of an IPKCA charge may not be necessary or appropriate if state charges are already pending. However, IPKCA may be the only available charging option if a kidnapping cannot be charged under state law, or charged under state law in such a way as to satisfy any applicable extradition treaty.

**Prosecution in a foreign country.** In many foreign countries, nationals of the country can be prosecuted for acts committed abroad under the “nationality” basis for criminal jurisdiction if the same conduct would constitute a criminal offense under local law.

## Extraditing the Taking Parent

Extradition involves the surrender of the taking parent to the United States by a foreign jurisdiction pursuant to an extradition treaty (or otherwise as permitted by foreign law) for purposes of criminal prosecution or service of a sentence in the United States. The abducted child is not subject to extradition. Civil remedies or other efforts often are still needed for the child to be returned. The prosecutor and law enforcement investigator should consider the effect that any effort to arrest and extradite a taking parent may have on the welfare of the child and on his or her recovery.

## General Extradition Requirements for International Parental Kidnapping

- An extradition treaty usually must be in force between the United States and the country involved.
- The treaty must address or be interpreted as covering parental child kidnapping or custodial interference.
- If the person sought is a national of the country involved, that country must be willing to extradite its own nationals.
- The country involved must be willing to extradite persons for parental child kidnapping or custodial interference.

### Requirements

Usually either a state or federal felony violation may serve as the basis for an extradition request, provided the potential maximum penalty exceeds 1 year in prison.

Federal and state prosecutors must contact DOJ's Office of International Affairs at the outset of a case in which extradition will be sought so it may transmit extradition requests through the U.S. Department of State to the appropriate foreign government officials.

Federal and state prosecutors must commit in writing to:

- Prepare the extradition request with supporting evidence.
- Pay the costs of extradition (translation of documents and travel for both escorts and the fugitive).
- Prosecute the taking parent, if extradition is successful, even when the child can be returned.

When time is of the essence—due to the flight of the fugitive, the potential for serious harm to victims, or other danger to the community—prosecutors (through OIA) may seek an urgent “provisional arrest with a view toward extradition” (often used to intercept a kidnapping). These urgent requests for provisional arrests can be coupled with a parallel urgent Hague Abduction Convention request in Hague countries or other measures to arrange for the child's return. If the requested foreign government provisionally arrests

the defendant, the United States (through its prosecutor) must submit the full extradition request (including sufficient evidence) via the U.S. Department of State to the foreign government before the deadline provided by the applicable extradition treaty.

If a taking parent's further flight appears unlikely and time otherwise permits, it is a better practice to work with OIA and prepare and submit a full request for extradition with all necessary evidence at the outset.

## Disposition of U.S. Extradition Requests

Several variables affect how foreign governments treat U.S. extradition requests:

- Whether the United States has a bilateral extradition treaty with the country of refuge.
- Whether the treaty partner can extradite for international parental kidnapping.
- Whether the country of refuge will extradite its own nationals.

Most contemporary extradition treaties allow extradition if the offender's conduct is criminal in both countries and the potential maximum punishment meets a specified minimum threshold (usually 1 year). However, criminal prosecution coupled with a request for extradition is directed at the taking parent and does not guarantee the child's return. There are still some U.S. extradition treaty partners that are reluctant to extradite abducting parents. Those countries that do not consider parental kidnapping as a crime will not deem the crime as covered by the treaty. Other countries may decline to extradite their nationals. Ultimately, the decision to extradite an offender rests entirely with the foreign state, through its judiciary and other authorities. (See chapter 7, Mechanisms for Child Recovery, to learn how extradition and child recovery efforts can be coordinated.)

## Extradition Treaties in Force

The U.S. Department of State's Treaty Office publishes an annual comprehensive list of all extradition Treaties in Force at [www.state.gov/s/l/treaty/tif/index.htm](http://www.state.gov/s/l/treaty/tif/index.htm). In addition, the Office of International Affairs within the U.S. Department of Justice's Criminal Division can provide up-to-date advice about whether a given country is responsive to requests for provisional arrests or extradition for parental abduction crimes.



# Chapter 7. Mechanisms for Child Recovery



## *What Tools Are Available To Secure an Abducted Child's Return to the United States?*

Once an abducted child is located, the avenues pursued by left-behind parents and law enforcement officers to recover the child will vary, depending in part on whether the child was taken to a country that is a member of the Hague Convention on the Civil Aspects of International Child Abduction (Hague Abduction Convention). The U.S. Department of State lists these [partner countries](#) on its website. Go to [www.travel.state.gov](http://www.travel.state.gov), choose the “International Parental Child Abduction” tab, click on the “Abductions” tab, and then choose “U.S. Hague Convention Treaty Partners” in the left menu bar. However, an important ingredient to any successful child recovery is the coordination of federal agencies (U.S. Departments of Justice and State), nonfederal agencies (state and local law enforcement, state missing children clearinghouses), and nongovernment organizations (such as the National Center for Missing & Exploited Children (NCMEC)). In most cases, the parent’s vigorous pursuit of civil remedies with the assistance of counsel is another key ingredient.

Recovering missing and abducted children from many foreign countries requires that court documents, custody orders, and state and federal warrants be translated and authenticated, which may involve some expense. Some of these steps may be completed through the general consul located at the foreign embassy of the country in question. Law enforcement should consult with the U.S. Department of State’s Office of Children’s Issues on all Hague cases or if a U.S. embassy or consulate is involved in recovering the child.

## **Child Recovery Under the Uniform Child Custody Jurisdiction and Enforcement Act: A Role for Prosecutors and Law Enforcement**

The Uniform Child Custody Jurisdiction and Enforcement Act adds civil remedies to the tools prosecutors already have under criminal statutes to address interstate and international child custody and parental kidnapping cases (Hoff, 2001). It gives state prosecutors (or other designated public officials) civil statutory authority to take any lawful action—including instituting a civil proceeding—to locate a child, obtain the return of a child, or enforce a child custody determination in cases arising under the Act or involving the Hague Abduction Convention.

Forty-nine states have enacted the Uniform Child Custody Jurisdiction and Enforcement Act, but fewer states have adopted the public official section of the statute. Although it is a “uniform” state law, states do not always enact it as originally written. Provisions may be added, deleted, or modified. The state statute must be reviewed to determine whether the public official provisions are in the law and, if so, which public officials have been designated to act.

Under the public official section, state prosecutors (or other designated officials) are authorized to take action if there is (1) a prior custody determination, (2) a request from a court in a pending child custody proceeding, (3) a reasonable belief that the criminal statute has been violated, or (4) a reasonable belief that a child, in violation of the Hague Abduction Convention, has been wrongfully removed or retained.

The Act authorizes law enforcement officers (or other public officials), on request of the state prosecutor (or other designated official), to take any lawful action reasonably necessary to locate a child or a party and assist the prosecutor or other public official with their responsibilities under the Act.

The Act also has a cost-shifting provision that allows a court to assess all direct expenses incurred by the prosecutor and law enforcement officers acting under the Act against a nonprevailing respondent.

The statute is intended to create an interstate network of prosecutors and law enforcement officers (or other designated public officials) who, with both civil and criminal legal tools at their disposal, are available to help locate children, return them to the court with jurisdiction to resolve custody and visitation issues, and enforce



child custody determinations. For example, prosecutors have discretion to decide how to proceed in a particular case. They may pursue civil or criminal remedies or both simultaneously. When they act, they do so on behalf of the court and do not represent any party. From a law enforcement perspective, the Uniform Child Custody Jurisdiction and Enforcement Act provides a child-centered—rather than a defendant-centered—tool for resolving custody, visitation, and parental kidnapping cases. Although its goal is to provide law enforcement and prosecutors with the tools they need to return abducted children, remember to check your state statute to determine what tools are available to you and how the Act applies to your role in recovering missing children.

## **Child Recovery From Hague Countries**

The Hague Abduction Convention is the primary civil law mechanism for parents seeking the return of children from other treaty partner countries (see information about the Office of Children’s Issues in chapter 5: Federal and Nonfederal Resources).

## **Child Recovery From Non-Hague Countries**

When a child is located in a country that is not a member of the Hague Abduction Convention, the child may be recovered when parents mutually agree upon voluntary return or by applying civil and criminal justice remedies. In these countries, a left-behind parent may retain the services of an attorney in the country involved and seek enforcement of a U.S. custody order based on principles of comity, or file for custody in a foreign court based on that country’s child custody laws. However, using the civil justice system in foreign countries can be challenging. For additional information on using this option, visit the Bureau of Consular Affairs’ [“Pressing Criminal Charges”](#) webpage. Go to [www.travel.state.gov](http://www.travel.state.gov), choose the “International Parental Child Abduction” tab, click on the “Abductions” tab, and then choose “Legal Information for Parents” in the left menu bar or speak to an officer at the Office of Children’s Issues.

## **Child Recovery When Seeking the Offender’s Extradition**

The extradition of a taking parent to the United States (see chapter 6: Criminal Prosecution and Extradition) is not a child recovery mechanism. Criminal charges apply only to the taking parent, and extradition treaties do not provide for the child’s return. When a fugitive

taking parent is arrested in another country, just as in the United States, the foreign government may turn the now-unaccompanied child over to welfare authorities or may release the child to other family members in the country. For this reason, an approach to ensure the child's return must be put in place in parallel with any request for the arrest and extradition of a fugitive taking parent who may still have the child. Active participation of the U.S. Department of State's Office of Children's Issues is essential here.

In some circumstances, the U.S. Department of State or U.S. law enforcement may be able to provide the requisite documents to the foreign authority so immediate efforts after the arrest can be made to return the child. Sometimes, foreign law enforcement may plan the arrest in advance and ask the left-behind parent to be in the foreign country to take the child into custody. However, this may not be possible, particularly if the left-behind parent's safety and security concerns dictate that the details of an imminent arrest not be shared outside of law enforcement. With some countries, experience may indicate that the filing of a simultaneous Hague application is the better and sometimes necessary approach.

Efforts should be made so the left-behind parent will not have to initiate new civil procedures in foreign courts to facilitate the child's return. If the left-behind parent is not notified in advance of the arrest, he or she should be informed as soon thereafter as possible so that parent can immediately begin working to bring the child back to the United States. Again, the U.S. Department of State's Office of Children's Issues, working with the U.S. embassies and U.S. law enforcement representatives abroad, provides a first line of assistance to the left-behind parent for the child's return in conjunction with the arrest of a fugitive. Local law enforcement authorities in the foreign country, engaged by U.S. law enforcement, also may be able to assist.

## **Child Recovery When Seeking the Offender's Deportation**

Seeking an offender's deportation is not a child recovery mechanism. In some cases, however, it may indirectly help bring about the child's return. Grounds for another country deporting a taking parent to the United States will vary by case and will depend on the foreign country's immigration laws. Justifications may include fraudulent travel (passport) documents, the taking parent and minor are overstays (their visitor visa has expired), or the taking parent's U.S. passport was revoked pursuant to 22 C.F.R. § 51.62. For this approach, officials must establish that the presence of the taking parent in a particular

foreign country is in violation of that country's immigration laws, usually because he or she has no legal immigration status in that country. Any decision to deport the individual is entirely at the discretion of the foreign sovereign country.

In cases where revocation grounds exist, law enforcement agencies may seek revocation of a U.S. adult citizen's passport to facilitate deportation, consistent with local law. (For passport information, see chapter 5: Federal and Nonfederal Resources.) However, this process may not affect a person who is a dual national.

As with extradition, there is no guarantee that the child will be returned by foreign authorities when the taking parent is deported. Therefore, it is critical that investigators closely coordinate all aspects of a request for deportation with the Federal Bureau of Investigation and the Office of Children's Issues to ensure that the child is turned over to the custodial parent when the taking parent is detained or that other arrangements are made with foreign officials for the child's return.

## **Child Recovery Through U.S. Department of Defense Mechanisms**

U.S. Department of Defense policy requires base commanders at U.S. military installations overseas to cooperate with courts and with local, state, and federal officials who request assistance in enforcing court orders relating to active-duty members of the armed forces—and civilian employees and family members who accompany them overseas—who have been charged with or convicted of state or federal parental kidnapping, held in contempt, or ordered to show cause for failure to obey a custody order.<sup>5</sup>

If the matter cannot be resolved in a satisfactory manner, members of the armed services must be returned to the United States expeditiously. Civilian employees, although not subject to return, would be strongly encouraged to comply with the court order or face possible withdrawal of command sponsorship and other adverse action, including removal from federal service. Accompanying family members would also be strongly encouraged to comply, as failure to do so may be a basis for withdrawing command sponsorship of the family member.

Although an abducted child is not the subject of a return order or other adverse action under the regulation, the practical effect may be the same—the child may be returned

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<sup>5</sup> U.S. Department of Defense Instruction 5525.09, Compliance of DoD Members, Employees, and Family Members Outside the United States With Court Orders.

to the United States as a means of avoiding sanction, or may return to the United States with a service member who is ordered back.

## **Child Recovery Through the Alien Exclusion Act**

Section 212(a)(10)(C) of the Immigration and Nationality Act is a statutory tool that may facilitate the return of an abducted child to the lawful custodian in the United States. Under this statute, any alien<sup>6</sup> who detains or retains a child, or who withholds custody of a child in defiance of a U.S. court order, is excluded from entering the United States until he or she surrenders the child to the person granted custody by the court order. This bar to admission also applies to any alien who assists the alien taking parent in the kidnapping or provides material support or safe haven to that parent. The exclusion applies only to aliens and does not apply if the child is located in a Hague partner country. The exclusion ceases to apply when the child returns. For more information on this exclusion, contact the Office of Children’s Issues or visit the [“Ineligibilities and Waivers”](https://www.travel.state.gov/content/travel/en/us-visas/visa-information-resources/waivers.html) webpage at [www.travel.state.gov/content/travel/en/us-visas/visa-information-resources/waivers.html](https://www.travel.state.gov/content/travel/en/us-visas/visa-information-resources/waivers.html). With appropriate documentation and approval, U.S. consular officials may deny a visa to any alien who has abducted a child from the United States to a non-Hague country in violation of a U.S. custody order and to an alien accomplice until the alien surrenders the child to the left-behind parent.

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<sup>6</sup> The term “alien” refers to any person who is not a citizen or national of the United States (8 U.S.C. 1101 § 101 (3)).

# Chapter 8. Recovery and Reunification



## *How Can Law Enforcement Facilitate Recovery and Reunification?*

**T**he goal of any parental child kidnapping investigation is to bring the child back to the custodial parent safely. The field uses three terms to describe this process: recovery, reunion, and reunification (or reintegration).

Recovery and reunification are different concepts. Recovery involves taking physical custody of the abducted child—for example, directly removing the child from the taking parent or from school or another location when the child is apart from the taking parent. The left-behind parent may or may not be involved in the recovery but is always part of reunification, which is both a moment and a process. It is the initial reunion between the left-behind parent and child, and encompasses the child's reintegration into the family over time. When the left-behind parent recovers the child, the recovery and reunion are one event, and this event is the starting point of the long-term reunification process.

When law enforcement officials recover the child, they will want to minimize any initial trauma the child experiences and provide a secure environment that paves the way for successful reunification of the child and parent. U.S. law enforcement agencies are not routinely involved in child recoveries in other countries, although they may be involved in some cases. Foreign law enforcement may take part in the recovery or may assist the left-behind parent's recovery efforts. When the left-behind parent recovers the child in a foreign country, U.S. law enforcement has a limited but important role in facilitating the reunification process when the parent and child return to the United States. Law enforcement can coordinate the child's return with the U.S. Department of State's Office of Children's Issues. For contact information, see chapter 1: Putting the Issue in Perspective.

## Preparing the Parent

Law enforcement can facilitate the child's recovery and return by telling the left-behind parent where the child has been, what he or she experienced after the kidnapping, and what both the parent and child can expect in the days and weeks ahead.

## The Child's Emotional State

Law enforcement should make the left-behind parent aware of the complex emotional reactions the child may experience upon recovery. If the child has been missing for an extended period of time, the child may have become comfortable in the new environment and may be highly attached to the taking parent as the only parent in his or her life. Often, the child is told a story about the left-behind parent that may make the child afraid of that parent. For example, the child may believe the left-behind parent no longer wants the child or may even believe the left-behind parent has died. The child may also disclose abuse, which would warrant further investigation. Without careful planning, the recovery process can cause significant emotional trauma for the child. In fact, the child may perceive the recovery as yet another kidnapping.

Law enforcement should suggest to parents that they seek out qualified mental health professionals who can explain what to expect, prepare the parent for reunification, suggest actions that will be comfortable for both the child and the parent, and provide ongoing therapeutic intervention for the family, if needed. The National Center for Missing & Exploited Children (NCMEC), state missing children clearinghouses, and nonprofit missing children organizations are all potential sources of referrals to counselors who have experience with parental kidnapping cases. Law enforcement agencies, when possible, should also incorporate the services of a victim-witness specialist into all recovery and reunification matters.

## The Child's Location and Condition

Local law enforcement should meet with the left-behind parent to disclose the child's whereabouts and describe the child's living conditions and the general environment. The parent should be advised of any false information the child has been told or any mistaken beliefs the child may be harboring about the left-behind parent.

In some circumstances, it may be prudent not to immediately disclose the child's exact whereabouts to the left-behind parent. In some cases, the news of an upcoming

## The Child's Recovery

When children are recovered, many families need assistance reintegrating them back into the home. This assistance can be immediate and temporary, or long term. The National Center for Missing & Exploited Children (NCMEC) can help families find skilled therapists who will be available during every stage of reconnecting and rebuilding, whether it is at the airport as the child gets off a plane or months later. For information regarding reunification, contact NCMEC at 800-THE-LOST (800-843-5678).

recovery may travel quickly from a close circle of family members or friends back to the taking parent, which could impede the recovery effort. Withholding information about the child's exact whereabouts also reduces the possibility of any "self-help" by a left-behind parent, family member, or friend that could jeopardize the investigation and recovery. The left-behind parent will be anxious to be reunited with the child; however, care should be taken to avoid the possibility that the taking parent may flee with the child again.

### The Foreign Country

In some international family kidnappings, the left-behind parent may need to travel to the country where the child has been taken. This can create a great deal of anxiety for the parent, who may or may not know much about that country, and it can be confusing and frightening to navigate through another country's legal system. Local law enforcement can help ease the process by giving the parent information on the resources available from other local, state, and federal law enforcement agencies as well as missing children organizations.

In particular, law enforcement should refer parents to the Office of Children's Issues, the state missing children clearinghouse, the local victim's advocate, and [NCMEC's Team Hope](#) ([www.missingkids.org/ourwork/TeamHOPE](http://www.missingkids.org/ourwork/TeamHOPE)). NCMEC works closely with the U.S. Department of Justice's Office for Victims of Crime and administers its Victim Reunification Travel Program. Eligible parents can request financial assistance so they can be reunited with a child located in another country or obtain travel support for the child's return to the United States. Law enforcement officials can contact NCMEC directly or refer the parent to NCMEC. For more information, call 800-THE-LOST or visit [www.missingkids.org/Support](http://www.missingkids.org/Support).

## When U.S. Law Enforcement Recovers the Child Abroad

Although most police and sheriffs' departments' budgets restrict such travel, a local investigator may be asked to participate in the physical recovery of a child victim of an international kidnapping to further advance a criminal investigation or pursuant to civil statutory authority (such as the Uniform Child Custody Jurisdiction and Enforcement Act, discussed in chapter 7: Mechanisms for Child Recovery). This may mean traveling alone to retrieve the child, accompanying the left-behind parent to the country where the child has been taken, or arranging for the child's transportation from a border location.

Law enforcement participation in the recovery has definite advantages. Not only might it facilitate the child's release, it also might help build a criminal case because the officer can testify at hearings, interview key witnesses (such as employers, teachers, daycare workers, and police), and interview the suspect (Steidel, 2000).

### Planning for Reunification

Depending on who physically recovers the child, the initial reunification meeting between the child and left-behind parent may occur abroad, in the United States, at the local police or sheriff's department, or even at the airport. This meeting should be photographed for the case file.

The reunification meeting is exciting and emotional for both the parent and child. It is natural for the parent to want to rush in, grab, and hold the child. However, law enforcement should explain that this approach may be overwhelming for the child, and ask the parent to approach the meeting cautiously to minimize any trauma to the child.

Officers and other service providers should share the following tips with left-behind parents and others who will be involved in the reunification process:

- The initial parent-child meeting should take place in a comfortable, private, secure room.
- The child should not be brought to the parent immediately. Instead, a child psychologist or department designee should prepare the child by explaining what will happen and where the parent is. Likewise, the parent should receive similar assistance and be informed of the child's physical and emotional state and the living conditions in which the child was found. The parent should also be informed about what the child has been told and what beliefs the child has about the left-behind parent and the reason for the kidnapping.



- The parent should be prepared for any unexpected behavior—such as crying or pulling away—that may occur.
- The parent should be encouraged not to overwhelm the child. The child should set the stage for physical contact. Remember, the child may have been told that this parent was dead.
- The left-behind parent should not discuss the taking parent with the child, who may experience feelings of loss or sadness and may worry about the other parent. If asked, the left-behind parent should choose his or her words carefully.
- The parent should bring a change of clothing for the child. Authorities may have picked the child up at school or otherwise away from home and therefore may not have brought any possessions along.
- The parent should bring special toys, photos, or other items that may help the child remember the period prior to the kidnapping.
- The number of individuals present at the reunification should be kept to a minimum, as should the number of people who come to the home on the first night after the reunion. Too many well-wishers can overwhelm the child.
- The parent should be encouraged to seek counseling for both the child and the family to help them deal with any issues that may arise in the aftermath of the kidnapping.

## **Facilitating the Child’s Return to the United States**

When the left-behind parent travels alone to the foreign country to recover the child, local law enforcement can support the family’s return to the United States with the following measures:

- Meet the parent and child at the airport when they return to the community. If local media are present, intervene on behalf of the family if the parent is uncomfortable with the situation and does not want to speak with the press. Although the child is now home, the stress is still great, and outside pressure should be minimized.
- Secure a private room at the airport or police department that the returning parent and child can use to meet with other family members. The child will need time to reintegrate with other family members in a nonthreatening private environment.

- Coordinate with the victim-witness advocate and mental health professionals assigned to the child and family as soon as possible. The advocate should be present at the reunion and available to assist the family with both short- and long-term reunification issues (Turman, 1994).

## Closing the Case

Once the child is safely back in the United States and in the physical care of the custodial parent, law enforcement should follow these steps to close the case:

- Remove the child and taking parent from the National Crime Information Center.
- Cancel flags on birth certificates, school transcripts, and medical records.
- Place a photograph of the child at recovery in the case file.
- Arrange to have the child interviewed about the details of the kidnapping by a child forensic interviewer or in conjunction with a child psychologist or other trained professional. Determine exactly what the taking parent told the child about the left-behind parent.
- Determine what measures the taking parent used to conceal the child, and add them to the case file. For example, did the parent alter the child's appearance? Did the child attend school? Was the child permitted to contact other family members?
- Identify opportunities for financial compensation. Money may be available from state and federal compensation funds for law enforcement agencies that incur substantial costs during an international parental child kidnapping case. In addition, refer parents to state and federal crime victim compensation agencies and other organizations for possible remuneration.
- Notify the Office of Children's Issues about the child's successful return.

## Followup and Prevention Measures

Once the child is back home, the left-behind parent will want to ensure the child's well-being and minimize the potential risk of another kidnapping.

- The parent should consider counseling for the child, the family, or both. Counseling may be available through the investigating agency's victim-witness advocate or chaplain, a qualified local mental health professional, or a child psychologist in the area.
- The parent should have his or her lawyer review the existing custody order and, if necessary, return to court for provisions to safeguard against another kidnapping.
- The parent should gather information on preventing parental kidnapping. Refer the parent to the Office of Children's Issues and to NCMEC's *Family Abduction: Prevention and Response* ([www.missingkids.com/content/dam/ncmec/en\\_us/desktop/publications/nc75.pdf](http://www.missingkids.com/content/dam/ncmec/en_us/desktop/publications/nc75.pdf)).



# Chapter 9.

## Law Enforcement Liability Concerns



### *What Liability Issues Should Be Considered When Investigating an International Parental Kidnapping Case?*

Complex custody situations and conflicting court decrees can pose a serious dilemma for the responding law enforcement officer. When the child's physical custody is in question, any inappropriate or unauthorized action by law enforcement could pose serious liability issues for both the officer and his or her agency. It is not unheard of for a parent to present a void or out-of-date custody order to law enforcement to enlist the officer in unknowingly obtaining wrongful custody of a child. However, the need for caution should not lead to paralysis. No action or delayed action can result in liability issues for the officer and agency as well.<sup>7</sup>

This underscores the need for law enforcement to respond to parental kidnapping cases in an informed and appropriate manner, with clear department procedures and training for officers and investigators that includes teaching them about pertinent state and federal laws.

The Uniform Child Custody Jurisdiction and Enforcement Act, in particular, warrants a careful review because it gives prosecutors, law enforcement, and some other public officials civil statutory authority to locate and recover abducted children and to enforce child custody determinations. Actions taken by law enforcement officers pursuant to the statute may remove the threat of liability in parental kidnapping cases. Read the relevant sections of the Act, then check the state code to see if your state has enacted these sections.

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<sup>7</sup> For a more extensive discussion of this topic, see Findlay, P., and Lowery, R., eds., 2011, *Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management*, fourth ed, Alexandria, VA: National Center for Missing & Exploited Children, pages 99–102.

## **Conclusion**

All reports of missing children require an urgent response to ensure the safety of the child and his or her family. International parental kidnappings are not merely family disputes but may be criminal offenses that require a proper investigation. Through timely and informed actions by law enforcement, child kidnapping cases may be deterred and children may be returned in a safe and secure manner.

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- Hoff, P. 2001. *The Uniform Child Custody Jurisdiction and Enforcement Act*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Steidel, S., ed. 2000. *Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management*. Rev. ed. Alexandria, VA: National Center for Missing & Exploited Children.
- Turman, K., ed. 1994. *Recovery and Reunification of Missing Children: A Team Approach*. Alexandria, VA: National Center for Missing & Exploited Children.





# Appendix A. Contact List

## U.S. Department of State

### Office of Children’s Issues (Children’s Passport Issuance Alert Program)

**Phone:** 888–407–4747 or +1 202–501–4444 (if outside the United States)

**E-mail (if the child is still in the United States):** [PreventAbduction1@state.gov](mailto:PreventAbduction1@state.gov)

**Website:** <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/prevention/passport-issuance-alert-program.html>

### Office of Children’s Issues (International Parental Child Abduction)

**Phone:** 888–407–4747 or +1 202–501–4444 (if outside the United States)

**E-mail (if the child is outside the United States):** [CA-CI-DOJ-liaison@state.gov](mailto:CA-CI-DOJ-liaison@state.gov)

**Website:** <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction.html>

### *Existing passport records*

#### Office of Passport Services, Law Enforcement Liaison Division

**Phone:** 202–485–6400

### *Passport lookouts, denial, and revocation*

#### Office of Passport Services, Legal Affairs Division

**Phone:** 202–485–6400

## **Bureau of Diplomatic Security**

**Phone:** 571–345–3146

**Emergency or After-Hours Number:** 866–217–2089

**Website:** [www.state.gov/m/ds/contact/195521.htm](http://www.state.gov/m/ds/contact/195521.htm)

## **U.S. Department of Justice**

### **FBI Field Offices**

**Phone:** 410–691–5555

**Website:** [www.fbi.gov/contact-us/field](http://www.fbi.gov/contact-us/field)

When calling an FBI Field Office, ask for a special agent familiar with the investigative matters of crimes against children.

### **Office of International Affairs**

**Phone:** For emergencies 24/7 for law enforcement or other government entities only, contact 202–514–5000. Ask for the relevant country specialist.

**Website:** [www.justice.gov/criminal-oia](http://www.justice.gov/criminal-oia)

### **Child Exploitation and Obscenity Section, Criminal Division**

**Phone:** 202–514–5780

**Website:** [www.justice.gov/criminal/ceos](http://www.justice.gov/criminal/ceos)

### **USNCB–INTERPOL**

**Phone (24 Hours):** 202–616–9000

**Phone (State Toll-Free):** 800–743–5630

**Website:** [www.justice.gov/interpol-washington](http://www.justice.gov/interpol-washington)

## U.S. Department of Homeland Security

### Customs and Border Protection

**Phone:** 877-227-5511

**Website:** [https://help.cbp.gov/app/answers/detail/a\\_id/827](https://help.cbp.gov/app/answers/detail/a_id/827)

## U.S. Department of Defense

### Military Locator Service

**Phone:** 703-545-6700

**Websites:** [www.militaryinstallations.dod.mil/MOS/f?p=MI:ENTRY:0](http://www.militaryinstallations.dod.mil/MOS/f?p=MI:ENTRY:0)  
[www.usa.gov/military-personnel-and-installations](http://www.usa.gov/military-personnel-and-installations)

## Office of Personnel Management

**Phone:** 202-606-2424

## Family Educational Rights and Privacy Act Office

**Phone:** 202-260-3887

**Website:** <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

## Federal Parent Locator Service

**Phone:** 202-401-1467

**Website:** [www.acf.hhs.gov/css/resource/federal-parent-locator-service-information-for-families](http://www.acf.hhs.gov/css/resource/federal-parent-locator-service-information-for-families)

## National Center for Missing & Exploited Children

**Phone:** 800-THE-LOST (24-hour hotline)

**Website:** [www.missingkids.org](http://www.missingkids.org)



# Appendix B. Resources and Recommended Readings



## General Information

### Statistical Overview

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/legal-reports-and-data/data.html>

## Abduction Prevention

### **U.S. Department of State**

#### Tips for Preventing Abduction

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/prevention/prevention-tips.html>

## Hague Convention on the Civil Aspects of International Child Abduction

### **U.S. Department of State**

#### Overview of the Hague Abduction Convention

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/laws.html>

#### List of Hague Abduction Convention Partner Countries

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/abductions/hague-abduction-country-list.html>

### **Pressing Criminal Charges**

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/abductions/legain-info-for-parents/pressing-criminal-charges.html>

### **Recovery From Non-Hague Countries**

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/abductions/using-foreign-civil-courts.html>

### **Immigration and Nationality Act, Ineligibilities and Waivers: Laws**

<https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/waivers.html>

## **Investigations**

### **Federal Agency Task Force for Missing and Exploited Children**

***Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies***

[www.ncjrs.gov/pdffiles1/ojjdp/231619.pdf](http://www.ncjrs.gov/pdffiles1/ojjdp/231619.pdf)

### **International Parental Kidnapping Crime Act (18 U.S.C. § 1204)**

[www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-part1-chap55-sec1204.pdf](http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-part1-chap55-sec1204.pdf)

### **National Center for Missing & Exploited Children**

**Effective Use of the National Crime Information Center Database With Missing-Child Incidents: A Reference Guide for Public-Safety Telecommunications Personnel**

[www.missingkids.org/content/dam/ncmec/en\\_us/documents/ncicguide.pdf](http://www.missingkids.org/content/dam/ncmec/en_us/documents/ncicguide.pdf)

### **Investigative Checklist for First Responders**

[www.missingkids.org/content/dam/ncmec/en\\_us/desktop/publications/nc88.pdf](http://www.missingkids.org/content/dam/ncmec/en_us/desktop/publications/nc88.pdf)

### **U.S. Department of State**

**Passport Information for Law Enforcement Officers**

<https://travel.state.gov/content/travel/en/passports/legal-matters/law-enforcement.html>

## Passport Information

### U.S. Department of State

#### **Children's Passport Issuance Alert Program**

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/prevention/passport-issuance-alert-program.html>

#### **Passports for Children Younger Than Age 16**

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/under-16.html>

#### **Ages 16 and 17**

<https://travel.state.gov/content/travel/en/passports/apply-renew-passport/16-17.html>

## Resources for Families

### National Center for Missing & Exploited Children

#### **Family Abduction: Prevention and Response**

[www.missingkids.org/content/dam/ncmec/en\\_us/publications/nc75.pdf](http://www.missingkids.org/content/dam/ncmec/en_us/publications/nc75.pdf)

### Office of Juvenile Justice and Delinquency Prevention

#### **The Crime of Family Abduction: A Child's and Parent's Perspective**

[www.ncjrs.gov/pdffiles1/ojjdp/229933.pdf](http://www.ncjrs.gov/pdffiles1/ojjdp/229933.pdf)

#### **A Family Resource Guide on International Parental Kidnapping**

[www.ncjrs.gov/pdffiles1/ojjdp/215476.pdf](http://www.ncjrs.gov/pdffiles1/ojjdp/215476.pdf)

### U.S. Department of State

#### **Understanding and Using UCAPA to Prevent Child Abduction**

<https://travel.state.gov/content/dam/childabduction/FLQSpring07Hoff.pdf>

#### **Uniform Child Abduction Prevention Act**

[www.uniformlaws.org/shared/docs/child\\_abduction\\_prevention/ucapa\\_final\\_oct06.pdf](http://www.uniformlaws.org/shared/docs/child_abduction_prevention/ucapa_final_oct06.pdf)











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Office of Justice Programs  
Office of Juvenile Justice and Delinquency Prevention  
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