

**Statement by  
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**Hearing on  
The Goldman Act to Return Abducted American Children:  
Assessing the Compliance Report and Required Action  
June 11, 2015**

**Subcommittee on Africa, Global Health, Global Human Rights,  
and International Organizations  
Committee on Foreign Affairs  
U.S. House of Representatives**

Chairman Smith, Ranking Member Bass and Members of the Subcommittee, I am pleased to be here this afternoon on behalf of The National Center for Missing and Exploited Children (NCMEC).

NCMEC was created as a private, non-profit organization in 1984 and designated by Congress to serve as the national clearinghouse on issues relating to missing and exploited children. NCMEC provides services to families, private industry, law enforcement, victims, and the general public to assist in the prevention of child abductions, the recovery of missing children, and the provision of services to combat child sexual exploitation. NCMEC performs 22 functions, including those related to assisting law enforcement, families, and others regarding international family abductions.

**NCMEC's Historical Role in International Abductions**

Since its inception, NCMEC has been heavily involved in combatting child abductions. Because of our connections to international, federal, state, and local law enforcement agencies, and international and domestic non-profits, NCMEC frequently transmits information regarding missing and exploited children to law enforcement and other agencies across the globe. NCMEC has also been designated by Congress to track and report on the number of missing children cases, including family abductions.

Unfortunately, NCMEC has accumulated voluminous statistics over more than 30 years of helping parents deal with the worst situation their family has ever encountered. In 2014 alone, NCMEC opened more than 1,500 new cases of family abduction, including 371 reports of children wrongfully removed from the United States. Last year, 69% of those international reports involved children taken to a country that is a party to the Hague Convention on the Civil Aspects of International Child Abduction.

From 1995 through April 2008, NCMEC fulfilled the functions of the United States Central Authority under the Hague Convention for all “incoming cases,” cases in which a parent abducts a child into the United States from a treaty partner country. NCMEC’s work on incoming cases was performed on behalf of the United States Department of State (“Department of State”) pursuant to a cooperative agreement among the Department of State, the United States Department of Justice, and NCMEC. NCMEC handled approximately 5,600 incoming cases before the Department of State assumed primary responsibility over all incoming cases in 2008.

During NCMEC’s involvement with incoming cases, we assisted left-behind parents with assembling their applications for relief under the Convention, securing legal counsel, obtaining law enforcement assistance and social services as needed, and obtaining clarification of foreign custody laws from foreign authorities. Although NCMEC no longer handles incoming cases, we maintain our partnership with the Department of State and relationships with foreign Central Authorities and non-governmental organizations to continue providing technical assistance and resources to parents, attorneys, judges and law enforcement officials involved in these cases.

### **NCMEC’s Interaction with the Department of State**

Today, NCMEC works together with the Department of State’s Office of Children’s Issues to assist families in cases of international parental abduction. This complementary relationship has continued in the years since the 2008 handover of Central Authority duties, and on a daily basis, NCMEC case managers coordinate with counterpart Department of State country officers to provide the best possible service to parents. The overall goal of both agencies is to ensure that parents are aware of every available resource from each agency and that neither duplicates any efforts while aiding a parent’s progress towards recovering their child.

More specifically, in complement to the services provided to parents by the Department of State, NCMEC creates and distributes missing child posters to help locate children subject to law enforcement investigations or Hague Convention proceedings. In addition to applying the same carefully coordinated support, analytical and technological resources NCMEC devotes to each missing child case, NCMEC engages in regular meetings with consular affairs management and hemisphere or region-specific teams to discuss international trends and specific international cases.

NCMEC also continues to offer assistance directly to parents, law enforcement, attorneys, and consular officers as requested in our particular areas of strength, including:

- **Training & Education** – NCMEC has trained foreign-service and civil service officers as well as provided formal courses at the Foreign Service Institute and informal presentations about NCMEC resources in multiple venues. NCMEC also continues to produce written guidance and publications for varied audiences including NCMEC’s comprehensive family guidebook “Family Abduction: Prevention & Response,” NCMEC’s Hague Convention manual for

attorneys, “Litigating International Child Abduction Cases Under the Hague Convention,” and NCMEC’s guide for law enforcement, “Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management.”

- **Law Enforcement Relationships** – NCMEC has extensive working relationships and years of experience providing technical assistance and training to law enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children. This network of connections can provide invaluable assistance to the families we serve by ensuring each case benefits from investigative best practices and direct referrals to the appropriate agencies to locate children, enforce court orders, and apprehend fugitives. With every family abduction, NCMEC emphasizes that, regardless of distance or destination, and whether the situation is intrastate, interstate, or international, a parent reporting their missing child deserves a robust response from law enforcement. Although it does not apply to every situation, it is important to remember that, regardless of existing civil remedies and treaties, many children who go missing because they have been taken by a parent are, in fact, victims of an ongoing state or federal crime.
- **Reunification Services** – NCMEC administers a Victim Reunification Travel grant from the Department of Justice Office for Victims of Crime to provide financial assistance for left-behind parents to attend Hague Convention proceedings or be reunited with their child located in another country when the family cannot pay to travel. This is often the only time a parent may actually get some minimal financial assistance with the overwhelming expense to locate and recover their child. The Office for Victims of Crime provided \$234,027 to support 73 abduction cases involving 108 children in 37 countries during fiscal years 2011 and 2012. Since the Victim Reunification Travel program began in 1996, NCMEC has distributed nearly 500 awards involving more than 700 total children.

### **NCMEC’s Unique Role in International Child Abduction Recovery**

Today, while assisting with an international family abduction case, NCMEC does its best to ensure that parents are aware at every stage of all possible options to safely and lawfully recover their child. For example, NCMEC can connect parents with information regarding pro bono legal resources and, in turn, NCMEC provides legal technical assistance to attorneys at any stage of a child-abduction litigation, including discussing legal questions, referring attorneys to mentors, discussing alternate legal strategies, arranging logistical support, providing third party referrals for counseling and other support, and troubleshooting.

Additionally, NCMEC regularly utilizes many of the relationships developed when we were fulfilling the incoming case functions of the United States Central Authority, with legal representatives, foreign Central Authorities, and other agencies in many Hague Convention Contracting States. NCMEC’s involvement with these key stakeholders, both domestically and

internationally, provides valuable insight into the operation of the Convention inside and outside the United States.

NCMEC also continues to provide assistance to families in “outgoing” abduction cases where a parent takes a child from the United States to a Contracting or non-Contracting State. In the last 20 years, NCMEC has provided assistance on over 5,900 total outgoing international family abduction cases

### **Recovery of Children from Non-Hague and Non-Compliant Countries**

When a child has been taken to a country that has not signed, or regularly fails to comply with, the Hague Convention, the most prominent option for recovery may be absent, but generally speaking, an array of strategies remains available. As a non-profit, non-governmental organization founded specifically to support child victims and their families, NCMEC fills a unique role, and often is able to provide parents with a wider range of recommendations for tools and strategies to recover their children. At times, this role also allows NCMEC to push or prompt the government agencies involved to look beyond their own typical perspective – viewing strategy beyond a diplomatic or criminal justice lens, for instance. Every case is unique, but below are examples of the array of strategies NCMEC utilizes to assist families and the professionals who serve them as we work to recover internationally abducted children.

- **Civil Remedies** – Without question, the most powerful tool in this category is the Hague Convention itself. In non-Hague countries, civil remedies may be much more limited, but *some* non-Hague countries still have a formal or informal legal process for granting comity to child custody rights that originate in the U.S. NCMEC pays close attention to ensure that parents benefit from past examples in which abduction cases were resolved under even the longest odds or most difficult circumstances in countries like India and Japan. One brief example, involved a father from California whose sons were abducted and taken to Singapore. Preventing this abduction was impossible since the children were taken without warning by their mother during a regular visitation period. Only after tremendous personal expense and exhaustive efforts throughout the following year, was the father finally able to have his custody rights recognized and enforced by the courts of Singapore. A criminal arrest warrant and law enforcement notices were not recognized, nor had the Hague Convention entered into effect in Singapore at the time, so without the father’s own tireless efforts across multiple fronts he may never have succeeded.

There are also nearly 20 additional nations that have signed the Hague Convention, but have not yet been accepted by the U.S. government so a treaty partnership has not yet entered into force. At one time, these non-recognized countries at least signaled some intention to join the international community that acknowledges parental kidnapping is harmful and that parents need a civil legal mechanism to seek the return of wrongfully removed children, so it may be appropriate to reconsider whether acceptance might serve the interests of U.S. families.

Finally, the Hague Convention itself only deals with the custodial rights that were in place at the time the abduction occurred. But because of a broader perspective, NCMEC is careful to remind parents and families that waiting too long to take action in U.S. courts following an abduction may close the window of opportunity for obtaining judicial assistance.

- **Criminal Remedies** – When enacting the federal International Parental Kidnapping Crime Act (IPKCA), Congress gave specific deference to the Hague Convention. In turn, when enforcing the IPKCA statute, the Department of Justice continues to encourage investigators and prosecutors to defer to the civil remedies available under the Hague Convention. For these reasons, it is common for parents to express frustration or describe a myopic criminal justice response when they approach law enforcement agencies for assistance. If the Hague Convention does not apply or is improperly applied in specific countries, however, deference to the treaty may not be as necessary or appropriate for all cases. The U.S. has formal criminal extradition treaties as well as Mutual Legal Assistance Treaties with a variety of countries that may still be explored as a possible bilateral solution.

It is true that criminal charges related to international parental kidnapping apply only to the adult abductor and do not guarantee the return of the child he or she abducted, but a significant number of recoveries reported to NCMEC from both Hague and non-Hague countries were a result of law enforcement efforts in the U.S. or the destination country. In 2014, more than 22% of NCMEC's outgoing international family abduction recoveries involved children who were returned as a direct or indirect result of law enforcement action.

- **Agreed or Voluntary Resolutions** – Many cases are resolved by formal agreement or by voluntary action on the part of the abducting parent. Consistently from year to year this ranks as one of the largest category of returns recorded in NCMEC statistics for Hague and non-Hague countries alike. However, if there is no prescribed treaty or civil process (functioning properly) to invoke the foreign court's jurisdiction or otherwise legally require the parties to mediate or seek a settlement in good faith, then all leverage may ultimately tip towards the taking parent, making an agreement much less likely overall. And, without an appropriately functioning treaty, any agreed solution reached by the parents may be only temporary, since there remains no adequate recourse for any future wrongful abductions, retentions, and violations. So, while it is important to emphasize mediation, NCMEC takes care to discuss this option with parents as one among several possible solutions to international child abductions.

### **Focus on Prevention**

Each day, NCMEC strives to transform accumulated statistics regarding missing, abducted, and exploited children into a positive by crafting audience-appropriate safety and prevention messaging for families. Safety messaging related to the risk of strangers and people outside the family harming a child quickly gained wide acceptance. Unfortunately, NCMEC still must often emphasize the basic message that family abductions are inherently harmful, before moving on to

address the particular risks and need to prevent family abductions. When providing information to help prevent international child abductions, NCMEC focuses on the risk of abduction, the obstacles to recovery, and the potential harm to the child.

NCMEC's emphasis on prevention should never be seen as placing blame on a victim or a family, as if they could have prevented it, or stopped this crime from occurring. Too many parents had no warning at all. No court proceedings or acrimonious separation, just an unexpected tragedy.

Title III of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 ("Goldman Act") incorporated an important and positive focus on prevention. NCMEC has been encouraged by the early meetings of the interagency working group established by the Goldman Act and were grateful for the invitation this year to NCMEC staff who presented and shared our perspective on preventing international abductions. We look forward to future collaboration.

Preventing international abductions requires information. In a literal sense, to stop an abduction-in-progress requires U.S. officials to have knowledge and time to act. But often, with adequate and accurate information, abductions can be prevented much earlier - before the child is already en route out of the country. With increased awareness, parents are more likely to raise concerns earlier and, with the adoption of domestic laws like the Uniform Child Abduction Prevention Act (now enacted by 14 states and D.C.), family courts are more receptive to specific information about the risks associated with international child abduction. Incomplete or non-existent official information can lead to misperceptions—like assuming a country's accession to the Hague Convention means that abductions to that country will always be resolved with an efficient return.

Nearly every day, NCMEC provides information to parents, attorneys, and courts about the overall risks of international abductions, but also about the specific outcomes and resolutions experienced with particular countries, as well as the associated length of time before resolution. In many instances, the Department of State, other government agencies, law enforcement officers, attorneys, service organizations, and advocacy groups refer parents with concerns of international abduction towards our resources because they fill a growing need for prevention information. For example, earlier this spring, NCMEC was able to assist a constituent referred by the Subcommittee Chairman's staff with her concerns about a potential abduction to India and her requests for information about the risks related to that country.

### **More Work Remains**

Enacting the Goldman Act was a significant achievement, but more work remains to ensure its purpose is fulfilled. Every parent in the U.S., every family court, and every relevant law enforcement agency needs to be made aware of the possibilities and likely outcomes if a child is abducted to, or wrongfully retained in, another country. When it cannot be successfully prevented,

every parent who has already suffered from an abduction, and every agency assisting them, must be aware of what obstacles others in their situation have faced. When a parent is considering their options and seeking assistance to recover their child, they must know all possible avenues for recovery including civil, criminal, and agreed/mediated remedies.

Thirty-one years ago, NCMEC was created out of tragedy, and we work every day with the hope and goal that the next call we get from a grieving family is the last one we ever receive. The message of prevention is ingrained in our mission. At the same time, we ensure all resources are utilized to help parents dealing with the tragedy of international child abduction. It is our hope that increased knowledge and information helps ensure this will not happen to another family.

In closing, I have included with my testimony statistics regarding active outgoing international family abduction cases, and new cases reported in 2014. Please note, these statistics reflect only situations reported to NCMEC, and thus are not comprehensive nor do they represent an official U.S. government report regarding international child abduction. The information does reflect common trends observed by NCMEC in countries which have not signed the Hague Convention, or which have been cited repeatedly by the U.S. Department of State for non-compliance with the Hague Convention.

Thank you for the opportunity to provide you and the Committee with our perspective and information on international child abductions. We look forward to continuing to work with you, the Committee and other Members of Congress on ways to ensure families have the resources and support necessary to return their abducted children.

## **NCMEC STATISTICS REGARDING INTERNATIONAL FAMILY ABDUCTION**

In 2014, NCMEC opened more than 1,500 new cases of family abduction, including 371 reports of children wrongfully removed from the United States (“outgoing cases”). Last year, 69% of new international outgoing cases involved children taken to a country that is a party to the Hague Convention.

In 2014, 292 existing outgoing international cases listed with NCMEC were successfully resolved with the recovery of the abducted child, including 214 from Hague Convention partner countries. One hundred twenty-six of the successful resolutions last year involved children who were returned or allowed access to the left-behind parent solely because of voluntary action on the part of the taking parent, including 83 from Hague Convention partner countries. Sixty-five of the successful resolutions last year involved children who were the subject of Return or Access Orders issued under the Hague Convention. Finally, 65 of the successful resolutions last year involved children recovered through law enforcement action in the foreign country or in the United States, including 48 from Hague Convention partner countries.

NCMEC is currently assisting with 54 active child abductions to Japan. In 50 of the active cases involving children taken from the U.S. to Japan, NCMEC has been seeking the return of the children for longer than one year, and 36 of those active cases (a full two-thirds) have remained unresolved for 5 years or longer. The Hague Convention entered into force between the U.S. and Japan more than one year ago, however NCMEC remains unaware of any case in which the treaty was utilized to return a child to the United States.

NCMEC is currently assisting with 22 active child abductions to Brazil. In 20 of the active cases involving children taken from the U.S. to Brazil, NCMEC has been seeking the return of the children for longer than one year, and 8 of those active cases have remained unresolved for 5 years or longer. Although Brazil is a Hague signatory, the treaty accounts for a small amount of the returns noted in NCMEC’s records. In more than half of the successful outcomes from Brazil noted in NCMEC’s records, the children were returned or allowed access to the left-behind parent solely because of voluntary action on the part of the taking parent.

NCMEC is currently assisting with 53 active child abductions to India. In 51 of the active cases involving children taken from the U.S. to India, NCMEC has been seeking the return of the children for longer than one year, and 26 of those active cases (nearly half) have remained unresolved for 5 years or longer.

NCMEC is currently assisting with 6 active child abductions to Tunisia. In all 6 of the active cases involving children taken from the U.S. to Tunisia, NCMEC has been seeking the return of the children for longer than one year, and 2 of those active cases have remained unresolved for 5 years or longer.