

Proposed Bill:

**The Parental Abduction Recovery, Enforcement, and Network Training Act
(The PARENT ACT)**

Author:

Larry Synclair

INTRODUCTION

The Parental Abduction Recovery, Enforcement, and Network Training Act, or the PARENT Act, aims to hinder international parental, family, and stranger abduction through greater governmental resources, reconstruct policies that mandate strict enforcement and prosecution, and promote education of parental abduction prevention in areas that are weakest. The PARENT Act also incorporates interstate child abduction to clarify issues of this crime and enhance available resources.

FACTS AND MISPERCEPTIONS

Research states 350,000 cases of child abduction occur every year in the United States.¹ Additionally, tens of thousands of American children are parentally abducted to a foreign country, thus the probability of a guaranteed return home is not favorable.² Thousands of these abductions cases include American children kidnapped to countries that hold anti-American sentiment, possess extreme gender bias based on cultural or religious beliefs, lack protection of children's rights, support female genital mutilation, harbor terrorists, and/or fund terrorist organizations.

Our federal code clearly states "international abduction or wrongful retention of children is harmful to their well-being" (42 U.S.C. 11601). In essence, parental abduction is child abuse.³ It is estimated that between 10% and 40% of all children who are abducted become severely emotionally disturbed as a result of the abduction⁴.

Despite the facts about international child abduction, resources to assist parents of the child victims or the means to impede future acts of this crime are not as easily accessible or reliable.

Parents of international abducted children compare seeking help like wandering in a maze. Weeks and months can transpire as law enforcement authorities and/or left-behind parents try to locate a primary contact within the Federal Government regarding support and direction to recovery, prosecution, or prevention. Currently, international child abduction cases are shared among the U.S. State Department, the U.S. Justice Department, and the National Center for Missing and Exploited Children (NCMEC). This

¹ "The Epidemic of Parental Child-Snatching: An Overview", report by New York Supreme Court Justice William Rigler (Kings County, Ret.).

² "Procedural Problems in the Adjudication of International Parental Child Abduction Cases," 10 Temp. Int'l & Comp L. J. 445,446 (1996).

³ See "A Family Resource Guide on International Parental Abduction," report by the Office of Juvenile Justice & Delinquency Prevention, Department of Justice, February 2002; Hoff, Patricia, "Parental Kidnapping: Prevention and Remedies," Washington, D.C.: American Bar Association, 2000; Faulkner PhD, Nancy, "Parental Child Abduction is Child Abuse," presented to U.N. Convention on Child Rights, June 9, 1999; Huntington PhD, Dorothy, "Parental Kidnapping: A New Form of Child Abuse," American Prosecutors Research Institute, Investigation and Prosecution of Parental Abduction, 1982.

⁴ Van Buren, Geraldine, "Best Interest of the Child," British Institute of Human Rights, 1992.

is a problem because the U.S. State Department and U.S. Justice Department have analogous yet different roles regarding child recovery, and extradition and prosecution of an abductor to the United States.

NCMEC is a non-profit organization to provide services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children. It also has a role to oversee incoming international child abduction case, not outgoing.

The U.S. State Department's Office of Children's Issues (OCI), responsible for handling international child abduction cases, has an appalling record of resolving international parental abduction cases. Often their diplomatic tactics are passive and unreliable; strategies to encourage or press foreign governments to return abducted American children have proven to be ineffective. The result has been hundreds of parents of abducted children vehemently expressing their shock and anger about this dysfunctional State Department office. Members of Congress have also stated their displeasure about OCI's failures.⁵

The U.S. Department of Justice is also often criticized by left-behind parents for its apprehension to prosecute abducting parents under the International Parental Kidnapping Crime Act (18 USC §1204). According to the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention, it states:

“Inadequate law enforcement response to parental abduction may be related to the fact that few jurisdictions have had much experience in prosecuting such cases. A nationwide survey of 74 prosecutor's offices, conducted by the American Prosecutors Research Institute (Klain, 1995), found that 78 percent of respondents handle only 1 to 5 parental abduction cases per year, 90.3 percent handle between 1 and 20 such cases per year, and only 4.2 percent handle more than 100 cases per year. The same survey found that just 1 in 25 prosecutor's offices has a specialized parental abduction unit. Most parental abduction cases (57.5 percent) are handled by nonspecialists or by designated attorneys and the rest are handled by various designated units (domestic violence, family crimes, special assault, or child abuse).”^[1]

According to a GAO report (March 2000), these federal agencies admitted their weaknesses and assured certain actions would be taken. But the GAO notes: “However, we question whether these actions will be implemented because the State and Justice Departments have no comprehensive plan for moving forward on their actions. The development of such a plan would help ensure effective implementation of their proposed actions.”

Left-behind parents are unable to obtain swift assistance from legal and law enforcement officers because such authorities have established their own policies or bias perceptions about international parental abduction. All too often, federal prosecutors decline to take

⁵ Example: Opening statement by Rep. Dan Burton, House Committee on Government Reform, June 12, 2002

legal action against abductors because this felonious crime (under 18 USC §1204) is wrongfully viewed as a family matter, that the child is safe with the other parent, or it is an issue to be handled by the courts in the foreign country. Despite literature provided by the U.S. Justice Department and NCMEC that clarifies what is parental abduction, many of these authorities are uninformed or unaware of such information, or have not set aside time to research and educate themselves about the legalities concerning parental abduction and the severities of the crime.

REASON FOR THE PARENT ACT

To improve response time to stop or hinder parental abduction, the Act directs supervisory duties to one government agency as the primary base for all matters about this crime. A proposed division within the U.S. Justice Department would focus solely on international and interstate child abduction and comply with proposed mandatory federal statutes to return the abducted child and, if possible, prosecute the abductor. Assisting this proposed division, NCMEC would continue to act as clearinghouse of information about American children abducted to other countries as well as serve as a conduit for left-behind parents and law enforcement personnel reporting parental abduction.

The PARENT Act provides clear and precise definition of parental rights (that are protected under the 14th Amendment of the U.S. Constitution), interstate parental abduction, and international parental abduction to eliminate personal prejudices, in-house policies of what constitutes abduction, and/or misperceptions of who is to take action.

Moreover, this Act was founded from psychiatric and legal research and court decisions that the abduction of a child - whether by stranger, relative, or parent - is a menacing form of child abuse. According to psychiatrists and sociologists, the emotional strain for abducted children can be overwhelming⁶. One study notes over half of abducted children demonstrate symptoms of emotional distress, including anxiety attacks, societal disorders, eating problems, and nightmares. For the left-behind parent, there's never any closure. The psychological suffering has no finality as long as the abducting parent has the child, and it's only exacerbated when federal resources do not assist in returning the child. "Searching parents worry and wonder, constantly tormented by this act. It is a revenge far sweeter and longer lived than a beating or even murder, for it never ends."⁷ The recognition of harm created due to parental abduction is stated in the Act in order to create unanimous understanding about the severity of the crime, eliminate further argument or misperceptions, and begin immediate action to protect the child and parental rights.

⁶ Hoff, Patricia, *"Parental Kidnapping: Prevention and Remedies,"* Washington, D.C.: American Bar Association, 2000

⁷ *"Children as Pawns in Their Parents' Fight for Control: The Failure of the United States to Protect Against International Child Abduction,"* 21 Women's Rts L. Rep. 129, 132 (2000).

THE CHILD ABDUCTION RECOVERY AND ENFORCEMENT DIVISION

The PARENT Act calls for the modification of an executive order signed by former President Ronald Reagan that designates the U.S. State Department as the “Central Authority” of the U.S. for the purposes of the Hague Convention (Executive Order No. 12648, 53 F.R. 30637 [1988]). The duties of the U.S. State Department to assist and protect American Citizens abroad do not include prosecutorial powers. The Act amends Section 11608a so that all responsibilities of parental abduction, whether interstate or international, are focused to one point of contact, rather than various agencies.

This eliminates a dilemma for parents of abducted children, who are often passed from department to department, agency to agency, until someone responds. The PARENT Act remedies the parents’ nightmare of bureaucratic weaving by establishing a point of contact called the *Child Abduction Recovery and Enforcement Division* within the U.S. Justice Department.

As noted by the Governmental Accounting Office⁸ and the Government Reform Committee, the U.S. State Department’s Consular Affairs has been often criticized about its Office of Children’s Issues (OCI) to pursue, protect, and/or recover abducted children from other countries. As the Central Authority under the Hague Convention on Civil Aspects of International Child Abduction (herein known as the Hague Convention), OCI has demonstrated little results in securing the return of hundreds of thousands of American children. Several congressional hearings have arisen due to the fact OCI has cases often unsolved or because of personnel and their bias on child abduction or the parent. Most OCI personnel often have an employment background that is not in legal or law enforcement.

As stated earlier, the U.S. State Department does not have prosecutorial powers to enforce court decisions or seek action to recover internationally abducted children. The PARENT Act issues responsibilities to one governmental agency - the U.S. Justice Department’s *Child Abduction Recovery and Enforcement Division*.

As the California Family Code authorizes the appropriate county officials to take legal action in the best interest of the child on behalf of the court, the same principles apply to this Act. Mandatory regulations within the PARENT Act stipulate immediate action to reduce incidences of personal views, bias, and internal policies by prosecutors. Strict adherence for the Child Abduction, Recovery, and Enforcement Division calls for compulsory action to prosecute the abductor when the Hague Convention fails to assist the left-behind parent or if the country is not a signatory.

The PARENT Act also reduces the unlikelihood of a federal authority unnecessarily closing a case without the issue of abduction resolved. Moreover, the issue of closing the case because a child reached the age of adulthood is no longer debatable. Despite the age

⁸ Article by Cindy Loose, “Indifference Adds to Parents’ Horror”: December 24, 2000, p. A01, Washington Post.

of an American, regardless if that person is a minor, the federal government's duty to protect has no boundary regarding age.⁹

Finally, the maximum amount of three years incarceration for an abductor is not severe. There are cases in which the abductor accepts the small maximum sentence, knowing the child will remain under his/her custody indefinitely. By removing the ceiling of limitations, abductors face a greater threat of incarceration – and less likelihood of accomplishing their goal of permanent retention.

CONCLUSION

The Parental Abduction Recovery, Enforcement, and Network Training Act resolves a dysfunctional federal structure of resources and mandates obligatory enforcement and protection of children that are victims to parental abduction. It enforces parental rights that are protected under the 14th amendment of the U.S. Constitution. Furthermore, it eliminates speculation about the crime and promotes greater need of education about parental abduction to those who can make a difference.

⁹ *Parham v. J.R.* (1979) 442 U.S. 584, 627 “Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults, are protected by the Constitution and possess constitutional rights.”

Committee:

Principal Author: Larry Synclair

Bill No:

Delegation:

Title of Bill: Parental Abduction Recovery, Enforcement, and Network Training Act

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

1 **Preamble:** Whereas hundreds of thousands of American children are victims of
2 interstate and international parental abduction each year, because children taken to
3 foreign countries are rarely returned to the United States because of foreign courts or
4 laws that impede our laws or disobey international agreements on child abduction,
5 and there is a lack of guaranteed governmental enforcement to hinder parental
6 abduction which is a felonious crime in all States, the United States hereby
7 proscribes this Act to reform and transfer a federally funded governmental unit
8 solely for the purpose to recover American children, prosecute abductors, and
9 educate state and federal authorities about parental abduction procedures and
10 recovery resources.

11

12 **SECTION 1. SHORT TITLE.**

13 This Act may be cited as the Parental Abduction Recovery, Enforcement, and
14 Network Training Act (or the PARENT Act, for short) and applies to a child
15 parentally abducted to another State or country.

16

17 **SECTION 2. DEFINITIONS.**

18 (a) The definition of “child” is a person who has not attained the age of 18
19 years.

20 (b) The maximum age of a child listed as 16 years in Title 18, Part I, Chapter
21 55, Section 1204 is amended to 18 years of age;

22 (c) The definition of “parental rights”, with respect to the child, is the
23 protected Constitutional right to legal and physical custody of the child
24 whether joint or sole (and includes visiting rights) whether arising by
25 operation of law, court order, or legally binding agreement of the parties,
26 and will be respected as such;

27 (d) The definition of “interstate parental abduction” is whoever removes a
28 child from the State with jurisdiction, in accordance to the Uniform Child
29 Custody Jurisdiction and Enforcement Act, with intent to obstruct the
30 lawful exercise of parental rights;

31 (e) The definition of “international parental abduction” is defined under
32 Title 18, Part I, Chapter 55, Section 1204. Any violation of this section
33 by a person who was not a resident of, or present in, the United States at
34 the time of the alleged offense is punishable in this country, whether the
35 intent to commit the offense is formed within or outside of the United

1 States, if:

2 (1) The child was a resident of, a citizen of, or present in, the United
3 States at the time the child was taken, enticed away, kept,
4 withheld or concealed; or

5 (2) The child is found in this country; or

6 (3) A parent, other lawful custodian, or person having visitation
7 rights was a resident of the United States at the time the child was
8 taken, enticed away, kept, withheld or concealed.

9 (f) This Act does not apply to a person with a right to custody or visitation
10 of a child who has been a victim of domestic violence who, with a good
11 faith and reasonable belief that the child, if left with the other person, will
12 suffer immediate bodily injury or emotional harm, takes, entices away,
13 keeps, withholds, or conceals that child. "Emotional harm" includes
14 having a parent who has committed domestic violence against the parent
15 who is taking, enticing away, keeping, withholding, or concealing the
16 child;

17 (g) This Congress recognizes parental abduction as an insidious form of
18 child abuse, and such harmful effects transpire from hands of the
19 abductor;

20 (h) This Congress recognizes all forms of abduction can produce
21 psychological trauma to parents who have lost their child;

22 (i) This Congress recognizes parental abduction is a violation of parental
23 rights, which is protected under the U.S. Constitution. It also recognizes
24 the child's constitutional right not to be taken, enticed away, kept,
25 withheld, or concealed by a parent.

26
27 **SECTION 3. TRANSFER.**

28 All funding, responsibilities, and duties regarding international parental abduction
29 assigned to the Office of Children's Issues, located in the U.S. Department of State's
30 Consular Affairs Department are to be transferred and shared between the National
31 Center for Missing and Exploited Children and the U.S. Department of Justice's
32 Child Abduction Recovery and Enforcement Division (see Section 5).

33
34 **SECTION 4. TRANSFER OF DUTIES TO THE NATIONAL CENTER FOR**
35 **MISSING AND EXPLOITED CHILDREN.**

36 The National Center for Missing and Exploited Children will be responsible for
37 compiling information from parents or law enforcement agencies about children
38 abducted from the United States to a foreign country. This information will be
39 shared with the U.S. Department of Justice for their investigation and prosecution.

40
41 **SECTION 5. TRANSFER OF DUTIES TO THE CHILD ABDUCTION**
42 **RECOVERY AND ENFORCEMENT DIVISION.**

43 (a) Establishment: There is established within the U.S. Department of Justice
44 the Child Abduction Recovery and Enforcement division (referred to in this
45 section as "Division"). This Division will establish a Point of Contact (POC).

46 (1) The role of the POC within this Division shall be to provide

- 1 information about legal and law enforcement assistance available by
2 the Federal Government. The POC will provide information to other
3 governmental and private sources about legal issues pertaining to the
4 civil and criminal aspects of interstate and international parental
5 kidnapping;
- 6 (2) The POC serves as a communication liaison between the
7 investigative section of the Division and the public regarding
8 interstate and international child abduction cases. The POC also
9 serves as a communication liaison between the investigative section
10 of the Division and parents of abducted children currently on file with
11 the Division;
- 12 (b) The Division is designated as the Central Authority under the Hague
13 Convention on the Civil Aspects of International Child Abduction (Title 42,
14 Chapter 121, Section 11601, herein referred as the Hague Convention);
- 15 (1) The Division has a supervisory role in mandatory swift interstate and
16 international parental abduction investigations and prosecution;
- 17 (2) The Division has a supervisory role in mandatory swift interstate or
18 international stranger and family abduction investigations and
19 prosecution.
- 20 (c) All personnel must be highly knowledgeable and regularly trained in the
21 legal and law enforcement procedures regarding interstate and international
22 parental abduction as well as stranger and family abduction. Such personnel
23 to be are trained to recognize parents of abducted children are often
24 traumatized by the abduction and that child abduction of any form is an
25 insidious form of child abuse;
- 26 (d) The United States Attorney General shall appoint a Deputy Assistant
27 Attorney General to head the Division (also referred herein as Director of the
28 Division). This appointed person would have full knowledge of legal and law
29 enforcement procedures regarding interstate and international parental
30 abduction as well as stranger and family abduction. The person will also
31 have an employment background as a prosecutor;
- 32 (e) The Division is responsible in overseeing the mandatory filing of an
33 abducted child's name in the National Crime Information Center (NCIC), in
34 conformity to Title 42 Chapter 72, Subchapter IV, Sections 5779-5780,
35 should local or state authorities not act accordingly;
- 36 (f) With international parental abduction cases, it is mandatory the Division
37 supervise all swift and immediate action necessary with its foreign
38 counterpart or a law enforcement or judicial entity of the country the child is
39 abducted to and seek the return of the child through the Hague Convention or
40 through international comity;
- 41 (1) Should the foreign country not comply with the Hague Convention,
42 or a non-signatory country does not cooperate with the Division,
43 there must be prompt compulsory prosecution by federal authorities
44 for international parental abduction under Title 18, Part I, Chapter 49,
45 Section 1073 (Unlawful Flight to Avoid Prosecution) and/or Title 18,
46 Part I, Chapter 55, Section 1204 (International Parental Kidnapping

- 1 Crime Act, herein referred to as IPKCA);
- 2 (2) The language of The Hague Convention or the IPKCA concerning
- 3 the issuance of federal warrants shall not protect these selected
- 4 countries. Non-compliant Hague Convention countries will be
- 5 handled by the Department of Justice in the same manner as non-
- 6 Hague Convention countries, even if a Hague Convention application
- 7 has been filed.
- 8 (3) Immediate standard procedure includes a mandatory request for
- 9 INTERPOL to flag the abducting parent's passport and the abducted
- 10 child's name.
- 11 (g) The Division is responsible for providing legal advice, information, and
- 12 literature about interstate and international parental abduction to proper state
- 13 and federal authorities;
- 14 (1) The Division provides annual statistic report about child abduction
- 15 along with suitable information for legal, judicial, and law
- 16 enforcement authorities about identifying abduction, legalities in
- 17 enforcement and lack of, prosecution procedures, and psychological
- 18 harm from child abduction;
- 19 (2) Management information systems specialists develop a
- 20 comprehensive system for the following:
- 21 (A) Use the data in making decisions about the resource needs
- 22 of agencies involved in international abduction cases;
- 23 (B) Make appropriate data available to the public consistent with
- 24 applicable privacy laws;
- 25 (C) Provide courts with country-specific information to help
- 26 parents obtain appropriate safeguards in child custody and
- 27 visitation orders where there is a risk of international
- 28 abduction or wrongful retention;
- 29 (D) Share information with other countries to foster the return of
- 30 children under the Hague Convention and otherwise.
- 31 (3) This report includes full accurate account of all funding into the
- 32 Division;
- 33 (4) The Division provides bi-annual reviews of accounting in order to
- 34 eliminate inequities and waste;
- 35 (5) The Division creates highly publicized state-by-state seminars that:
- 36 (A) Provide training to State and Federal law enforcement and
- 37 prosecutors on the investigation and prosecution of parental
- 38 kidnapping, focusing on actions to be taken immediately in
- 39 cases of suspected international parental kidnapping. This
- 40 includes using the NCIC and INTERPOL more effectively
- 41 in cases of children abducted from the United States;
- 42 (B) Provide training to agency personnel who deal with left-
- 43 behind parents to ensure they have the necessary sensitivity
- 44 and expertise to respond effectively in international
- 45 abduction cases and are conversant with the rights and
- 46 services due to Federal crime victims;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

- (6) The Division offers seminars and programs to educate parents, attorneys, judicial officials and other interested parties on:
 - (A) The Hague Convention, other international agreements concerning children, sovereignty and dual nationality issues that can be obstacles to recovery, the relationship between domestic violence and parental kidnapping, the impact of abduction on children and parents, and prevention.
 - (B) Practical application of political and diplomatic pressure in international parental abduction cases in the United States and abroad;
 - (C) Uses of diplomatic initiatives in multilateral treaty and bilateral contexts;
 - (D) Diplomatic efforts being made by the United States to improve operation of the Hague Convention;
 - (E) Differing and sometimes conflicting purposes of the civil and criminal aspects of abduction.
 - (F) Education will also include, but will not be limited to, specific material which defines the role of all agencies that respond to international abduction cases, i.e. INTERPOL, FBI, US State Department's Passport Office, immigration, etc.
 - (G) Education will also include department policies, including changes, so that parents will understand the difference between what is law and what is policy.
 - (H) Education will also include instructors for the Division that have experience in interstate and international child abduction, from non-governmental organizations, particularly those that have experience in recovering children legally through their understanding of available resources and ability to coordinate those resources in an appropriate manner that brings about resolution.
- (7) To prevent international child abduction through early intervention and education, the Division develops employee handbooks or addition to their current handbooks with information on international child abduction for personal knowledge to all U.S. government offices, their consulates abroad, and other governmental interests.
 - (A) This includes all individuals that have joined the U.S. military.
 - (B) In addition, all governmental offices will post notice about this information.
- (8) The Division creates and funds an annual conference/forum for parents and those involved in international child abduction, without prejudice to those wishing to attend unless they may be deemed a security threat, for the purpose of providing experts in various fields related to international child abduction to educate those attending;
 - (A) Funding includes facilities, refreshments, expert guest

- 1 speakers from a variety of fields related to parental
2 abduction, including non-governmental experts;
3 (B) Funding allows "grants" for selected parents that may not be
4 able to afford the travel and lodging to such a forum.
5

6 **SECTION 6. AMENDS TO TITLE 42, CHAPTER 121, SECTION 11608a.**

- 7 (a) All references to "Secretary of State" or within this Section are replaced
8 with "United States Attorney General";
9 (b) All references to "Department of State" within this Section are replaced with
10 "Department of Justice";
11 (c) All references to "Office of Children's Issues" within this Section are
12 replaced with "Child Abduction, Recovery and Enforcement Division";
13 (d) All references to "Office" within this Section are replaced with "Division";
14 (e) Amends in subdivision (a) regarding director requirements are:
15 (1) "Director of the Office of Children's Issues of the Department of
16 State" to "Director of the Child Abduction Recovery and Enforcement
17 division";
18 (2) "A strong background in consular affairs" to "a strong legal
19 background as a prosecutor as well as and supportive role in
20 children's rights, constitutional rights, and family law";
21 (f) Correction in subdivision (b) is that each case officer will not have a
22 caseload that exceeds 35;
23 (g) Amends in subdivision (c) are:
24 (1) "The Secretary of State shall designate in each United States
25 diplomatic mission an employee" is replaced with "The Department
26 of Justice shall designate a person from the legal attaché office or
27 from the Department of Justice;
28 (2) "The Director of the Office" is replaced with "the Director of the
29 Division."
30 (h) Subdivision (d)(2)(a) is removed and (d)(2)(b) joins (d)(2).
31

32 **SECTION 7. FEDERAL COOPERATION WITHIN THE UNITED STATES**

33 Established is the Policy Group, which comprises of representatives from Federal
34 agencies and departments as well as members of the National Center for Missing
35 and Exploited Children. It is chaired by the Division and meets quarterly, or more
36 often as needed;

- 37 (a) This group reviews and foster resolution of difficult interstate and
38 international parental abduction cases, both Hague and non-Hague, including
39 cases identified by the Division;
40 (b) The group explores systemic problems with the implementation of the Hague
41 Convention;
42 (c) The group identifies and creates a list of Hague Convention countries as
43 being non-compliant by any governmental agency.
44 (d) This group promotes interagency coordination in the resolution of cases.
45 (e) This group develops protocols aimed specifically at developing/learning
46 recovery strategies and putting into place and automatic protocol that would

1 allow for immediate implementation of a specific strategy through a
2 coordinated effort of those agencies, which will be utilized.

3

4 **SECTION 8. FEDERAL ASSISTANCE OUTSIDE THE UNITED STATES.**

5 It is mandatory for the legal attaché office or the office under the Department of
6 Justice in the appropriate U.S. Embassy or consulate in the country the abductor has
7 absconded the child to take any and all swift and immediate action necessary to have
8 the child returned to the United States;

9 (a) This includes denial of visa application to any relative or friend of the
10 abductor that has knowledge of the whereabouts of the abducted child or the
11 abductor, or has participated or conspired in the child's abduction;

12 (b) This includes immediate dialog with appropriate authorities of the foreign
13 country requesting the return of the child to the United States.

14

15 **SECTION 9. NO STATUTE OF LIMITATIONS.**

16 There is no statute of limitations regarding crimes of parental abduction. By the age
17 of eighteen, these abducted children are considered adult victims of interstate or
18 international kidnapping. Regardless of age, it is mandatory all appropriate federal
19 authorities, headed by the Division, continue to take all action necessary in the
20 recovery of the abducted adult victim and seek immediate prosecution of the
21 abductor(s) in accordance to Title 18, Part II, Chapter 227, Subchapter A, Section
22 3559(c)(2)(E) and (F)(i).

23

24 **SECTION 10. INCREASE OF MAXIMUM PENALTIES FOR PARENTAL
25 ABDUCTION.**

26 Under Title 18, Part I, Chapter 55, Section 1204, there is no maximum period of
27 incarceration as long as the child is not safely returned to U.S. Federal or State
28 authorities.

29

30 **SECTION 11. AUTHORIZATION OF APPROPRIATIONS.**

31 There is authorized to be appropriated for the U.S. Department of Justice and the
32 National Center for Missing and Exploited Children such sums necessary for each
33 fiscal year to carry out this section.

34

35 **SECTION 12. EFFECT.**

36 This bill will take effect January 1st of the next year after passage.

37

38

39

40

41

42

43

44

45

46

