

**Statement by
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for the

Senate Committee on the Judiciary

**“Abducted Abroad: Exploring the Plight of International Parental Child Abduction and Its
Effect on American Families”**

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Chairman Grassley, Ranking Member Feinstein and Members of the Committee, I am pleased to be here on behalf of The National Center for Missing and Exploited Children (NCMEC).

NCMEC was created in 1984 by John and Revé Walsh and other child advocates as a private, non-profit organization to serve as the national clearinghouse and resource center and to provide a coordinated, national response to the problem of missing and exploited children. NCMEC provides resources and services to families, victims, private organizations, law enforcement, and the general public to assist in preventing child abductions, recovering missing children, and providing services to deter and combat child sexual exploitation. NCMEC’s unique involvement in combatting and addressing issues related to missing and exploited children enables us to recognize developing trends and increased dangers for children as they arise. More specifically to today’s hearing, NCMEC has numerous programs to assist families, child victims, and the professionals who serve them, with cases of international parental child abduction.

NCMEC’s Role in Family Abductions and Cases of International Parental Kidnapping

Since its inception, NCMEC has been heavily involved in combatting child abductions. Almost as soon as NCMEC began tracking cases and assisting families of missing children, it became clear that when a child is abducted, it is much more likely that the abductor is a parent or family member rather than a stranger or someone unknown to the child. Last year, NCMEC opened more than **1,400** new family abduction cases of which **179** involved children wrongfully removed from the United States.

Families attempting to locate and recover their abducted children face a daunting challenge, and when an abducted child has been taken across international borders, the path to recovery is even more difficult. NCMEC is vigilant in explaining to parents the full array of possible options that they may utilize to recover their child, including civil remedies, criminal remedies, and voluntary resolutions. If a child has been taken or retained in a country that is a party to the Hague

Convention on the Civil Aspects of International Child Abduction (Hague Convention), then searching parents may be able to utilize this direct and powerful tool as part of their legal arsenal. Last year, 70% of the international abduction reports made to NCMEC involved children taken to a Hague Convention country. Not every nation consistently or fully complies with the terms of the Hague Convention after signing the treaty, however, and this can cause additional delays and hurdles and require parents to utilize alternative recovery options. When NCMEC assists a parent whose child is located in a country that is not a treaty partner with the United States or has not signed the Hague Convention, then the strategies often become more limited.

NCMEC's Historical Role in International Parental Abductions

NCMEC has a long history of assisting families and domestic and foreign agencies on international child abduction cases. 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 handled approximately 5,600 incoming cases before the Department of State assumed primary responsibility over these cases in 2008.

Although NCMEC no longer handles a significant number of 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 also provides support and assistance to parents and maintains strong relationships with international government agencies and non-governmental organizations relating to “outgoing” cases, in which a parent abducts a child from the United States to another country. These cases differ from “incoming” cases in the resources available and the complexity in recovering a child back to the United States depending on whether the child has been taken to a Hague or a non-Hague country.

NCMEC's Interaction with the Department of State

Today, NCMEC works closely with the Department of State's Office of Children's Issues to assist families in cases of international parental abduction. On a daily basis, NCMEC coordinates with its counterparts at the Department of State to provide the best possible assistance and resources to parents and to ensure that parents are offered every resource available without duplication of efforts while aiding a parent's progress towards recovering their child.

More specifically, NCMEC provides unique services such as creating and distributing missing child posters to help locate children who law enforcement is actively searching for or who are involved in Hague Convention proceedings. In addition to applying the same carefully coordinated support, analytical and technological resources NCMEC devotes to every 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's Assistance to Parents and Families

NCMEC provides assistance directly to parents, law enforcement, attorneys, and consular officers in NCMEC's particular areas of expertise, including training and education, prevention, and support for victims and families. We utilize the range of expertise within NCMEC to provide this assistance, including our analytical and case management services, legal technical assistance, experienced trainers and data-driven materials, and counseling and family support services.

Training and Education

In the last ten years, NCMEC has trained foreign service and civil service officers, provided formal courses at the Foreign Service Institute, presented at dozens of regional and national conferences, and regularly provided informal presentations about NCMEC resources related to international child abduction in multiple venues. NCMEC has produced and contributed to many publications, trainings and resource materials focused on family abduction including six editions of our guidebook "Family Abduction: Prevention and Response" and four editions of our law enforcement investigative manual. NCMEC also recently contributed to an updated version of "A Law Enforcement Guide on International Parental Kidnapping," which is expected to be released later this year by the Department of Justice.

The public also frequently contacts NCMEC with concerns about preventing an international abduction and questions about what obstacles they may face if their child is taken to a particular country. Over the past 10 years, we have provided more than 600 affidavits for use in court proceedings outlining general risks relating to international abduction, as well as providing country-specific statistics and resources, for families, lawyers, and judges.

Emphasis on Prevention

Prevention is at the forefront of NCMEC's mission and strategy for all forms of child protection. In the context of international abductions, NCMEC's safety programs are uniquely informed with data-driven lessons learned from actual cases of international family abduction and other relevant incidents of missing children. Even before a child has been removed from the country, NCMEC's hotline and staff are available 24 hours a day to handle calls from parents reporting an international abduction-in-progress, and to marshal all appropriate resources that may be available to stop the wrongful removal.

More broadly, 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 also supports federal legislative efforts that recognize and support prevention work in the area of international child abductions. As an example, Title III of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 ("Goldman Act") contained an important and positive focus on prevention. NCMEC has been encouraged by the meetings of the

working group established in this section of the Goldman Act, which are designed to foster interagency coordination and solutions for preventing children from being wrongfully removed from the country.

In addition, programs managed by U.S. Customs and Border Protection and the Department of State to interdict abductors in the process of removing children from the United States have had a tremendous and measurable impact. However, much more should be done to raise awareness of the existence of these programs to make them more accessible to families, as well as the attorneys, court officials, judges, and law enforcement officers who are involved in matters of child custody.

NCMEC also is frequently asked to host and visit with international agencies and stakeholders to discuss issues related to the Hague Convention and international child abductions. Just since 2017, NCMEC has hosted visits and led individual formal meetings with officials from Japan (in the United States and Japan), Mexico (in the United States and Mexico), Pakistan, Saudi Arabia, Egypt, Austria, Taiwan, Indonesia, Peru, Argentina, Colombia, Ecuador, and Honduras. Each contact is a chance to share NCMEC's resources while supporting families of children abducted to these countries.

With greater awareness and understanding of existing tools, international abductions can often be prevented before a child is already en route out of the country. Parents who are fully aware of the risks are more likely to raise concerns earlier. Furthermore, with the increased adoption of domestic laws, like the Uniform Child Abduction Prevention Act (UCAPA and similar laws exist in 16 states and D.C.), family courts are more receptive to specific information about the risks associated with international child abduction.

We believe that these prevention programs along with insights, drawn from NCMEC's experiences, have helped reduce international parental child abduction.

Support for Victims and Families

It is difficult to overestimate the long-term trauma that many children suffer as the result of a family abduction. A large body of research supports the reality that dozens of parents have described over the years during congressional testimony in hearings like this one – international parental kidnapping is extremely harmful. Last month, members of this Committee introduced a resolution, S. Res. 431, that clearly describes many of the negative impacts faced by families affected by international abductions. Dedicated, experienced mental health and child welfare professionals at NCMEC work proactively to counter this harm by providing specialized counseling assistance and a support network for child victims and their families.

NCMEC's Team Hope, comprised of hundreds of volunteers, helps families in crisis by providing peer support and the kind of inexhaustible empathy that only someone who has personally experienced the pain of a missing or sexually exploited child, can offer.

Sometimes, however, the form of assistance needed is different but still urgent, like the tremendous financial burden that can further strain a family's stability following an international child abduction. In those instances, NCMEC administers a Victim Reunification Travel grant from the Department of Justice Office for Victims of Crime to provide financial assistance for families who could not otherwise afford to attend Hague Convention proceedings in another country or travel to be reunited with their child located in another country. This is often the only instance in which a parent may actually receive some financial assistance with the overwhelming expense to locate and recover their child. Since the Victim Reunification Travel program began in 1996, NCMEC has distributed nearly 600 awards involving more than 880 children.

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 handling 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, most children who go missing because they have been taken by a noncustodial parent are, in fact, victims of an ongoing state or federal crime.

Current Trends and Issues in International Child Abduction

It goes without saying that the impact of an international child abduction is tragic for any family and, although practical and legislative progress has been made in recent years through the passage of the Goldman Act and the implementation of many of the bill's provisions, international child abduction remains a significant problem for families in the United States.

Recently, we have seen positive developments. For example, Mexico has shown sustained improvement in their working relationships with the Department of State and NCMEC related to international abductions, and has worked to diminish the time it takes to locate children within that country. This is important to note because Mexico consistently remains the top destination for abducted children from the United States. In fact, research indicates more Hague Convention cases arise between the United States and Mexico each year than between any other two countries in the world. NCMEC has maintained productive relationships with each of the last several incoming directors of the Mexican Central Authority, and we hope to continue building on these improvements.

NCMEC has long highlighted the cases of children abducted from the United States to Japan. We welcomed Japan's ratification of the Hague Convention in 2014, and continue to hope that this partnership will contribute to the return of abducted children to the United States. NCMEC is currently assisting with nearly 50 active child abductions to Japan, where 45 of those children have been in Japan for longer than one year, and 39 of those active cases have remained unresolved for longer than 5 years. NCMEC has had several opportunities to meet with Japanese officials and discuss ways to improve the outlook for families with abducted children in that country. More recently, we have engaged in conversations with the Japanese Central Authority, judges, and related professional groups from Japan centered around how to effectively enforce Hague Convention orders to successfully accomplish the goals of the treaty.

Unfortunately, as the Committee and panel are aware, outreach, diplomacy, and discussion have not always translated into a direct impact on the vast number of active child abduction cases in Japan and other countries with which the United States has an otherwise positive relationship. Improved processes and resources are important, but for searching families and children the ultimate result – the return of a child – matters the most. Despite steady improvements, families of internationally-abducted children still suffer agonizing delays and often endless procedural processes before their child is recovered or a case resolved. In some instances, the necessary judicial procedures are still not in place to allow a parent to recover their child after they have been abducted to another country.

The Hague Convention envisions an efficient and universal process for returning children to their home countries without delay, in a matter of weeks. However, more often that is not the experience of a parent searching and fighting for the recovery of their child after they have been abducted to or from another country. Unfortunately, this has been the experience of my fellow panelists – Dr. Brann and Dr. Hunter – whose children's cases and long-awaited recoveries must be measured in years rather than hours or days or even months.

In NCMEC's experience, despite the tremendous importance of the Hague Convention, most cases of children returned to the United States following an international abduction are not the result of a judge's ruling in a Hague Convention proceeding. This may be an obvious outcome for countries where the treaty cannot be utilized, such as India, which currently has the highest total number of abducted children from the United States among non-Hague countries. But it also is often true when a child is taken to a country like Brazil or elsewhere in Central and South America, or to most of the countries in Europe that have been Hague Convention partners with the United States for a long time.¹

¹ Similar information could also be noted when children are taken from another country to the United States. In the most recent global survey, the United States showed some recent improvement but still averaged more than 200 days for resolution of Hague Convention cases when a child was abducted and brought into this country.

Last year, more than 160 outgoing international abduction cases reported to NCMEC were successfully resolved with the recovery of the abducted child to the United States. Nearly three times as many recoveries were attributed to voluntary returns and law enforcement assistance than to any form of Hague Convention proceeding. Even with the improvements described earlier, it is more likely that an abducted child will be returned to the United States or allowed meaningful contact and access with their left-behind parent through voluntary action on the part of the abductor than through any other means, including the Hague Convention.

A Need for More Comprehensive Solutions

The Hague Convention was drafted almost 40 years ago, and the United States has been a member for exactly 30 years. During this time, there have been many successes and periodic improvements that help to move things closer to the stated goals of the treaty. However, given the increasing complexity of global affairs and the current long-standing practical difficulties U.S. parents face when their child has been abducted internationally, it is important not to limit our perspective to a single potential remedy.

NCMEC helps to ensure that all reasonable and lawful options for recovery are considered and continues to contribute to conversations about alternatives beyond the Hague Convention. The long-standing relationships with U.S. law enforcement, and with our counterparts abroad in non-governmental organizations and foreign government and law enforcement agencies, make NCMEC well-equipped to provide comprehensive assistance for families.

For example, in recent years several international working groups and many domestic experts have focused on mediation as a path towards resolving international child abductions. NCMEC contributed to the American Bar Association International Family Law Committee's training and research in this area, and NCMEC continues to share related recommendations and direct referrals with families.

The reality of many international child abduction cases involves a taking parent who is completely outside the reach of U.S. jurisdiction and beyond any realistic hope for international comity. In that situation, it is often impractical or even impossible for the parties to have an equal and collaborative discussion about long-term solutions for child custody. For families with a child abduction case that is not appropriate for mediation, NCMEC encourages all stakeholders to look beyond one-size-fits-all recommendations.

Conclusion

NCMEC was founded on the principle that no family should have to suffer the tragedy and pain of a lost child. Prevention remains a significant part of NCMEC's mission and is ingrained across all forms of assistance we provide daily to children, parents, family members, law enforcement and other child-serving professionals. While we strive to assist parents currently dealing with the tragedy of international child abduction, NCMEC also uses data and lessons learned from difficult

cases to develop informational and educational resources to help other families avoid similar situations.

Just because a child has been missing for months, or even years, does not make that child any less important or their recovery less urgent to the families affected or to NCMEC. At NCMEC, missing children are never forgotten, regardless of the reason or length of time they are gone from their home. NCMEC works diligently to ensure that the stories of children wrongfully taken from the United States by a parent or family member remain at the forefront and continue to receive the attention they deserve.

Thank you for the opportunity to provide the Committee with NCMEC's perspective and information on international child abductions. We look forward to continuing to work with the Committee and other Members of Congress to support the families and children impacted by this issue.