

“Child Abduction During Divorce”

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Child abduction is one of the most excruciating tactics people take during the divorce process. And sadly, in today's world, there are countless national and international parental child abduction cases reported each year. According to the United States Department of Justice, each year about 350,000 children are victims of child abduction when parents separate or divorce. Many times, a parent abducts a child and moves the child internationally, which creates very serious problems. Because of international child abduction, in 1980 the US along with other nations implemented the Hague Convention on the Civil Aspects of International Child Abduction. The purpose of The Hague is to protect children from wrongful removal or retention in a foreign country. By 1988, Congress adopted provisions to implement the protections of the Hague Convention under the International Child Abduction Remedies Act (ICARA).

Why Parents Abduct Children

There are times when there is good reason for a parent to take the child away from a spouse, perhaps because the parent is violent or because the parent suspects sexual offense to the child. When a parent takes a child at the beginning of divorce proceedings, usually it's because the parent is in distress over the ending of the marriage and the potential threat of losing their child or children is too overwhelming. It is then that a parent may remove or retain the child from the other parent who is seeking to gain child custody. More often than not, child abduction is meant to hurt the other person.

Child Abduction Laws

Very often the parent will flee with the child in order to prevent the other parent from visiting or seeing the child. In many states, if there is no formal custody order in place, and the parents do not live together, the removal of a child by one parent is not an offense. Yet, many states have now criminalized interstate child abduction. In fact, the National Conference of Commissioner on Uniform State Laws (NCCUSL) has embarked on a project that will draft a uniform state law dealing with parental abduction. Currently, there are other laws that have been enacted and include the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and the Parental Kidnapping Prevention Act, (PKPA), all of which are designed to deter interstate parental kidnapping as well as enforcing child custody and visitation orders established by sister state courts.

Hague Convention on Civil Aspects of International Child Abduction

In 1980 the US along with other nations implemented the Hague Convention on the Civil Aspects of International Child Abduction. The purpose of The Hague is to protect children from wrongful removal or retention in a foreign country. If you have any suspicions that your child might have been wrongfully removed and taken to a foreign country, you should call the police to determine whether the country is a member of the Hague Convention. In fact, the United States added certain language

to American passports in the mid 1990's regarding international parental abduction, as this type of abduction is a federal felony under U.S. law. If you are concerned about international child abduction, seek the guidance of an attorney who can submit an application for assistance under the Hague Convention.

You May Need to Be Prepared

When a divorce is messy and there is fear that one spouse may try to kidnap the child, it's best to be prepared. In other words, never take lightly the threat of a spouse. If they say they're going to take the child, contact the police. According to data from the United States Department of State, since the late 1970's approximately 16,000 children have either been abducted from the United States and taken out of the country, or prevented by one of their parents from returning to the United States. Once a child is taken from the United States, it is a complicated procedure to regain possession of the child. Therefore, it's always best to seek out the assistance of a qualified divorce attorney who can help you with legal options. If you have suspicions that your child might be abducted, consider the following:

- Notify your child's school if there is a threat of child abduction by the non-custodial parent.
- Make sure any teacher or babysitter is instructed that they are not to allow anyone to leave with your child unless that person has been authorized in accordance with a court order.
- Speak with an attorney before taking any measures to be sure you're within your legal rights.
- Keep a record of any threats by writing them down.
- Keep an updated photo of your child each month as well as any identifying physical characteristics of your child.

If you think your child has been abducted to another country, call the police immediately to determine whether that particular country is a member of the Hague Convention and seek the guidance of an attorney who can submit an application for assistance under the Hague Convention.

About the Divorce Attorneys at Straight Divorce

A good divorce attorney can help make the transition a little smoother. Straight Divorce is committed to helping people through the divorce process or modifying their divorce decrees that reflect on their current personal and economic situation. Having successfully assisted thousands of individuals with divorce situations for over a decade, Straight Divorce attorneys make the divorce process as simple as possible. The lawyers at Straight Divorce are available for consultation.