Child Abduction Prevention
(From www.travel.state.gov)

How Vulnerable is Your Child?
You and your child are most vulnerable when your relationship with the other parent is troubled or broken, the other parent has close ties to another country, and/or the other country has traditions or laws that may be prejudicial against a parent of your gender or to non-citizens in general. However, anyone can be vulnerable.

Cross-cultural Marriages: Should You or Your Child Visit the Country of the Other Parent?
Many cases of international parental child abduction are actually cases in which the child traveled to a foreign country with the approval of both parents, but was later prevented from returning to the United States. Sometimes the marriage is neither broken nor troubled, but the foreign parent, upon returning to his or her country of origin, decides not to return to the U.S. or to allow the child to do so. A person who has assimilated a second culture may find a return to his or her roots disturbing and may feel pulled to shift loyalties back to the original culture. Furthermore, a person’s behavior may change when he or she returns to the culture where he or she grew up.

In some societies, children must have their father’s permission and a woman must have her husband’s permission to travel. If you are a woman, to prevent your own or your child’s detention abroad, find out about the laws and traditions of the country you plan to visit or plan to allow your child to visit, and consider carefully the effect that a return to his traditional culture might have on your child’s father; in other societies, children need the permission of both parents to travel and the refusal of one parent to give that permission may prevent the departure of a child from that country. For detailed advice in your specific case, you may wish to contact an attorney in your spouse’s country of origin. Many U.S. Embassies/Consulates list attorneys on their websites.

Precautions That Any Parent Should Take
In international parental child abduction, an ounce of prevention is worth a pound of cure. Be alert to the possibility and be prepared:

• Keep a list of the addresses and telephone numbers of the other parent’s relatives, friends, and business associates both here and abroad;
• Keep a record of important information about the other parent, including: physical description, passport, social security, bank account, and driver’s license numbers, and vehicle description and plate number;
• Keep a written description of your child, including hair and eye color, height, weight, fingerprints, and any special physical characteristics; and
• Take full-face color photographs and/or videos of your child every six months - a recent photo of the other parent may also be useful.

If your child should be abducted, this information could be vital in locating your child. In addition, the National Center for Missing and Exploited Children, (NCMEC), at telephone 1-800-843-5678, or http://www.missingkids.com suggests that you teach your child to use the telephone, memorize your home phone number, practice making collect calls, and instruct him or her to call home immediately if anything unusual happens. Discuss possible plans of action with your child in the case of abduction. Most important, however, if you feel your child is vulnerable to abduction, seek legal advice. Do not merely tell a friend or relative about your fears.
The Importance of a Custody Decree

Under the laws of the United States and many foreign countries, if there is no decree of custody prior to an abduction, both parents may be considered to have equal legal custody of their child. **IMPORTANT: Even though both parents may have custody of a child, it still may be a crime for one parent to remove the child from the United States against the other parent’s wishes.** If you are contemplating divorce or separation, or are divorced or separated, or even if you were never legally married to the other parent, ask your attorney, as soon as possible, if you should obtain a decree of sole custody or a decree that prohibits the travel of your child without your permission or that of the court. If you have or would prefer to have a joint custody decree, you may want to make certain that it prohibits your child from traveling abroad without your permission or that of the court.

How to Draft or Modify a Custody Decree

A well-written custody decree is an important line of defense against international parental child abduction. NCMEC, in its publication *Family Abduction: How to Prevent an Abduction and What to Do If Your Child is Abducted*, makes several recommendations to help prevent the abduction of your child if your spouse is a legal permanent resident alien or a U.S. citizen with ties to a foreign country. For instance, it may be advisable to include court-ordered supervised visitation and a statement prohibiting your child from traveling without your permission or that of the court. If the country to which your child might be taken is a member of the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention), your custody decree should state that the terms of the Hague Convention apply if there is an abduction or wrongful retention. The American Bar Association (ABA) also suggests having the court require the non-citizen parent or the parent with ties to a foreign country to post a bond. This may be useful both as a deterrent to abduction and, if forfeited because of an abduction, as a source of revenue for you in your efforts to locate and recover your child. For further prevention information, you should contact the NCMEC. **Reminder: Obtain several certified copies of your custody decree from the court that issued it. Give a copy to your child’s school and advise school personnel to whom your child may be released.**

U.S. Passports

The Department of State’s Passport Lookout Program can help you determine if your child has been issued a U.S. passport. You may also ask that your child’s name be entered into the State Department’s Children’s Passport Issuance Alert Program. This will enable the Department to notify you or your attorney if an application for a U.S. passport for the child is received anywhere in the United States or at any U.S. embassy or consulate abroad. If you have a court order that either grants you sole custody, joint legal custody, or prohibits your child from traveling without your permission or the permission of the court, the Department may also refuse to issue a U.S. passport for your child. The Department may not, however, revoke a passport that has already been issued to the child. There is also no way to track the use of a passport once it has been issued, since there are no exit controls of people leaving the U.S. To read about the Children’s Passport Issuance Alert Program, go to internet address: [http://travel.state.gov/family/abduction/resources/resources_554.htm](http://travel.state.gov/family/abduction/resources/resources_554.htm)

Change in Passport Regulations

A new law, which took effect in July 2001, requires the signature of both parents prior to issuance of a U.S. passport to children under the age of 14.

**Requirements:**

Both parents, or the child’s legal guardians, must execute the child’s passport application and provide documentary evidence demonstrating that they are the parents or guardians; or the person executing the application must provide documentary evidence that such person has sole custody of the child; has the consent of the other parent.
to the issuance of the passport; or is acting in place of the parents and has the consent of both parents, of a parent with sole custody over the child, or of the child’s legal guardian, to the issuance of the passport.

**Exceptions:**
The law does provide two exceptions to this requirement: (1) for exigent circumstances, such as those involving the health or welfare of he child, or (2) when the Secretary of State determines that issuance of a passport is warranted by special family circumstances. For additional information, see the Bureau of Consular Affairs home page on the Internet at [http://travel.state.gov](http://travel.state.gov).

**Foreign Passports - the Problem of Dual Nationality**
Many United States citizen children who fall victim to international parental abduction possess, or may have a claim to dual nationality. While the Department of State will make every effort to avoid issuing a United States passport if the custodial parent has provided a custody decree, the Department cannot prevent embassies and consulates of other countries in the United States from issuing their passports to children who are also their nationals. You can, however, ask a foreign embassy or consulate not to issue a passport to your child. Send the embassy or consulate a written request, along with certified complete copies of any court orders you have which address custody or the overseas travel of your child. In your letter, inform them that you are sending a copy of this request to the United States Department of State. If your child is only a United States citizen, you can request that no visa for that country be issued in his or her United States passport. No international law requires compliance with such requests, but some countries may comply voluntarily.

The United States government does not have exit controls at the border. There is no way to stop someone with valid travel documents at the United States border. The U.S. government does not check the names or the documents of travelers leaving the United States. Many foreign countries do not require a passport for entry. A birth certificate is sufficient to enter some foreign countries. If your child has a valid passport from any country, he or she may be able to travel outside the United States without your consent.