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The Criminal Justice System's Response to Parental Abduction

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Millions of Americans receive advertisements in the mail with pictures of missing children and their alleged abductors. Many people quickly glance at the pictures, some study them more carefully, and some do not look at all. In the majority of cases, these children have been abducted by relatives, usually a parent.

Parental abduction can have a devastating impact on the child who is abducted and also the parent who is left behind. A quick recovery is critical to reducing the trauma to both child and parent. Law enforcement and criminal court involvement in these cases can make the difference in how effectively the search is conducted and can influence how quickly the child is recovered.

To better understand the criminal justice system's response to parental abduction, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded a study—conducted jointly by the American Bar Association Center on Children and the Law and Westat—that examined this issue. This Bulletin summarizes the primary findings of this study.¹

Definition and Legal Framework

For purposes of this Bulletin (and for much of the research conducted on this issue), parental abduction (also referred

to as “family abduction”) is defined as “the taking, retention, or concealment of a child or children by a parent, other family member, or their agent, in derogation of the custody rights, including visitation rights, of another parent or family member” (Girdner, 1993:1–11). Abductors may be other family members or their agents (e.g., girlfriend, boyfriend, grandparent, or even a private investigator), although in most cases the abductor is a child's parent (Girdner, 1993). Some State criminal statutes use the term “custodial interference” (rather than parental abduction, family abduction, or kidnapping) when referring to this crime and may include incidents in which children are detained or enticed away from the custodial parent. Custodial interference can also be defined to include interference with a court order of visitation or access.

Although many individuals, including some law enforcement personnel, perceive parental abduction as “civil in nature” and a private family matter best handled outside the realm of the criminal justice system, it is a crime in all 50 States and the District of Columbia and, in most cases, constitutes a felony. In some States, parental abduction constitutes a crime only in cases in which a custody order has been violated. In others, no custody order is required for parental abduction to be considered a criminal offense.

A Message From OJJDP

The expeditious return of a missing child who has been abducted is a critical step toward alleviating the trauma suffered by both child and parent. The active involvement of both law enforcement and criminal court officials is, of course, integral to attaining this desired goal.

As research has demonstrated, the most prevalent form of child abduction in the United States is parental kidnapping. This Bulletin draws on findings of a study conducted for OJJDP by the American Bar Association Center on Children and the Law and Westat to assess the criminal justice system's response to parental abduction.

Parental abduction is a crime in all 50 States and in the District of Columbia and, in most cases, constitutes a felony. The OJJDP study reviewed all stages of the criminal justice system's response to this crime, including the reporting of the abduction, the investigation of the case, the finding and recovery of the victim, and the criminal prosecution of the perpetrator or perpetrators. To date, it is one of the most comprehensive studies of this issue.

Children stand to benefit from a review of the study's findings by law enforcement and court officials and other representatives of the justice system. The information provided in these pages is intended to facilitate such crucial consideration.

Criminal and Civil Laws Regarding Parental Abduction

The Missing Children's Act of 1982 (28 U.S.C. § 534(a)). This Act requires the Federal Bureau of Investigation (FBI) to enter descriptive information on missing children into the National Crime Information Center (NCIC) database, a computer database with information on missing persons that can be accessed by law enforcement agencies nationwide.

The National Child Search Assistance Act of 1990 (42 U.S.C. § 5780). This Act requires that State and local law enforcement agencies immediately enter information on missing children younger than 18 into the NCIC database and prohibits such agencies from maintaining any waiting period prior to taking a report of a missing child.

The Missing Children's Assistance Act (42 U.S.C. §§ 5771 *et seq.*). Enacted in 1984 and reauthorized in 1988, 1992, and 1999, this Act resulted in the establishment of the National Center for Missing and Exploited Children. NCMEC serves as a national resource center on missing children, providing support to criminal justice system personnel and aggrieved parents as they seek to identify and recover missing children, including those who have been abducted by a parent. It operates a toll-free hotline, provides technical assistance to law enforcement personnel in the field, and educates the public and others on relevant issues.

The Parental Kidnapping Prevention Act of 1980 (28 U.S.C. § 1738A). Providing for civil remedies, this Federal Act gives jurisdictional priority to the child's home State in parental abduction cases where conflicts arise between two States. It extends the Federal Fugitive Felon Act to cases in which a child has been taken out of a State where that act would constitute a felony, thus enabling the FBI to investigate. It also authorizes certain persons access to the Federal Parent Locator Service for purposes of identifying the whereabouts of a parentally abducted child.

The Uniform Child Custody Jurisdiction Act (UCCJA). An important civil remedy that exists to combat parental abduction, this jurisdictional statute governs when a court has jurisdiction over a parental abduction case and attempts to prevent the occurrence of simultaneous proceedings in two different States. It has been enacted with some variation in all 50 States, the District of Columbia, and the Virgin Islands.

The Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA). The Uniform Child-Custody Jurisdiction and Enforcement Act, adopted unanimously by the National Conference of Commissioners on Uniform State Laws in 1997 and approved by the American Bar Association in 1998, amends UCCJA to bring it into conformity with the Parental Kidnapping Prevention Act. UCCJEA also clarifies jurisdictional provisions of UCCJA that courts have interpreted inconsistently across the country. As of January 2001, 22 States had enacted UCCJEA.¹

The Hague Convention on the Civil Aspects of International Child Abduction. This Convention, ratified by the United States in 1988, is an international treaty currently in effect in 43 countries.² It serves to simplify and expedite the return process when children have been abducted internationally. The Convention's implementing procedures can be found in the International Child Abduction Remedies Act (42 U.S.C. §§ 11601 *et seq.*). In 1993, the United States also passed the International Parental Kidnapping Crime Act (18 U.S.C. § 1204), making the abduction or retention of a child from the United States a felony.

1. For more detail about UCCJEA, including a list of States that have adopted the Act, see http://www.nccusl.org/nccusl/uniformact_factsheets/uniformacts-fs-uccjea.asp.

2. For the most recent list of countries that have ratified the Hague Convention, see http://travel.state.gov/hague_list.html.

Study Background

The primary goal of the study was to provide further insight into whether and how the criminal justice system intervenes in

parental abduction cases by collecting data on the following:

- ◆ National estimates of parental abduction reports to law enforcement authorities and resulting arrests.

- ◆ National estimates of parental abduction cases which were opened by prosecutors and in which criminal charges were filed.
- ◆ Law enforcement authorities' use of management information systems (MISs) and written policies and procedures in responding to parental abduction reports.
- ◆ Staffing characteristics and administrative resources.
- ◆ Staff participation in formal training or special programs addressing parental abduction.
- ◆ Parental abduction case flow through the criminal justice system.
- ◆ Characteristics of cases in which law enforcement intervened by investigating and/or filing criminal complaints.
- ◆ Model approaches to the handling of parental abduction cases.

The study consisted of three phases:

- ◆ **Phase 1:** A nationally representative survey of law enforcement agencies and prosecutors' offices.
- ◆ **Phase 2:** Site visits to six counties where a larger than average number of parental abduction cases were prosecuted.
- ◆ **Phase 3:** A review of individual parental abduction case files in the law enforcement agencies and prosecutors' offices of three of the six jurisdictions visited.

The study examined all facets of the criminal justice system's response, including the reporting of the incident, investigation of the case, location and recovery of the child, and criminal prosecution of the abductor(s). The site visits provided insight into various aspects of unique programs, and the national survey and case file reviews attempted to identify those characteristics that resulted in an enhanced system response. Based on these findings, the researchers developed recommendations for statutory, policy, and programmatic change. The study described in this Bulletin concluded in 1996 and is based on parental abduction data from 1992 to 1996. Nevertheless, the study findings and recommendations continue to be relevant to current incidents of parental abduction. OJJDP has chosen to highlight the findings of this study because, to date, this is one of the most comprehensive studies of the Nation's criminal justice system's response to the crime of parental abduction.

Phase 1: Findings From the National Survey

Methodology

All law enforcement agencies and prosecutors serving a nationally representative sample of 400 counties were surveyed about their handling of parental abduction incidents occurring in 1992. In all, 400 prosecutors' offices, 405 county law enforcement agencies, and 3,625 municipal law enforcement agencies were surveyed. Two questionnaires, one to be filled out by law enforcement agencies and the other by prosecutors, were mailed to the offices of sheriffs, police, and prosecutors in the selected jurisdictions.

Because of a series of followup mailings and other reminders to survey participants, the response rate was excellent for a mail survey. Overall, 76.6 percent of the law enforcement agencies completed the survey, 4.7 percent were found to be ineligible because the agencies did not have jurisdiction to conduct criminal investigations of parental abductions, and only 0.5 percent directly refused. Three-quarters (75 percent) of sampled prosecutors completed the survey, with 2.5 percent declining to participate and 22.5 percent not responding at all.



National Estimates of Reports, Arrests, and Prosecutor Actions

Law enforcement agencies and prosecutors reported the following for 1992:

- ◆ An estimated 30,500 parental abduction cases were reported to law enforcement agencies. In 82 percent of these cases, a parent was responsible for the abduction; in 12 percent, a family member other than a parent was the abductor; and in 6 percent, nonfamily members were the perpetrators.
- ◆ Approximately 4,500 cases of parental abduction—only 15 percent of all reported cases—resulted in arrest.
- ◆ A higher number of cases were referred to prosecutors than the 4,500 resulting in arrest. Law enforcement agencies referred about 9,200 parental abduction cases (30 percent of all reported cases) to prosecutors.
- ◆ An estimated 15,000 parental abduction cases were formally opened by prosecutors. This number is substantially higher than the number of referrals to prosecutors' offices by law enforcement agencies (9,200), implying that many parental abduction cases reach these offices by other referral routes, such as through the courts or directly from the aggrieved custodial parent.
- ◆ Criminal charges were filed in only an estimated 3,500 (23 percent) of the 15,000 cases opened by prosecutors. Of the cases in which charges were filed, 31 percent were dismissed and 49 percent resulted in convictions.
- ◆ Only 17 of the 400 counties surveyed reported that their prosecutors' offices filed more than 15 criminal complaints in 1992. Only 8 of these 17 counties were outside of California.

Relation to NISMART Estimates

The most comprehensive study of the extent of parental abduction is the National Incidence Studies on Missing, Abducted, Runaway, and Thrownaway Children in America (NISMART)² (Finkelhor, Hotaling, and Sedlak, 1990). Conducted in 1988, this nationwide telephone household survey produced estimates of the number of

family abductions (to both domestic and international destinations) nationwide. Cases identified in NISMART are categorized as either "broad scope" or "policy focal":

- ◆ **Broad-scope cases.** These are cases in which a family member either (1) took a child in violation of a custody agreement or decree or (2) failed to return or give over a child at the end of a legal or agreed-upon visit (in violation of a custody agreement or decree) and the child was away at least overnight. NISMART researchers estimated that 354,100 children experienced an abduction under this definition. This category included most cases that would be considered abduction under even the broadest statutes and also many in which law enforcement agencies and prosecutors would not be involved (either because of more stringent legal definitions or by discretion).
- ◆ **Policy-focal cases.** These are cases that fit the broad-scope definition but also have at least one of the following characteristics: (1) an attempt was made to conceal the taking or whereabouts of the child and prevent contact with the child, (2) the child was transported out of State, or (3) evidence existed that the abductor intended to keep the child indefinitely or to permanently affect custodial privileges. About 46 percent (163,200) of the broad-scope cases fell within this narrower definition (Finkelhor, Hotaling, and Sedlak, 1990).

The national estimates of reports of parental abduction to law enforcement agencies in the present study include only cases for which law enforcement officially took a report (30,500) or for which prosecutors' offices officially opened a case (15,000). These figures are substantially lower than the estimated number of family abduction cases reported in the 1990 NISMART study. Figures from both studies appear equally valid in their own right. Possible explanations for the discrepancy between the two studies include:

- ◆ Classification of the crime within the system not readily identifiable. For example, a violation of a custody order may not be distinguishable in the system from a violation of any other court order.

- ◆ Failure to report parental abductions that occur in concert with other crimes. For example, police may record other crimes, such as assault and battery or breaking and entering, and only mention the parental abduction in the narrative of the report.
- ◆ Lack of jurisdiction by some law enforcement agencies to conduct criminal investigations on parental abductions.
- ◆ Informal handling of cases by both police and civil attorneys to return the child to the custodial parent.

Case Characteristics Influencing Law Enforcement and Prosecutor Processing

The following three factors were most frequently cited by law enforcement agencies as influencing their decision to take a report of an alleged parental abduction:

- ◆ The existence of a custody order (60.1 percent).
- ◆ The endangerment of a child (52.1 percent).
- ◆ Joint custody (50.3 percent).³

Two of these factors—endangerment of the child and existence of a custody order—were also among three of the most commonly cited factors determining investigative priority (70.9 and 51.9 percent, respectively). The other most frequently reported factor was the child’s disability status, cited by 65.7 percent of agencies.

The most common factors influencing whether a prosecutor’s office opened a case were the existence of a custody order (70.6 percent), joint custody (62.8 percent), and endangerment of a child (62.2 percent). Regarding whether a case was actually prosecuted (i.e., filing of a criminal complaint), the three most common factors influencing this decision were the existence of a custody order (77.0 percent), the length of time the child had been gone (68.0 percent), and joint custody (66.9 percent).

Agency Characteristics and Resources

The majority of law enforcement agencies reported that they did not have written policies and procedures governing parental abduction cases (69 percent), that they did not receive formal training on the handling of parental abduction cases (63 percent), and that they were not aided by a computerized MIS in providing

information on the number of parental abduction cases reported to their agencies (69 percent). Only 10 percent of the law enforcement agencies indicated that they had specialized programs designed to address parental abduction in their jurisdictions.

The survey of prosecutors produced similar findings. The vast majority stated that they had not been aided by a computerized MIS in providing survey information (85 percent), that they did not have policies or written guidelines on the handling of parental abduction cases (86 percent), and that staff did not receive formal training on parental abduction (86 percent). Seventy-nine percent of the prosecutors’ offices indicated that they did not have specialized parental abduction programs.

Phase 2: Findings From Site Visits

In 1994, project staff conducted extensive interviews with individuals familiar with the criminal justice system’s processing of parental abduction cases in six counties of varying sizes and attributes: Escambia County, FL; Hudson County, NJ; Pima County, AZ; Salt Lake County, UT; San Diego County, CA; and Snohomish County, WA. The primary purposes of the site visits were to examine how law enforcement agencies respond to parental abduction reports and to identify unique case-handling practices.

Sites were selected based on the results of the national survey. The sites were chosen for their geographic diversity and met the following criteria:

- ◆ The prosecutor’s office in the county had filed at least 15 criminal custodial interference complaints in 1992.
- ◆ Agencies in the county used MISs for individual case tracking.

At the time of site selection, it was determined that the filing of a relatively high number of criminal complaints (in this case, 15 or more) was one indicator of an enhanced law enforcement response to the crime of parental abduction.

Parental Abduction as a Case-Handling Priority

With the exception of the San Diego County District Attorney’s and Hudson County Sheriff’s Offices, all criminal justice agencies reported that parental abduction cases constituted only an

estimated 1 to 5 percent of their workload. Some perceived parental abduction cases as “low priority” given their agencies’ limited staffing and the high volume of other cases they were assigned to handle. This did not mean, however, that personnel in these offices had not developed some expertise in the handling of parental abduction cases. For the most part, these experts were detectives assigned to the departmental unit responsible for the investigation of child abuse, parental and stranger abductions, and runaway youth.

At sites where agency staff had developed expertise in parental abduction or a specialty unit had been created, such as in Hudson and San Diego Counties, it was clear that the initiative of skilled and concerned staff contributed to an enhanced criminal justice system response. However, specialized systems were not always institutionalized within an agency and might not exist if specialized staff were no longer employed by that agency. Of the 12 sheriff’s offices and police departments contacted, only 5 had written policies governing the processing of parental abduction cases. San Diego County was the only site where a specific criminal justice agency, the District Attorney’s Office, was mandated by law to intervene in a case of parental abduction.

Case Processing and the Impact of Court Orders on Police Action

With the exception of Utah, the States visited were governed by laws that could be interpreted to prohibit custodial interference both before and after the issuance of a custody order.⁴ Statutes in California, Florida, and Washington expressly outlawed custodial interference prior to the issuance of a custody order. Although Arizona’s statute was less clear as to whether intervention is authorized before a custody order is granted, the Pima County prosecutor’s office interpreted case law as allowing intervention in such cases. In Hudson County, NJ, despite the statute’s lack of clarity, law enforcement officials reported that they would, at a minimum, investigate a complaint of parental abduction to ensure that the child was safe and at the same time refer the aggrieved parent to the family court to obtain a custody decree.

Generally, law enforcement personnel in these six States responded to some degree to a complaint of parental abduction, even when an aggrieved party did

not have a custody order. In at least three jurisdictions visited, the degree of response (e.g., patrol officer sent to scene, followup contact with involved parties) varied, depending on whether a court order existed or whether a child was at risk of harm. In the other three counties, a governing custody order had no impact on the degree of response because a patrol officer was automatically dispatched to the scene or an investigation was conducted to verify the legitimacy of a complaint. At a minimum, in all sites, even if no court order existed, police would travel to the scene of the complaint to assess a child's well-being and, at the same time, refer parties to local civil courts, legal services or pro bono programs, or the private bar for assistance in filing a petition for custody.

Visitation Interference

Visitation interference, or denial of access, encompasses the situation in which a child's legal custodian prevents a parent or individual with court-ordered visitation from exercising those rights. Almost all the law enforcement agencies visited reported they would respond to complaints of visitation interference by sending a patrol officer to the scene or attempting to investigate the matter over the phone. Whether police enforced visitation orders depended on the specificity and clarity of the order. Also, not all responses to visitation interference reports were immediate, with some agencies believing that the interference should be of a "protracted" nature. The statutes of five of the six States visited prohibited interference with a visitation or access order. In three of these five States, violation of a visitation order could constitute a felony.

Preparation of Crime Reports

In all jurisdictions, law enforcement personnel prepared a crime report upon receiving a complaint of parental abduction. Whether an incident of custodial interference would be labeled as such varied among jurisdictions. In some sites, a custodial interference offense could be classified as a "miscellaneous" offense, a "civil matter," or a related offense (such as domestic violence or assault).

Entry Into the NCIC Database

The National Child Search Assistance Act of 1990 (42 U.S.C. § 5780) requires that State and local law enforcement agencies take a report on a missing child and enter



descriptive information on that child into the National Crime Information Center (NCIC) database without a waiting period, regardless of whether the abduction constitutes a criminal violation. The Federal Missing Children's Assistance Act of 1984 (42 U.S.C. § 5772(1)(A) and (B)) provides that for purposes of NCIC entry, a "missing child" is defined as

any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if—

(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited. . . .

Agency personnel reported varying practices as to the entry of information on parentally abducted children and perpetrators into the NCIC database. It was the practice in some jurisdictions not to enter information on a parental abduction case unless the child's whereabouts were "unknown," an arrest warrant had been issued, or the abductor had fled out of State.

Contact With the Federal Bureau of Investigation

Pursuant to the Parental Kidnapping Prevention Act of 1980 (28 U.S.C. § 1738A), the FBI is authorized to investigate cases in which children have been abducted by

parents or their agents across State lines or out of the country. In these cases, State or local law enforcement authorities would seek the issuance of a Federal Unlawful Flight to Avoid Prosecution (UFAP) warrant to enable the FBI to investigate a fugitive parent's whereabouts.

The majority of law enforcement personnel reported minimal contact with the FBI. They related that the FBI was involved in only a few or none of their cases, and their comments reflected a possible underuse of FBI resources. One respondent recommended that the FBI become more involved with case investigation once a UFAP warrant had been issued and noted a lack of followup on the FBI's part. Another perceived the FBI as "jumping" on a case quickly if a child were taken out of State. Several viewed their working relationship with the FBI as "good."

Use of State Missing Children's Clearinghouses

All States, the District of Columbia, and Puerto Rico now have State missing children's clearinghouses. Depending on the jurisdiction, clearinghouses can have a role in educating the public on missing children's issues, can be instrumental in coordinating agency services aimed at child recovery, and, in specific cases, can provide assistance to law enforcement agencies in recovering children.

With the exception of personnel in three counties, investigators appeared to underuse State missing children's clearinghouses. These investigators seemed unaware of the existence of clearinghouses in their States or, if they were aware, did not convey to interviewers that they accessed clearinghouse services.

Other Support Services

Agency personnel have had varying experiences with other support services. Most were not aware of or had never used the Federal parent locator service. Although the majority were familiar with the publications of the National Center for Missing and Exploited Children (NCMEC), it was less clear whether they were aware of NCMEC's training programs and provision of technical assistance in individual cases.

Access to Prosecutors

All law enforcement agencies had 24-hour access to prosecutors who could advise them on relevant legal issues. In at least three jurisdictions, agency personnel had direct access to a prosecutor specializing in custodial interference cases.

Involvement of Child Protective Services

At all sites, agencies maintained a policy that a referral would be made to the local child protective services agency in parental abduction cases in which a child was endangered or at risk of harm. In these cases, law enforcement personnel would have the authority to remove a child from a threatening situation.

Training and Specialized Knowledge

With the exception of the sites that had specialty units (Hudson, Pima, and San Diego Counties), training on parental abduction issues was "on-the-job." In the jurisdictions that had formal training, the topics included Federal and State criminal custodial interference laws, the psychosocial aspects of the crime, written policies and procedures involving case processing, effective interventions, and the interplay between the criminal and civil systems in resolving custodial interference disputes.

Most of the personnel interviewed were knowledgeable about their State's criminal custodial interference laws. Sites with a large immigrant population—Hudson, Pima, and San Diego Counties—also had personnel familiar with the handling of international abduction cases. Personnel at these three sites were knowledgeable about the Hague Convention on the Civil Aspects of International Abduction and knew how to access the services of the U.S. Department of State, the U.S. Customs Office, and the U.S. Immigration and Naturalization Service for assistance in locating the abductor and recovering the abducted child.

Prosecutors in Pima and San Diego Counties had become specialists in the field of parental abduction and were viewed as national experts. In the other four counties, although prosecutors were familiar with their State laws addressing criminal custodial interference, they had relatively limited experience with applicable State civil laws, primarily because they did not practice in civil or family courts and did not specialize in custodial interference. On-the-job training was the norm for prosecutors in these cases.

Criteria for Filing a Criminal Complaint

In all jurisdictions, the number of criminal custodial interference complaints filed was quite low. For example, in San Diego County, where the District Attorney's Office received as many as 1,500 calls regarding custodial interference per year, only about 350 cases were formally opened and, of these, only an estimated 30 criminal complaints were filed each year. Most, if not all, prosecutors reported that prosecution may not be in a child's or family's interest and that the most important priority was to recover the child safely and expeditiously. The consensus was that prosecutors had to evaluate each case individually before initiating prosecution.

Typically, only custodial interference was charged in these cases. In two jurisdictions visited, prosecutors also filed charges of child endangerment, burglary, or assault related to domestic violence. Only Pima County actively prosecuted misdemeanor visitation interference cases through the county and city attorneys' offices.

The criteria for filing a criminal complaint varied between jurisdictions. The following factors were among those identified by prosecutors as influencing their decisions to prosecute:

- ◆ The child and/or abductor could not be located, or the abducting party refused to return the child.
- ◆ The custodial interference was for a permanent or protracted period (e.g., 2 to 3 months).
- ◆ The abductor crossed State lines or fled the country.
- ◆ A custody or visitation order had been violated.
- ◆ Evidence existed of repetitive criminal conduct on the part of the perpetrator.

Extradition of Offender

In most sites, offenders were rarely extradited. One explanation was the expense involved in extraditing the abductor, especially if he or she were in a distant location. Extradition was more likely to occur in jurisdictions in which prosecutors' offices had a unit employing staff who specialized in parental abduction cases.

Case Disposition

The majority of cases filed in all six jurisdictions resulted in plea bargains or dismissals. Individuals convicted of custodial interference usually received probation with conditions (e.g., they had to pay restitution to the victim, attend parenting skills classes, or stay away from the victimized child). Jail time was extremely rare. It appeared that defendants were incarcerated, either prior to or after a conviction, only when they refused to disclose a child's whereabouts.

According to prosecutors, parental abduction cases were rarely tried by a jury or judge. Three jury trials were reported, one in each of three sites in which case files were tracked. Bench trials (cases in which the judge determines guilt or innocence) occurred with some frequency only at one site that actively prosecuted visitation interference cases. Prosecutors perceive parental abduction cases as extremely difficult to try. Not only must they prove the elements of an offense, they must refute the defense that the abductor acted to protect the child from the other parent's alleged abusive behavior.

Victim Advocacy Programs and Reunification Services

With the exception of Pima and San Diego Counties, victim advocates had a minimal role in assisting parents and children prior to and after a child's recovery. The victim witness advocate of the Pima County Attorney's Office and the investigation specialists of the San Diego District Attorney's Office have been instrumental in getting aggrieved parties access to civil court and legal services and providing assistance during the reunification process.

Phase 3: Findings From Case File Reviews

In the study's third phase, the criminal justice system's response to parental abduction was further examined through a review of individual case files in three of the

jurisdictions visited during the study's second phase—Hudson, Pima, and San Diego Counties. Individual case tracking produced important findings on the processing of parental abduction cases through the criminal justice system and on case characteristics and their influence on case outcomes. It also corroborated many of the findings of the study's site visits.

Conducted in 1995, data collection involved abstracting information from existing paper and computer files in the sites' law enforcement agencies and prosecutors' offices. The final sample included 80 cases in Hudson County (62 from the Sheriff's Office and 18 from the prosecuting attorney's office), 96 cases in San Diego County (all from the District Attorney's Office), and 94 cases in Pima County (80 from the Tucson Police Department and 14 from the county attorney's office).

Figures 1–3 provide an overview of the characteristics and processing of these cases in the three jurisdictions. Researchers considered various characteristics to determine whether they were associated with the response to and outcomes of parental abduction cases—specifically, whether an arrest was made or arrest warrant issued and whether charges (felony or misdemeanor) were filed in criminal court.⁵ Across all three sites, 74 complaints of parental abduction resulted in arrests or the issuance of an arrest warrant. Fifty of these complaints resulted in the filing of felony and misdemeanor charges.

Four of the twelve perpetrator characteristics examined were found to be positively associated with whether a case resulted in an arrest. That is, cases with the characteristic were more likely to result in the perpetrator's arrest than cases without it. These perpetrator characteristics are listed below:

- ◆ **Race/ethnicity.** Perpetrators identified as African American, Hispanic, or "other" were more likely to be arrested than white, non-Hispanic perpetrators.
- ◆ **Criminal record.** Perpetrators with at least one prior arrest were more likely to be arrested than perpetrators with no prior arrests.
- ◆ **Prior law enforcement incidents or complaints between the perpetrator and complainant.** A prior complaint involving law enforcement increased the likelihood of arrest.

- ◆ **History of drug and alcohol abuse.** Perpetrators with a history of drug and alcohol abuse, regardless of the source of that information, were more likely to be arrested.

Nine complainant characteristics were examined for their relationship with case outcomes. Four complainant characteristics were associated (either positively or negatively) with arrests or the issuance of an arrest warrant:

- ◆ **Relationship to the child.** Cases in which child protective services was the complainant were more likely to result in the perpetrator's arrest.
- ◆ **Criminal history.** Cases in which the complainant had a criminal record were less likely to result in the perpetrator's arrest.
- ◆ **History of domestic violence.** Cases in which the complainant had a history of committing domestic violence were less likely to result in the perpetrator's arrest.
- ◆ **History of mental illness.** Cases in which there was an indication of the complainant's past mental illness were less likely to result in the perpetrator's arrest.

One perpetrator characteristic, prior law enforcement incidents or complaints, was found to be associated with the filing of charges by prosecutors' offices. The complainant's history of committing child abuse was also associated with whether charges were filed in criminal court.

None of the characteristics associated with the abducted child (e.g., the number of children involved in the incident or the living situation of the child) was found to be significantly related to case outcomes. This may be attributable in part to the fact that the majority (60 to 78 percent) of cases in all three sites involved only one child.

Six incident characteristics were examined for association with case outcomes; three were found to be significantly related to arrests and arrest warrants:

- ◆ The use of a weapon or force.
- ◆ The return of the child to the left-behind parent.
- ◆ The removal of the child from the jurisdiction.

The perpetrator was more likely to be arrested or have an arrest warrant issued if a weapon or force had been used, the

child had been returned, or the child had been taken out of the jurisdiction during the abduction incident.

Implications of This Study

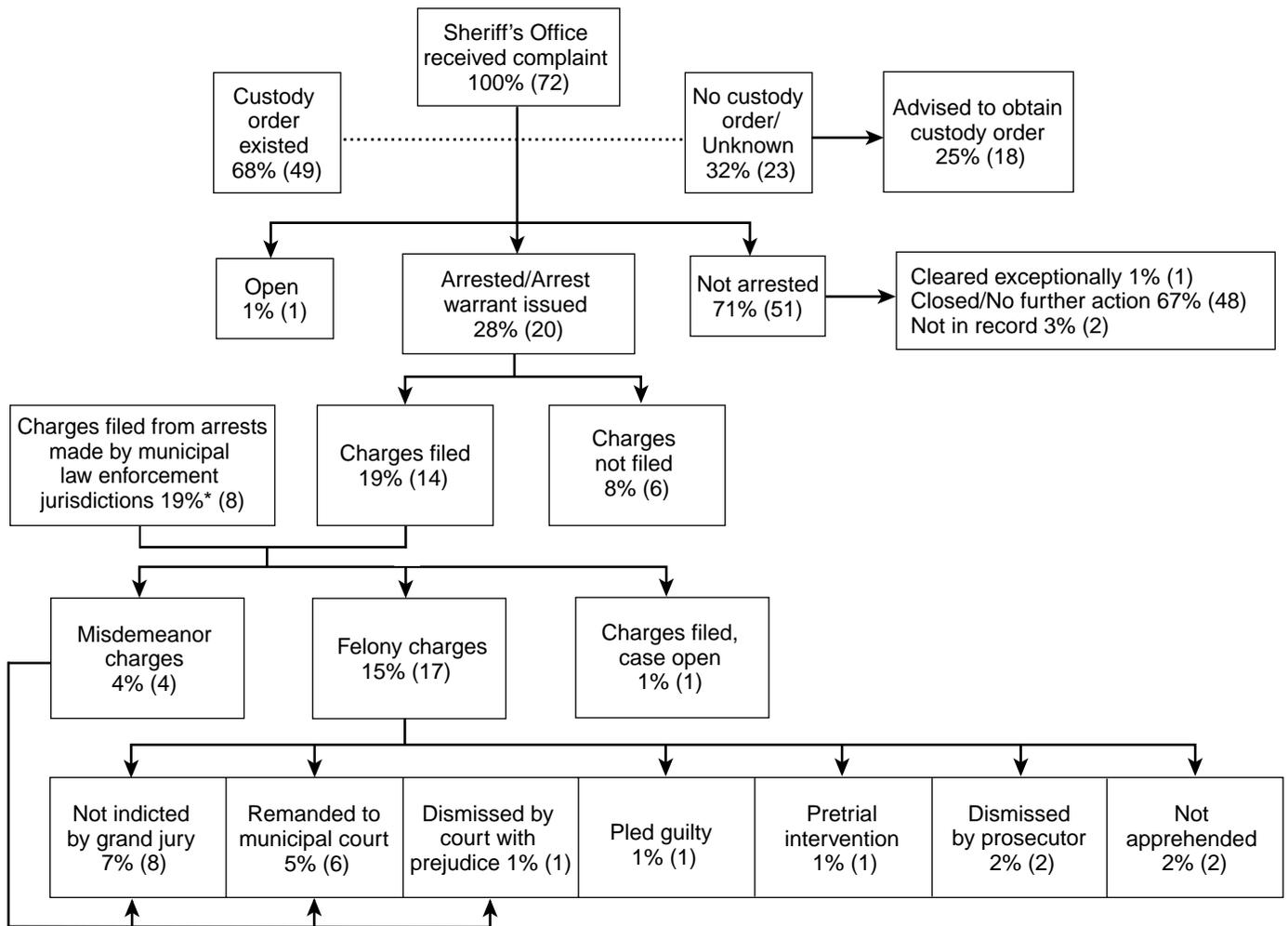
Emerging from this study is a picture of a criminal justice system paying relatively scant attention to the crime of parental abduction. As reported in NISMART, an estimated 155,800 children are victims of serious parental abductions in the course of a year (Finkelhor, Hotelling, and Sedlak, 1990), yet research from this current study indicates that only 30,500 police reports are officially registered and only an estimated 4,500 arrests for parental abduction are made. Of parental abductions coming to the attention of prosecutors, only 9,200 cases are officially opened and only 3,500 criminal complaints are actually filed. Even allowing for the fact that a single reported case may involve the abduction of more than one child, these figures imply a very low response rate overall.

Although parental abduction is a crime in all 50 States and the District of Columbia, this study's findings reveal that criminal justice agencies have not implemented training and other programs that would educate their staff about custodial interference and enable them to respond more effectively. As stated earlier, this study's findings indicate that the majority of law enforcement agencies and prosecutors' offices do not have written policies and procedures governing the processing of parental abduction cases, do not train staff in how to respond to these cases, and do not have special programs designed to specifically address the crime.

However, it should be noted that during site visits, several jurisdictions were identified that have developed promising approaches to handling parental abduction cases. The characteristics unique to the majority of jurisdictions visited that contributed to an enhanced criminal justice response were the following:

- ◆ Statutory authority to intervene.
- ◆ Agency leaders and staff committed to combating parental abduction.
- ◆ Personnel who specialize in the handling of parental abduction cases.
- ◆ Coordinated agency response.
- ◆ Good agency management practices.

Figure 1: Processing of Parental Abduction Cases in Hudson County, NJ



Note: The number of cases is given in parentheses. Also, percentages through the charges-filed level are based on 72 Sheriff's Office complaints. After the charges-filed level, counts include charges filed from both municipal law enforcement and the Sheriff's Office (n=22). Accompanying percentages are based on estimates of all complaints (n=113) from both municipal law enforcement agencies and the Sheriff's Office. Percentages have been rounded.

* This percentage is based on the estimated number of complaints received in municipal law enforcement agencies (n=41), using the ratio of filed cases to complaints found in the Sheriff's Office.

- ◆ Access to supportive services (e.g., legal, family court, mediation, reunification, and visitation supervision services) for agency staff and left-behind parents.

The remainder of this section presents strategies and recommendations for legal, programmatic, and policy reforms to enhance the criminal justice system's response to parental abduction.

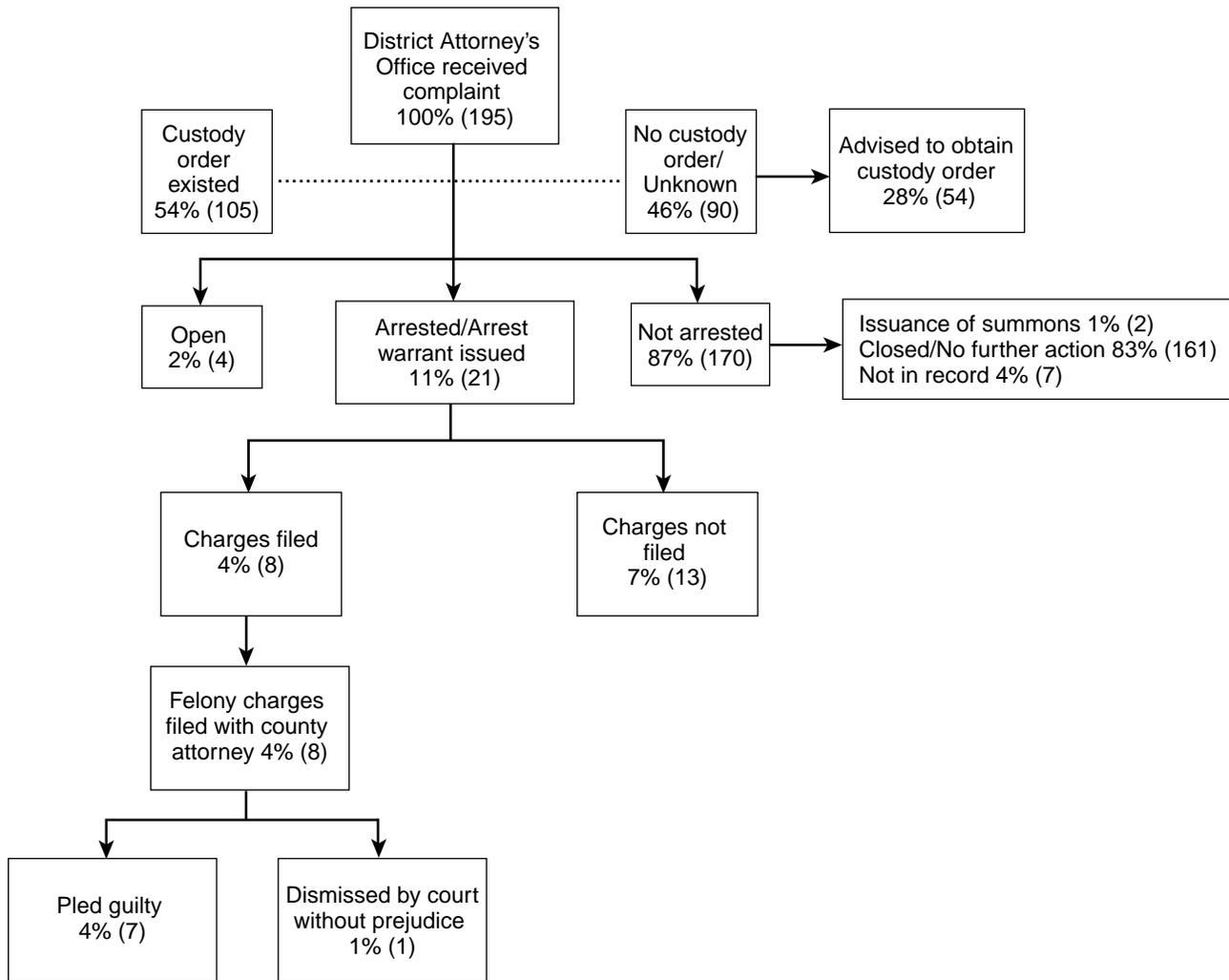
Legal Reforms

Enact comprehensive criminal parental abduction statutes, such as the model Parental Kidnapping Crime Act. The first step in implementing an enhanced law enforcement response to parental abduction is for a jurisdiction to evaluate its current State criminal statutes and case law relevant to this crime. If criminal justice agencies are to respond effectively to the crime of parental abduction, laws must support their efforts. Parental abduction will not become a law enforcement priority unless laws are enacted

that authorize law enforcement intervention and designate the offense a felony.

One model of a comprehensive and uniform parental abduction statute is the Parental Kidnapping Crime Act.⁶ Those interested in enhancing their criminal justice system's response to the crime of parental abduction should review this model statute, carefully contrasting it to their State's existing statute. As indicated in its introduction, the "Act is intended as a substitute for existing laws that cover the issues addressed in [the] statute." The Act

Figure 2: Processing of Parental Abduction Cases in San Diego County, CA



Note: The number of cases is given in parentheses. Percentages have been rounded.

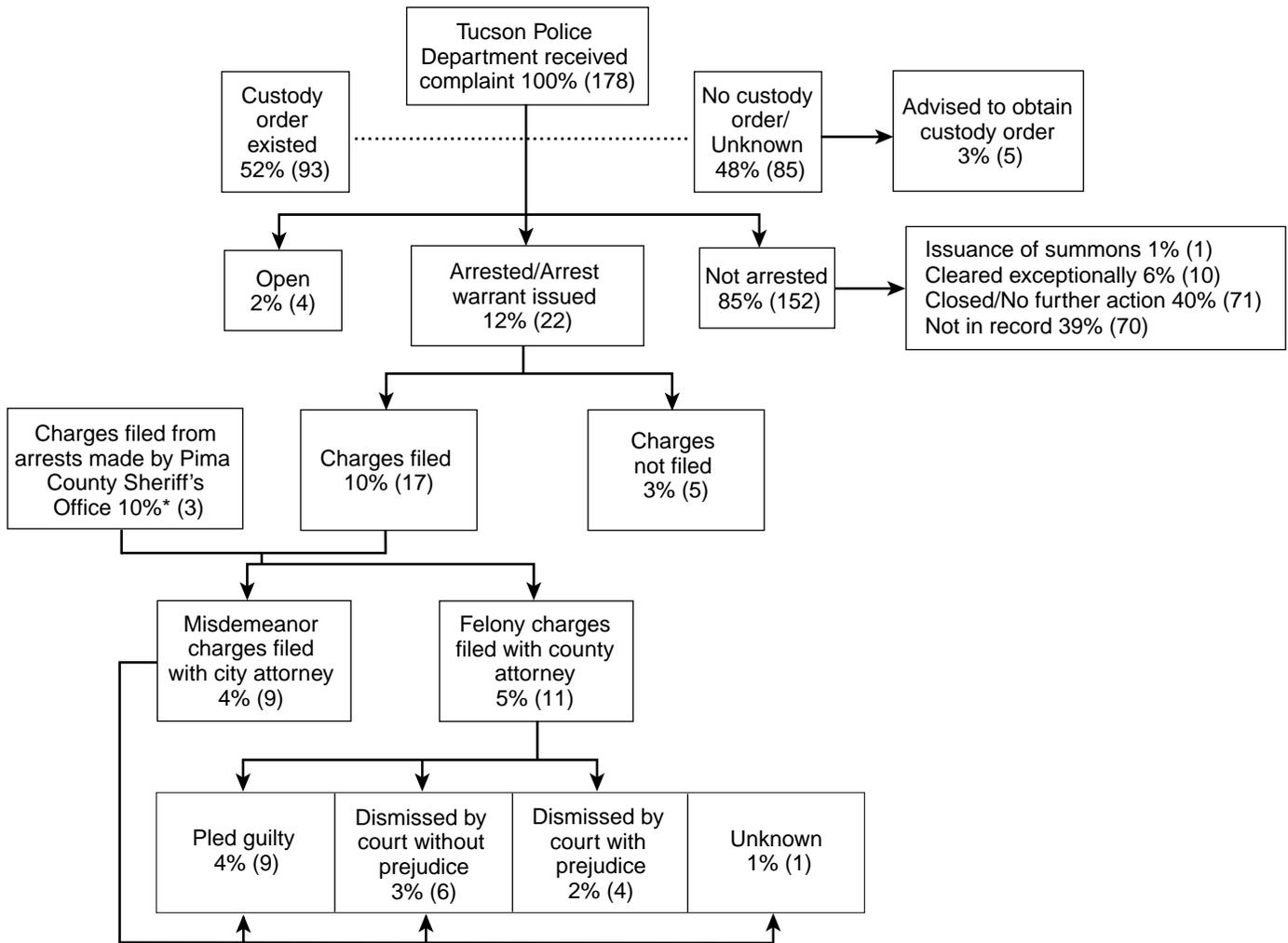
can also serve to enhance the effectiveness of those statutes that are already for the most part in conformity with it. The Act's primary goal is to produce statutory uniformity among States because

[a] uniform approach to the nationwide problem of parental kidnapping will send this message to parents: There is no safe haven for child abductors. Every State treats child abduction as a punishable offense according to the same terms. Faced with predictable criminal consequences for parental kidnapping, more parents are apt to seek civil solutions to their child custody problems, which is in the best interests of children. (Uthe, 1996:iii)

Briefly, the Act prohibits parental kidnapping that substantially deprives another of his or her right of custody or visitation whether a child has been removed from a particular State or a custody order has been issued. Of particular note to law enforcement personnel are provisions of the Act that authorize them to take a child into protective custody under specified circumstances, including if the child "reasonably appears" to be a missing or abducted child. These provisions also state that "[a] law enforcement officer and a prosecutor and his or her representatives shall not be liable for actions taken pursuant to this Act."

Enact State statutes modeled after California's law and the Uniform Child-Custody Jurisdiction and Enforcement Act that authorize prosecutors to investigate and prosecute custodial interference complaints, including filing pleadings in civil or family court proceedings necessary for the abducted child's recovery. In addition to California Family Law Code §§ 3130-3134, Title II of An Act To Expedite Enforcement of Child Custody Determinations⁷ addresses the role of prosecutors and law enforcement in taking civil action to enforce custody orders. For example, the Act provides among other things that law enforcement personnel are authorized to seek a court order granting them the right to take

Figure 3: Processing of Parental Abduction Cases in Pima County, AZ



Note: The number of cases is given in parentheses. Also, percentages through the charges-filed level are based on 178 Tucson Police Department complaints. After the charges-filed level, counts include charges filed from both the Tucson Police Department and the Sheriff's Office (n=20). Accompanying percentages are based on estimates of all complaints (n=209) from both the Tucson Police Department and the Sheriff's Office. Percentages have been rounded.

* This percentage is based on the estimated number of complaints received in the Sheriff's Office (n=31), using the ratio of filed cases to complaints found in the police department.

temporary custody of a child in cases in which they would have to travel out of State to recover an abducted child and/or pick up an offender during extradition proceedings.

The Uniform Child-Custody Jurisdiction and Enforcement Act, approved in 1997 by the National Conference of Commissioners on Uniform State Laws, contains very similar provisions. Section 315 gives prosecutors statutory authority to take any lawful action, including using a proceeding under the Act to locate a child, obtain the return

of a child, or enforce a child custody determination. The prosecutor may take action if there is an existing custody determination, a request from a court, a reasonable belief that a criminal statute has been violated, or a reasonable belief that the child was wrongfully removed or retained in violation of the Hague Convention. Section 316 authorizes law enforcement personnel to assist prosecutors in carrying out their responsibilities under the Act. States should consider adopting the Act, including these innovative provisions.

Modify the Missing Children's Assistance Act of 1984 to ensure that information on all parentally abducted children is entered into the NCIC database immediately upon law enforcement's receipt of a report. Site visits revealed that the Missing Children's Assistance Act (42 U.S.C. § 5772 (1)(A) and (B)) is generally interpreted to mean that if a child's whereabouts are known to the child's lawful custodian, information regarding the child and the abductor need not be entered into the NCIC database. However,

even in cases in which a child's whereabouts are known by the lawful custodian, there is always the serious risk that the abducting parent will flee, possibly immediately; will subject the child to abuse or neglect; or will be involved in other criminal conduct. Clarifying the Federal law (i.e., clarifying the definition of "missing child") so that information on all parentally abducted children is entered into the NCIC database will ensure that these entries are made more uniformly among States and will facilitate intrastate and interstate communication among law enforcement agencies. It will also enhance the ability of prosecutors who have or may acquire the civil authority to locate and recover abducted children pursuant to the aforementioned Uniform Child-Custody Jurisdiction and Enforcement Act.⁸

Programmatic and Policy Reforms

Recognize that parental abduction is a serious form of child maltreatment and is a crime that must be effectively investigated and prosecuted. Leaders of criminal justice agencies should advocate for sufficient staff, enhanced computer technology, and other resources so that staff are able to make the crime of parental abduction a case priority. Interviews conducted during the study's site visits revealed that criminal justice system personnel were overwhelmed with handling cases of serious violence and other crimes. Although those interviewed perceived parental abduction as a serious, criminal offense, they were also concerned that unless additional staff and other resources were provided, they would be unable to respond effectively. Several interviewees reported the need for sufficient and upgraded computer equipment and access to computer technologies that would allow them to connect quickly to data collection systems (e.g., Experian credit check and Data Quick) and expedite investigations.

Develop and implement written policies and procedures addressing the handling of parental abduction cases. To institutionalize practice and procedure and ensure a uniform, effective response to reports of parental abduction, it is imperative that State and local criminal justice agencies develop and implement policies and procedures specific to the processing of these cases. As a matter of good management practice, all personnel, including



supervisors and those on patrol, should be fully trained in and apprised of agency policies and procedures. Agencies should evaluate their existing policies and procedures on the general handling of missing children's cases to ensure that parental abduction issues are addressed. In addition, law enforcement personnel and prosecutors should assess the need for formal written protocols governing the appropriate transfer of cases for purposes of prosecution.

Develop initial and ongoing training programs for all criminal justice system personnel on the handling of parental abduction cases, including the psychosocial aspects of the crime and the interrelationship of criminal and civil forums in resolving custodial interference disputes. Educating all criminal justice system personnel, including patrol officers and management, about parental abduction and effective responses is essential to change the assumption that parental abduction is not a serious crime. The study's findings indicate that, with the exception of a handful of criminal justice agencies, most law enforcement personnel and prosecutors do not receive any specialized training on issues, policies, and procedures relevant to parental abduction. (The criminal justice system's current perception of this crime is very much like its view of domestic violence 5 to 10 years ago.) Briefly, all agency personnel should be familiar with Federal and State criminal parental abduction laws, the psychosocial aspects of the crime, any written policies and procedures addressing case processing, effective interventions, the interplay between the criminal

and civil systems in resolving custodial interference disputes, and community and other support services (e.g., mediation, family court, and legal services programs) that may complement law enforcement interventions.⁹ In addition, to ensure uniformity among the States in the use of NCIC, all law enforcement personnel should receive concerted training on the appropriate and expeditious entry of abduction reports into the NCIC database. Given time constraints for staff training and the number of subjects that must be covered, it may be appropriate to incorporate specialized training on parental abduction and visitation interference concerns into already existing domestic violence and child abuse training. Management and staff should explore the possibility of obtaining technical assistance from the following: the National Center for Missing and Exploited Children, the National Center for Prosecution of Child Abuse, the Office of Juvenile Justice and Delinquency Prevention, and the Missing and Exploited Children's Training and Technical Assistance Program.¹⁰

Establish specialized units made up of law enforcement personnel and prosecutors skilled in investigating and prosecuting the crimes of parental abduction and visitation interference. Given the complexity of case investigations and recovery efforts and the experiences of criminal justice personnel in Hudson, Pima, and San Diego Counties, agencies should seriously consider establishing sufficiently staffed specialty units to allow for a coordinated and expert response to reports of parental abduction. Patrol officers and line staff still need to be

knowledgeable about the issues, but staff specialists can more effectively follow up with necessary investigations, assess the appropriateness of law enforcement interventions, access suitable support services, and ease the burden on line officers in resolving custodial interference complaints. These specialists need not be limited to handling only custodial interference cases, especially in jurisdictions that may not have a high number of such cases. Agencies are encouraged to designate two or more staff members who would be comprehensively trained in all aspects of handling parental abduction cases and, at the same time, be assigned other types of cases. A preferred staffing model would be one such as the Family Protection Division of the San Diego District Attorney's Office, which handles not only custodial interference but also child abuse and domestic violence cases.

Consider establishing local law enforcement missing children's clearinghouses. Local law enforcement agencies should collaborate more effectively with their State missing children's clearinghouses. In conjunction with this, consideration should be given to establishing local missing children's clearinghouses within counties to allow for expert, coordinated responses to parental abduction reports. One model for this approach could be that used in Hudson County, where a number of municipal police agencies refer parental abduction cases to the Sheriff's Office, a county agency that employs staff specialized in the handling of such cases. Recognizing that this type of coordination might not be easy to accomplish, given agencies' individual priorities and interests, those interested in pursuing such coordination should keep in mind that this approach could be cost effective and ease the burden on municipal police departments in investigating parental abduction cases.

Develop and implement written interstate and intrastate protocols for handling cases that involve the investigation and/or prosecution of parental abduction in more than one State or within more than one municipality in a State. Criminal justice agencies, especially those located in neighboring jurisdictions, should examine whether interstate and intrastate written protocols need to be developed to reduce the chances that jurisdictional disputes related to agencies' responsibilities will arise during case investigation and prosecution. For example, in the Nation's Northeast corridor, which is made up of

several large metropolitan areas, parental abductions could easily result in the crossing of State lines. If a kidnapped child were taken from the District of Columbia to Maryland, would Maryland law enforcement agencies have a responsibility to assist in investigating the child's whereabouts and, if so, what would be the level of assistance? Questions like these could be answered in interstate and intrastate written protocols.

Clarify the role of the FBI in investigating cases of parental abduction and actively seek the FBI's assistance in appropriate cases. This study found that the FBI may not be as actively involved as it might be in identifying the whereabouts of abductors.¹¹ Criminal justice system personnel may be unaware of the role the FBI can play in investigating these cases, and State and local law enforcement personnel may be concerned about sharing investigative responsibilities. Information on the FBI's role in handling parental abduction cases needs to be disseminated through training and other programs to State and local law enforcement personnel and the general public.¹² In addition, Federal law enforcement authorities' handling of parental abduction cases warrants further study, including assessing the extent of their involvement in investigating abductions pursuant to the Fugitive Felon Act and investigating and prosecuting international abductions pursuant to the International Parental Kidnapping Crime Act.

Learn about State missing children's clearinghouses, work with them to improve coordination and use of services, and advocate for enhanced clearinghouse funding. Given the low priority that most law enforcement agencies place on parental abduction cases and the general lack of knowledge about the crime and its handling, it is not surprising that missing children's clearinghouses may be underused and, consequently, underfunded. This study revealed the need for enhanced communication between local law enforcement staff and State clearinghouses so that agencies can better understand a clearinghouse's role in providing technical assistance. Police need to be better informed of their State's clearinghouse operations and should know how to access its services. Collaboration between clearinghouses and local law enforcement is essential if the clearinghouses are to provide the services most useful to law enforcement.

Advocate for the development and continuation of support services that are instrumental in preventing and resolving custodial interference disputes and that complement criminal justice system intervention. Criminal justice system personnel who are in a position to advocate for enhanced support services should seek to develop and maintain cost-effective support services that can prevent abductions and can provide children and their families greater access to civil forums to resolve custodial interference disputes. This support can include legal services and self-help legal programs, family court services, mediation, supervised visitation programs, and educational forums on parental abduction issues. Moreover, serious thought should be given to appointing independent counsel for children in civil proceedings and developing programs to assist in the reunification of children with their parents. Support services offered in both civil and criminal arenas can be instrumental in reducing the need for criminal justice system intervention and the risk of trauma to the abducted child.

Conclusion

Throughout this study, several individuals, including project staff and those in the field, commented that in addressing the problem of parental abduction, the focus on the child as victim is often lost. Criminal parental abduction statutes, for instance, speak in terms of one parent depriving the other of his or her child. As a result, the parent, not the child, becomes the aggrieved party. Similarly, the child's point of view is too often overlooked in these cases, especially if the child's whereabouts are unknown. Unlike other types of child maltreatment cases, in parental abduction cases, investigators often do not have direct contact with the child. As a result, though unintentional, the child's interests, in contrast to his or her parents', may become secondary.

Criminal justice leaders, legislators, and others in a position to support and implement specialized programs of intervention must be reminded that parental abduction can be a form of serious child maltreatment and is a crime in all 50 States and the District of Columbia. Many children will benefit if the criminal justice system carefully considers this study's findings and recommendations and begins to perceive this crime as harmful to the well-being of children and their families.

For Further Information

Additional information about parental abduction is available from the organizations listed below. Brief descriptions of selected publications available from each organization are also provided.

Organizations

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Child Protection Division

202-616-3637

202-353-9093 (fax)

ojjdp.ncjrs.org

National Center for Missing and Exploited Children (NCMEC)

703-274-3900

703-274-2222 (fax)

missingkids.com

National Center for Prosecution of Child Abuse (NCPCA)

703-739-0321

703-549-6259 (fax)

nda-a-pri.org/apri/NCPCA/Index.html

American Bar Association Center on Children and the Law (ABA CCL)

202-662-1720

202-662-1755 (fax)

abanet.org/child

Publications

OJJDP. The following documents are available from OJJDP (see Publications on its Web site or call the Juvenile Justice Clearinghouse at 800-638-8736) or from the National Criminal Justice Reference Service (visit ncjrs.org or call 800-851-3420).

Addressing Confidentiality of Records in Searches for Missing Children (NCJ 155183). This Report makes recommendations concerning law enforcement agencies' access to records maintained by schools, hospitals, child welfare agencies, domestic violence shelters, and runaway shelters. The Report also covers information release procedures and includes a checklist for maximizing record access from service providers. The Report's appendixes contain additional information and other relevant statistical data on the confidentiality of records in searches for missing children, jurisdictions that allow record access or impose reporting requirements in missing children cases, and State laws affecting record access.

Early Identification of Risk Factors for Parental Abduction (NCJ 185026). This Bulletin presents the design and findings of four OJJDP-funded studies on preventing family abductions. The findings provide information regarding the risk factors associated with parental kidnapping and strategies that can be used to intervene with at-risk families.

Family Abductors: Descriptive Profiles and Preventive Interventions (NCJ 182788). This Bulletin describes preventive interventions, such as counseling, conflict resolution, and legal strategies, that seek to settle custody and access disputes for families identified as at risk for parental abduction.

A Family Resource Guide on International Parental Kidnapping (NCJ 190448). This guide presents practical and detailed advice about preventing international kidnapping and increasing the chance that children who are kidnapped or wrongfully retained will be returned. It provides descriptions and realistic assessments of the civil and criminal remedies available in international parental kidnapping cases, explains applicable laws and identifies both the public and private resources that may be called upon when an international abduction occurs or is threatened, and prepares parents for the legal and emotional difficulties they may experience.

International Parental Kidnapping: A Law Enforcement Guide (forthcoming). This guide provides practical information on the public and private resources and services that are available to assist law enforcement in international parental abduction cases. It explains applicable laws, defines agency roles and responsibilities, describes criminal and civil remedies, examines methods for prevention and interception, and discusses important issues and procedures to be addressed during an international parental abduction case.

Issues in Resolving Cases of International Child Abduction (NCJ 182790). This Report documents a lack of uniformity in the application of the Hague Convention across countries. It includes case histories, survey findings on left-behind parents, selected practices in international family abduction cases, and recommendations for the judicial and legal systems.

Issues in Resolving Cases of International Child Abduction by Parents (NCJ 190105). This Bulletin provides an overview of the

major survey findings, selected good practices, and recommendations from the Report *Issues in Resolving Cases of International Child Abduction*.

Obstacles to the Recovery and Return of Parentally Abducted Children (Report: NCJ 144535; Research Summary: NCJ 143458). These publications present the results of a 2-year study of the legal, policy, procedural, and practical obstacles to the location, recovery, and return of children abducted by a noncustodial parent. They include recommendations to overcome each obstacle and extensive appendixes that describe the pros and cons of existing legal procedures for enforcing a custody order, sample forms to be used with existing legal procedures, and summaries of both civil and criminal appellate decisions.

Parental Abduction: A Review of the Literature (Available online only: ojjdp.ncjrs.org/pubs/missing.html#186160). This online resource summarizes current research and literature related to the primary issues involved in parental abduction.

Prevention of Parent or Family Abduction Through Early Identification of Risk Factors (NCJ 182791). Based on analyses of data from several California studies related to child abductions by a noncustodial parent, this Report outlines a set of characteristics of parents who abduct their children and presents indepth socio-demographic and legal information about the families of abducted children.

Using Agency Records To Find Missing Children: A Guide for Law Enforcement (NCJ 154633). This Summary focuses on procedures for obtaining and using the records of certain types of human service providers to find missing children. It examines the use of, access to, barriers to, and limitations of records from schools, medical care providers, runaway shelters, and domestic violence shelters.

When Your Child Is Missing: A Family Survival Guide (NCJ 170022; Spanish Version: NCJ 178902). This guide, written by parents and family members who have experienced the disappearance of a child, explains how parents can best participate in the search for a missing child. It discusses the parents' relationship with law enforcement, examines issues related to the media, and presents practical information about distributing fliers and photos, organizing volunteers, and managing monetary donations.

NCMEC. The following documents are available from NCMEC (see Education & Resources on its Web site or call 800-843-5678).

Family Abduction. This handbook guides parents through the civil and criminal justice systems, explains the laws that will help them, outlines prevention methods, and provides suggestions for aftercare following the abduction. It thoroughly details search and recovery strategies and contains advice for attorneys, prosecutors, and family court judges handling these cases.

International Forum on Parental Child Abduction: Hague Convention Action Agenda. This report details the findings of a forum held in September 1998 to study the Hague Convention on the Civil Aspects of International Child Abduction. It offers 12 action/agenda items to help strengthen implementation of the Hague Convention.

"The Kid Is With a Parent, How Bad Can It Be?": The Crisis of Family Abductions. This issue brief discusses the seriousness of the problem of family abduction, considers whether the problem is growing, and examines the challenges and opportunities this crime poses to policymakers.

Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management. This guide, authored by a team of 38 professionals from local, State, and Federal agencies, outlines a standard of practice for law enforcement officers handling several types of missing child cases, including runaways, throwaways, family/nonfamily abductions, and disappearances in which the circumstances are unknown.

When Your Child Is Missing: A Family Survival Guide. Also available from OJJDP; see above for description.

NCPCA. The following documents are available from NCPCA (see Publications on its Web site).

Charging the Parental Kidnapping Case. This monograph assists prosecutors in determining appropriate charges and sentencing recommendations. It notes that an aggressive investigative and prosecutorial approach sends the message that parental kidnapping is a serious crime with

serious consequences for both victims and abductors and recommends that prosecution should be seriously considered in every parental kidnapping case.

Investigation and Prosecution of Parental Abduction, 2000 (Training Conference Notebook). This notebook contains training materials compiled for the 2000 NCPCA Conference, Investigation and Prosecution of Parental Abduction.

Parental Kidnapping, Domestic Violence and Child Abuse: Changing Legal Responses to Related Violence. This monograph will assist investigators and prosecutors in developing appropriate responses to the interrelated crimes of parental kidnapping, domestic violence, and child abuse.

ABA CCL. The following documents are available from ABA CCL (see Issues/Parental Kidnapping on its Web site).

Hague Child Abduction Convention Issue Briefs. This 1997 material consists of four issue briefs that can help attorneys handle cases that fall under the Hague Convention on the Civil Aspects of International Child Abduction.

The Hague Convention: A Curriculum for American Judges and Lawyers. This 1997 publication explains how the Hague Convention can be used effectively within the United States in international parental kidnapping cases.

Parental Kidnapping Prevention and Remedies. This 1997 material is designed to help attorneys better understand parental abduction cases and applicable laws. It includes practical tips on protections that can be placed in child custody orders that may help prevent an abduction, tips that lawyers can give their parent clients, a review of possible legal actions that can be taken on parents' behalf, and governmental resources that can be used to help in these cases.

Parental Kidnapping Law Reform Package. This package, produced in 1996, contains three proposed State laws related to parental abduction that can be adopted by State legislatures. The laws are the Parental Kidnapping Crime Act, Missing Children Record Flagging Act, and Tortious Interference With Child Custody and Visitation Act.

Endnotes

1. The study's findings and recommendations are discussed in greater detail in the project's final report, *The Criminal Justice System's Response to Parental Abduction: Final Report*, which is available from the Juvenile Justice Clearinghouse (call 800-638-8736 or order online at www.ncjrs.org/puborder). Unless otherwise stated, legal and other research for this Bulletin was concluded in mid-1996. Readers wishing to rely on a particular legal reference should check the law itself to find accurate, updated language and citation information.
2. A detailed discussion of NISMART 2, which is currently under way, can be found in Hanson, L., 2000, *Second Comprehensive Study of Missing Children*, Bulletin, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
3. The survey instrument made the inquiry as to "whether . . . joint custody" was a factor in taking a report or influenced the investigative priority assigned to a case. Whether a court order was necessary to have "joint custody" was left to the interpretation of the responding agency.
4. The law mentioned in the section "Phase 2: Findings From Site Visits" was the law in effect at the time of the site visits and was current as of 1995.
5. Characteristics that were missing more than 30 percent of the data were eliminated from the chi-square analysis.
6. See Uthe (1996). The Act also appears in an appendix to *The Criminal Justice System's Response to Parental Abduction: Final Report* (see note 1).
7. The full text of the Act with commentary can be found in Volenik and Uthe (1993).
8. In accordance with NCIC 2000, technological capabilities are improving. As part of the improvement effort, guidelines are being developed and implemented. In light of this Bulletin's NCIC-related findings, the NCIC 2000 code for missing persons should state "parental abduction" rather than "noncustodial parent abduction." The present code is too narrow a construct because sometimes

custodial parents conceal children in violation of the other parent's visitation rights. Codes should also expressly allow entry of abducting parents who are missing into the NCIC database, regardless of custodial or criminal status. It is imperative that the proposed NCIC 2000 guidelines relative to parental abduction (interstate and international) be reviewed to ensure that they facilitate, not hinder, the identification and recovery of abducted children, regardless of whether a custodian, noncustodian, or other person abducts them.

9. See *Parental Abduction: A Review of the Literature* (ojjdp.ncjrs.org/pubs/missing.html#186160) for more information about many of these topics. A description of this document can be found under "For Further Information."

10. The Missing and Exploited Children's Training and Technical Assistance Program, funded through a grant to Fox Valley Technical College and overseen by OJJDP's Child Protection Division, currently offers five different week-long training programs, including a program on Responding to Missing and Abducted Children.

11. In addition to the FBI, a number of other Federal agencies can be of assistance to criminal justice system personnel working on parental abduction cases. An excellent guide to this support is *Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies* (3rd ed., May 2001), prepared by Fox Valley Technical College under a cooperative agreement with OJJDP. For further information on obtaining this document, call the Juvenile Justice Clearinghouse at 800-638-8736.

12. In January 2000, the FBI expanded its Office of Crimes Against Children into the Crimes Against Children Unit (CACU). CACU is staffed by supervisory special agents and support professionals who focus on all crimes under the FBI's jurisdiction that in any way involve the victimization of children. The staff provide program management and fieldwide investigative oversight over these critical FBI operations. The mission of CACU is to provide a quick, effective response to all incidents under its jurisdiction, thereby increasing the number of victimized children recovered and reducing the number of crimes in which children are victimized.

References

- Finkelhor, D., Hotaling, G., and Sedlak, A. 1990. *Missing, Abducted, Runaway, and Thrownaway Children in America; First Report: Numbers and Characteristics, National Incidence Studies*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Girdner, L. 1993. Introduction. In *Obstacles to the Recovery and Return of Parentally Abducted Children*, Final Report, edited by L. Girdner and P. Hoff. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Uthe, J. 1996. Parental Kidnapping Crime Act. In *Parental Kidnapping Law Reform Package*, edited by L. Girdner and P. Hoff. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Volenik, A., and Uthe, J. 1993. Chapter 6: Obstacles to the recovery and return of parentally abducted children. In *Obstacles to the Recovery and Return of Parentally Abducted Children*, Final Report, edited by L. Girdner and P. Hoff. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

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