

**Testimony of John Walsh Regarding H.R. 4347
Before the House International Relations Committee
June 22, 2004**

I am glad to be here to talk about H.R. 4347 and why it is critical to the situation regarding family abductions that we face in America today. As you know, I have an abiding interest in making sure that those who break the law pay the consequences. Too often, however, cases of family abduction are not given the attention they deserve. Thank you, Chairman Hyde and Congressman Lantos, for holding this hearing. It's because of your leadership and determination to move this legislation that we're going to see some action on international and domestic family abductions soon. I also want to recognize Congressman Lampson who introduced the bill with Chairman Hyde and has been pushing to bring internationally abducted children home for years. He has worked tirelessly for the past 3 Congresses introducing the Bring Our Children Home Act that has been included in this bill.

When children are abducted by family members, the abductors are not only breaking the law, they are breaking a child's bonds with left-behind family members and, more critically, a child's spirit. In many cases, the results are much worse—children taken by despondent or angry parents have been killed because of the anger and hurt between the parents. Murder-suicide cases are not uncommon. In 1995, after the National Center for Missing and Exploited Children entered into a cooperative agreement with the Departments of State and Justice on the handling of international cases, the Center received a request for the return of two children to Canada. The children had been with their father who was supposed to return them in the evening. When they didn't return, the mother called police and expressed her belief that they might be heading across the border to the U.S. It wasn't long, however, before police in Canada discovered that the father had driven the two children to a rented storage locker and ran a hose from the tailpipe through the driver's side window killing himself, his daughter and his son by carbon monoxide poisoning.

Even when children are not physically harmed, they can suffer severe psychological effects as a result of being abducted. The children often exhibit a fear of authority, inability to bond, they wet the bed and experience nightmares. This isn't surprising considering the lengths that the abductors will go to in order to succeed in keeping the child away from the other parent and family. Abductors tell children that the left-behind parent is dead, a drug addict or that they didn't want the children anymore. They change the child's name and force them to keep secrets, deny their past and avoid the police. In some cases, a child is forced to pretend that he or she is a son instead of a daughter to make sure they aren't caught. When the abductor does fear that they are on the brink of getting caught, they snatch the child from school, from the new friends they've made, from any sense of normalcy they may have achieved, and run again. When the children are taken internationally, they are not only ripped away from one parent, but they are dropped into a foreign land with a foreign language and customs, all of which forces

them into even greater physical, psychological and emotional reliance on the parent who kidnapped them.

When people come to the U.S., we expect them to abide by our laws. In too many instances, people come to the U.S., don't abide by our laws, and take their children back to their countries of origin. Let me show you a short video that illustrates the problem.

--Show Video--

The situations experienced by the parents on that show are repeated across the country. The agony that the parents feel having their children taken suddenly and being kept out of reach is palpable and real. Parental kidnapping is a crime in the United States and it's a federal felony to take the child across state lines or across international borders. I worked to have that law passed. Even so, parents whose children are parentally kidnapped feel that the system failed them, that the courts failed them and they are frustrated when the U.S. government, with all its power and influence, doesn't bring their children back from foreign countries.

The bill before you today is focused on preventing parents from illegally removing their children from the United States and, if it does happen, creating a system that works to bring them home.

The bill will help prevent international child abductions in a number of ways. It authorizes law enforcement to take a child into protective custody to prevent them from being abducted out of the U.S. and creates a national registry of custody orders so law enforcement and the courts know which parent is the lawful custodian. The bill also authorizes the use of supervised visitation centers in cases in which abduction is threatened. In all of the cases I profiled on my show, the children were internationally abducted during a visitation period—one mother had actually asked the court to order supervised visitation because of her ex-husband's threats of abduction but was refused. Her children remain in Saudi Arabia today.

When abductions are not prevented, we must do more to resolve them quickly—each day that goes by further harms the child and further alienates them from the left-behind parent. The bill contains a provision to encourage and support states to enact the Uniform Child Custody Jurisdiction and Enforcement Act, a piece of uniform legislation that is specifically designed to streamline the resolution of state-to-state abductions.

In addition, the bill will provide the National Center for Missing and Exploited Children with access to information from the Internal Revenue Service that can help locate thousands of child-victims of family abduction. The sooner these kids can be located, the sooner the disputes can be resolved for the benefit of the children involved. Judges, lawyers, law enforcement and other professionals need to understand the legal tools that exist to combat family abduction, they need to understand the tremendous risks suffered by children who are abducted by a family member and they need to understand the

unbearable pain experienced by the left-behind parent. This bill provides for critically-needed training so that parents can start to experience the legal system helping them.

Another critical element of the bill is the sense of Congress that funding to the Hague Conference on Private International Law should be increased. The U.S. is a member of this entity, along with dozens of other countries that are trying to improve their responses to international family abduction. The Hague Conference needs additional resources to continue to monitor how countries are doing and provide them with services to help return children quickly and legally.

So many of the parents I've spoken to about family abduction have lost faith in the system and in the international cases in particular, they feel abandoned by their government. We've got to change that, we've got to build a better system so kids are not stolen by one parent and hidden away from the left-behind parent. It's hard enough to solve these cases when everyone stays in the U.S., but resolving them is much more complex when the child is taken to a foreign country. This bill will help us provide better ways to stop family abductions from occurring and provides us with better tools for getting the kids who are stolen, back to their homes.