

“THE KID IS WITH A PARENT, HOW BAD CAN IT BE?”
The Crisis of Family Abductions

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When one hears the term “missing child,” several images come to mind. Inescapably, people recall the tragic names of the Lindbergh baby, Adam Walsh, Etan Patz, Yusef Bell and the children of Atlanta, Polly Klaas, and many others. Their stories have come to symbolize a parent’s greatest fear. Yet, the problem is far more complex.

The 1990 United States Department of Justice *National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children* focused on the five components of the missing children problem in the United States, and found that there were as many as 450,000 runaways; 127,000 throwaways; 438,000 children who were lost, injured, or otherwise missing; 4,600 children abducted by nonfamily members; and 114,600 children who were targets of attempted abduction by nonfamily members.¹

The numbers are alarming, but most surprising was the number of children abducted by family members. The researchers found as many as 354,100 family abductions in 1988,² larger than many previous guesstimates of 25,000 to 100,000.³ The researchers, Dr. David Finkelhor of the University of New Hampshire, Dr. Gerald Hotaling of Lowell University, and Dr. Andrea Sedlak of Westat, Inc., recommended increased attention to the problem, noting that “Family abductions may well be on the rise and yet could be readily amenable to prevention.”⁴

The incidence study clearly established that the problem of child abduction by family members is a serious one in the United States and promises to become a greater policy challenge for elected officials. Yet it is a problem that many law-enforcement and criminal-justice officials choose not to address. Far too frequently, we hear

parental kidnapping is not a law-enforcement problem, it is a civil problem, domestic relations, something lawyers should work out,

the kid is with a parent, how bad can it be?

Let me attempt to establish how bad it can be.

I. How Serious Is The Problem of Family Abduction?

- As many as 354,100 cases in 1988.⁵

- 163,200 “policy focal” cases that involve concealment of the child, transportation out of state, or intent to keep the child permanently.⁶
- The U.S. Department of State reports that they have 1,000 open cases and that about 1,000 children who are taken abroad by noncustodial parents each year.⁷
- The *NISMART* study found that in 16 percent of the broad scope cases, or approximately 56,000 cases, the child experienced serious mental harm.⁸
- In 4 percent of all cases, or approximately 14,000 cases, the child experienced serious physical harm.⁹
- In another 4 percent of all cases, the child experienced physical abuse.¹⁰
- In approximately 1 percent of all cases, or 3,500 cases, the child experienced sexual abuse.¹¹

Thus, taking the most conservative interpretation of the data, there are at least 70,000 - 75,000 children every year in the United States who are seriously harmed as a result of parental kidnappings.

Research by Geoffrey L. Greif and Rebecca L. Hegar makes the point even more emphatically. Interviews with 371 parents whose children were abducted by a noncustodial parent resulted in estimates of a 7 percent incidence of sexual abuse, 23 percent incidence of physical abuse, and 5 percent incidence of both physical and sexual abuse.¹²

This research also focused on the motives of the abductor. Is the abduction of one’s own child an act of love? Dr. Rebecca Hegar and Dr. Geoffrey L. Greif found that in most of the cases the left-behind parent believed that the abducting parent was motivated by revenge and anger.¹³ **Thus the motive in a great majority of those cases for parental abduction was not love, but more often anger and/or revenge.**

Therefore, I submit that the abduction of children by family members is a large and serious public-policy challenge, and a threat to the health and safety of thousands of children. Yet, we have not begun to mobilize real national attention, nor attack the problem with real seriousness of purpose.

II. Is The Problem Growing?

There are several factors that contribute directly to the high incidence and suggest that the numbers may continue to grow.

First, changes in families within the United States and the numbers of children at risk show that

- The number of divorces has tripled since 1960.¹⁴
- The period of vulnerability for a family abduction extends up to 4 or 5 years after a separation or divorce. With more than a million children experiencing parental divorce each year, there are anywhere from 5 to 10 million children in the risk pool for family abduction.¹⁵
- 10 million children live with a parent who is separated or divorced.¹⁶

Second, there have been fundamental changes in law and policy that have made divorce easier and increased the likelihood of child-custody disputes and contests including

- No fault divorce.
- Gender neutrality in domestic relations.
- Elimination of the historic “mother’s bias” in child-custody proceedings.

Third, the impact of population patterns and demographics indicates that the “baby boomer” concentration – those people between the ages of 26 and 44 – in the young parent age group has increased the pool of potential abductors and victims.

- 76.5 million “baby boomers” are currently living in the United States.¹⁷
- 46 percent of parental abductors are between the ages of 31 and 40.¹⁸

Fourth, the new geographic mobility and ability to change community and lifestyle quickly.

All of the above variables suggest that this problem will continue to be a major problem in the next decade.

III. What Are The Challenges And Opportunities For The Policy Maker?

A. Law Enforcement Response

We must treat these offenses as serious criminal matters. They are violations of the criminal law in every state, and under most circumstances are now felonies in every state. They must be investigated seriously, and require a high level of knowledge and expertise by the investigator. When it is possible to obtain an Unlawful Flight to Avoid Prosecution (UFAP) Warrant, the FBI becomes actively involved and is an invaluable resource.

Recommendation: Each state needs to designate lead investigative responsibility and require specialized training for the officers handling family abduction cases. Primary responsibility for handling these cases should be designated and assigned. It is essential that states create a cadre of experts, investigators, prosecutors, and support staff who

understand these cases and the special techniques required. A multi-disciplinary approach should be taken, linking and coordinating the knowledge and expertise of law enforcement, prosecution, and social services. The legal complexities alone require special knowledge.

Several states have created child protection units under the Attorney General. This action conveys seriousness of purpose, and is of particular value in family abduction cases.¹⁹

Example: By statute, California assigns responsibility to district attorney's offices and has created a network of trained, motivated investigators, with an impressive record of recoveries and prosecutions.

B. Upgrading Statutes/Creating Greater Uniformity

It is essential that meaningful sanctions be applied to kidnappers, even if the abductor is a family member. Too many noncustodial parents abduct because they feel that there is little risk and they have nothing to lose. We should explore creative sanctions, but it is essential that these acts be given felony status, which then allows the use of the UFAP warrant facilitating FBI involvement and provides the option of extradition of the abductor upon recovery.

Similarly, a barrier faced by law enforcement, attorneys, and parents is the lack of uniformity in state criminal custodial interference statutes. Too often, jurisdiction is unclear and states are reluctant to recognize and honor the custody orders of other states. We must seek greater uniformity in procedures in the registration and enforcement of custody orders interstate.

Recommendation: Because there are serious gaps in the statutes of many states, NCMEC will work with legislators to recommend improvements.

C. Prevention

The system is a major part of the problem. In many cases our adversarial system forces conflict. We must seek reasoned, negotiated resolutions to prevent the abduction from ever taking place. *We must keep child custody issues out of the adversarial process as long as possible.*

Example: In the family courts of some jurisdictions, a child-custody petition will not be entertained by the court until the parties have participated in an independent, court-approved dispute mediation process. The independence of the process lessens the risk of each side hiring experts and feeling compelled to create allegations to enhance their position.

Recommendation: Similarly, we need more research and public education, so that citizens understand the severity of the problem and policy makers understand the magnitude of the challenge and the importance of acting now.

D. Need for Experts/Standardization

Every day, the National Center for Missing and Exploited Children receives calls from lawyers, judges, and police officials who do not know where to begin, are unclear as to applicable law, or seek guidance on how to proceed. This issue desperately needs a cadre of recognized experts and standardized approaches. Too often, the abductor's likelihood of success is dependent upon the jurisdiction in which he or she chooses to abduct.

E. Pro-Bono Services

The child-custody process in the United States is complex and often expensive. Unfortunately, it is clear that you "have to have money to play the game." Often, families either lack the necessary resources to litigate or run out of resources in their fight to enforce the rights given to them under valid court orders. It is imperative that bar associations initiate pro-bono campaigns and that child-custody/family-abduction issues receive priority attention.

F. School Programs

Many abducted children are enrolled in school systems in other communities, often in their own names. Schools can be an important resource in locating abducted children.

Recommendations:

Flagging a child's school records is an effective tool in helping to locate missing school-aged children. Once a child is reported missing, it should be clearly indicated on the child's record. If the child is re-enrolled in another school district and a request for his or her records is received, the school's personnel will automatically be alerted to the situation and the proper authorities can be contacted.

Use of **new enrollment records** can be a key way to find missing children. Schools should be required to submit the names of any new enrollees to the state missing children clearinghouse within a prescribed period of time (*e.g.*, 30 days) to match the names of the new enrollees with those of children reported missing in other areas.

G. Victim Services

When a child is recovered, the public usually assumes "happy ever after"; however, the reunification and readjustment process is often difficult. The child may have been told false and damaging things about the custodial parent. The child may have been physically, sexually and/or emotionally harmed. It is imperative that special assistance be available to counsel and assist these victims in their transition and readjustment. In many communities services are only available to those with financial resources.

The abduction of children by family members is a large and potentially growing problem, far greater than we ever imagined. It is time that we focus on the reality that these children are victims. In the vast majority of cases these children are not seized out of love, but out of anger and/or spite. We

can no longer sit idly by, justifying our inaction with the fiction that merely because the abductor is a parent or family member, the child is not at risk.

Our knowledge is increasing. Now, we must increase our attention and commitment.

¹U.S. Department of Justice. *Fact Sheet on Missing Children: National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children* based on the research of David Finkelhor, Gerald Hotaling, and Andrea Sedlak. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, May 1990.

²*Ibid.*

³*Ibid.* p. 96, citing M. Agopian. *Parental Child Stealing*. Lexington, MA: D.C. Heath Company, 1981; M. McCoy. *Parental Kidnapping: Issue Brief No. IB 77117*. Washington, DC: Congressional Research Office, 1978; and B. Moore. "Parental Child Stealing Takes Its Toll." *Los Angeles Times*, September 13, 1981, Part IV, page 1.

⁴David Finkelhor, Gerald Hotaling, and Andrea Sedlak. *Missing, Abducted, Runaway, and Thrownaway Children in America. First Report: Numbers and Characteristics National Incidence Studies (NISMART)*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, May 1990, page xxix.

⁵*Ibid.*, page 94.

⁶*Ibid.*, page 91.

⁷Office of Public Affairs, U.S. Department of State, personal communication, October 1998.

⁸*NISMART*, page 112.

⁹*Ibid.*

¹⁰*Ibid.*

¹¹*Ibid.*

¹²Geoffrey L. Greif and Rebecca L. Hegar. *When Parents Kidnap: The Families Behind the Headlines*. The Free Press: New York, New York, 1993, page 147.

¹³*Ibid.*, page 34.

¹⁴Greif and Hegar (1993) citing Elaine Tyler May. *Great Expectations: Marriage and Divorce in Post Victorian America*. Chicago, Illinois: University of Chicago Press, 1980 and Roderick Phillips. *Putting Asunder: A History of Divorce in Western Society*. Cambridge, MA: Cambridge University Press, 1988.

¹⁵*NISMART*, page 96.

¹⁶*Ibid.*

¹⁷U.S. Census Bureau. *Population and Housing Characteristics of Baby Boomers 26 to 44 Years Old: 1990* [U.S. Census Bureau the Official Statistics Online] accessed October 26, 1998, and available from <http://www.census.gov/population/censusdata/cph-1-160h.txt>; Internet.

¹⁸*NISMART*, page 103.

¹⁹A survey of offices of state attorneys general conducted the week of October 26, 1998, by the National Center for Missing and Exploited Children revealed that 16 states have such units including Arizona, Arkansas, California, Connecticut, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Nevada, Ohio, South Dakota, Utah, Vermont, and Washington.

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