

Calendar No. \_\_\_\_\_

112TH CONGRESS  
2D SESSION

# S. RES. 543

To express the sense of the Senate on international parental child abduction.

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. KERRY, Mr. LUGAR, Mr. INHOFE, Mr. CARDIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. MERKLEY, Mrs. MURRAY, Mr. RUBIO, Mr. LEAHY, Mr. KIRK, Mr. MENENDEZ, Mr. CASEY, Mr. MORAN, Mr. WYDEN, Mr. BLUMENTHAL, Mrs. HUTCHISON, Mr. BLUNT, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Foreign Relations

\_\_\_\_\_ (legislative day, \_\_\_\_\_), \_\_\_\_\_

Reported by Mr. KERRY, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in italic]

[Strike the preamble and insert the part printed in italic]

---

# RESOLUTION

To express the sense of the Senate on international parental child abduction.

Whereas international parental child abduction is a tragic and common occurrence;

Whereas the abduction of a child by one parent is a heart-breaking loss for the left-behind parent and deprives the child of a relationship with 2 loving parents;

Whereas, according to the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction of the United States Department of State from April 2010, research shows that abducted children are at risk of significant short- and long-term problems, including “anxiety, eating problems, nightmares, mood swings, sleep disturbances, [and] aggressive behavior”;

Whereas, according to that report, left-behind parents may also experience substantial psychological and emotional issues, including feelings of “betrayal, sadness over the loss of their children or the end of their marriage, anger toward the other parent, anxiety, sleeplessness, and severe depression”, as well as financial strain while fighting for the return of a child;

Whereas, since 1988, the United States, which has a treaty relationship under the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this preamble as the “Hague Abduction Convention”) with 69 other countries, has agreed with its treaty partners to follow the terms of the Hague Abduction Convention;

Whereas the Hague Abduction Convention provides a legal framework for securing the prompt return of wrongfully removed or retained children to the countries of their habitual residence where competent courts can make decisions on issues of custody and the best interests of the children;

Whereas, according to the United States Department of State, the number of new cases of international child abduction from the United States increased from 579 in 2006 to 941 in 2011;

Whereas, in 2011, those 941 cases involved 1,367 children who were reported abducted from the United States by a parent and taken to a foreign country;

Whereas, in 2011, more than 660 children who were abducted from the United States and taken to a foreign country were returned to the United States;

Whereas 7 of the top 10 countries to which children from the United States were most frequently abducted in 2011 are parties to the Hague Abduction Convention, including Mexico, Canada, the United Kingdom, Germany, Ecuador, Brazil, and Colombia;

Whereas Japan, India, and Egypt are not parties to the Hague Abduction Convention and were also among the top 10 countries to which children in the United States were most frequently abducted in 2011;

Whereas, in many countries, such as Japan and India, international parental child abduction is not considered a crime, and custody rulings made by courts in the United States are not typically recognized by courts in those countries; and

Whereas Japan is the only member of the Group of 7 major industrialized countries that has not ratified the Hague Abduction Convention: Now, therefore, be it

*Whereas international parental child abduction is a tragic and common occurrence;*

*Whereas the abduction of a child by one parent is a heart-breaking loss for the left-behind parent and deprives the child of a relationship with 2 loving parents;*

*Whereas, according to the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction of the United States Department of State from April 2010, research shows that abducted children are at risk of significant short- and long-term problems, including “anxiety, eating problems, nightmares, mood swings, sleep disturbances, [and] aggressive behavior”;*

*Whereas, according to that report, left-behind parents may also experience substantial psychological and emotional issues, including feelings of “betrayal, sadness over the loss of their children or the end of their marriage, anger toward the other parent, anxiety, sleeplessness, and severe depression”, as well as financial strain while fighting for the return of a child;*

*Whereas, since 1988, the United States, which has a treaty relationship under the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this preamble as the “Hague Abduction Convention”) with 69 other countries, has agreed with its treaty partners to follow the terms of the Hague Abduction Convention;*

*Whereas the Hague Abduction Convention provides a legal framework for securing the prompt return of wrongfully removed or retained children to the countries of their habitual residence where competent courts can make decisions on issues of custody and the best interests of the children;*

*Whereas, according to the United States Department of State, the number of new cases of international child abduction*



1           (B) urges countries identified by the  
2           United States Department of State as non-  
3           compliant or demonstrating patterns of non-  
4           compliance with the Convention on the Civil As-  
5           pects of International Child Abduction, done at  
6           The Hague October 25, 1980 (TIAS 11670)  
7           (referred to in this resolution as the “Hague  
8           Abduction Convention”) to fulfill their commit-  
9           ment under international law to expeditiously  
10          implement the provisions of the Hague Abduc-  
11          tion Convention;

12          (C) calls on all countries to accede to or  
13          ratify the Hague Abduction Convention and to  
14          promptly institute measures to equitably and  
15          transparently address cases of international pa-  
16          rental child abduction; and

17          (D) calls on all countries that have not ac-  
18          ceded to or ratified the Hague Abduction Con-  
19          vention to develop a mechanism for the resolu-  
20          tion of current and future cases of international  
21          parental child abduction that occur before those  
22          countries accede to or ratify the Hague Abduc-  
23          tion Convention in order to facilitate the  
24          prompt return of children abducted to those

1 countries to the children's countries of habitual  
2 residence; and

3 ~~(2)~~ it is the sense of the Senate that the United  
4 States should—

5 (A) aggressively pursue the return of each  
6 child abducted by a parent from the United  
7 States to another country through all appro-  
8 priate means, consistent with the Hague Abduc-  
9 tion Convention, and through extradition, when  
10 appropriate, and facilitate access by the left-be-  
11 hind parent if the child is not returned;

12 (B) take all appropriate measures to en-  
13 sure that a child abducted to a country that is  
14 a party to the Hague Abduction Convention is  
15 returned to the country of habitual residence of  
16 the child in compliance with the provisions of  
17 the Hague Abduction Convention;

18 (C) continue to use diplomacy to encourage  
19 other countries to accede to or ratify the Hague  
20 Abduction Convention and to take the necessary  
21 steps to effectively fulfill their responsibilities  
22 under the Hague Abduction Convention;

23 (D) use diplomacy to encourage countries  
24 that have not acceded to or ratified the Hague  
25 Abduction Convention to develop an institu-

1           tionalized mechanism to transparently and ex-  
2           peditionously resolve current and future cases of  
3           international child abduction that occur before  
4           those countries accede to or ratify the Hague  
5           Abduction Convention; and

6           (E) review the advisory services made  
7           available to United States citizens by the  
8           United States Department of State, the United  
9           States Department of Justice, and other United  
10          States Government agencies—

11                 (i) to improve the prevention of inter-  
12                 national parental child abduction from the  
13                 United States; and

14                 (ii) to ensure that effective and timely  
15                 assistance is provided to United States citi-  
16                 zens who are parents of children abducted  
17                 from the United States and taken to for-  
18                 eign countries.

19          *That—*

20                 (1) *the Senate—*

21                         (A) *condemns the international abduction of*  
22                         *all children;*

23                         (B) *urges countries identified by the United*  
24                         *States Department of State as noncompliant or*  
25                         *demonstrating patterns of noncompliance with*



1           *the Convention on the Civil Aspects of Inter-*  
2           *national Child Abduction, done at The Hague*  
3           *October 25, 1980 (TIAS 11670) (referred to in*  
4           *this resolution as the “Hague Abduction Conven-*  
5           *tion”)* to fulfill their commitment under inter-  
6           *national law to expeditiously implement the pro-*  
7           *visions of the Hague Abduction Convention;*

8                   *(C) calls on all countries to become a party*  
9           *to the Hague Abduction Convention and to*  
10          *promptly institute measures to equitably and*  
11          *transparently address cases of international pa-*  
12          *rental child abduction; and*

13                   *(D) calls on all countries that have not be-*  
14          *come a party to the Hague Abduction Conven-*  
15          *tion to develop a mechanism for the resolution of*  
16          *current and future cases of international paren-*  
17          *tal child abduction that occur before those coun-*  
18          *tries become a party to the Hague Abduction*  
19          *Convention in order to facilitate the prompt re-*  
20          *turn of children abducted to those countries to*  
21          *the children’s countries of habitual residence;*  
22          *and*

23                   *(2) it is the sense of the Senate that the United*  
24          *States should—*

1           (A) vigorously pursue the return of each  
2 child abducted by a parent from the United  
3 States to another country through all appro-  
4 priate means, facilitate access by the left-behind  
5 parent if the child is not returned, and, where  
6 appropriate, seek the extradition of the parent  
7 that abducted the child;

8           (B) take all appropriate measures to ensure  
9 that a child abducted to a country that is a  
10 party to the Hague Abduction Convention is re-  
11 turned to the country of habitual residence of the  
12 child in compliance with the provisions of the  
13 Hague Abduction Convention;

14           (C) continue to use diplomacy to encourage  
15 other countries to become a party to the Hague  
16 Abduction Convention and to take the necessary  
17 steps to effectively fulfill their responsibilities  
18 under the Hague Abduction Convention;

19           (D) use diplomacy to encourage countries  
20 that have not become a party to the Hague Ab-  
21 duction Convention to develop an institutional-  
22 ized mechanism to transparently and expedi-  
23 tiously resolve current and future cases of inter-  
24 national child abduction that occur before those

1           *countries become a party to the Hague Abduc-*  
2           *tion Convention; and*

3           *(E) review the advisory services made avail-*  
4           *able to United States citizens by the United*  
5           *States Department of State, the United States*  
6           *Department of Justice, and other United States*  
7           *Government agencies—*

8                     *(i) to improve the prevention of inter-*  
9                     *national parental child abduction from the*  
10                    *United States; and*

11                    *(ii) to ensure that effective and timely*  
12                    *assistance is provided to United States citi-*  
13                    *zens who are parents of children abducted*  
14                    *from the United States and taken to foreign*  
15                    *countries.*