

108TH CONGRESS
2D SESSION

H. R. 3941

To amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2004

Mr. LAMPSON (for himself, Mr. CHABOT, Ms. MILLENDER-McDONALD, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. CRAMER, Mr. FOLEY, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. BERRY, Mr. THOMPSON of Mississippi, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. COSTELLO, Mr. MOORE, Mr. WYNN, Mr. TIERNEY, Mr. ETHERIDGE, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. TURNER of Texas, Mr. BAIRD, Ms. BALDWIN, Mr. FARR, Mrs. TAUSCHER, Mr. POMEROY, Mr. CARDOZA, Mr. HONDA, Mr. RUSH, Mr. PASCRELL, Mr. GORDON, Mr. EDWARDS, Mr. McDERMOTT, Mr. MATSUI, Mr. PALLONE, Ms. SLAUGHTER, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SHIMKUS, Mr. WEINER, Mr. McNULTY, Mr. DEFazio, Ms. LOFGREN, Mr. RUPPERSBERGER, Mr. MCGOVERN, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Mr. VIS-CLOSKY, Mr. VAN HOLLEN, Mr. CAPUANO, Mr. ISRAEL, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Mr. LANGEVIN, Mr. REYES, Ms. ESHOO, Mr. LANTOS, Mr. BECERRA, Ms. NORTON, Mr. LIPINSKI, Mr. BURTON of Indiana, Mr. KIND, Ms. PELOSI, Mr. OLVER, Mr. ACKERMAN, Ms. BERKLEY, Mr. HINOJOSA, Mr. JOHN, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KING of New York, Ms. LEE, Mr. McINTYRE, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. PETERSON of Minnesota, Ms. SCHAKOWSKY, Mr. DOYLE, Mr. RANGEL, Mr. OBERSTAR, Mr. STUPAK, Mr. HOYER, Ms. MCCOLLUM, Mr. EVANS, Mr. GEPHARDT, Mr. HEFLEY, Ms. DEGETTE, Mr. GONZALEZ, Mr. HILL, Mr. DOGGETT, Mr. CROWLEY, Mrs. LOWEY, Mr. OSE, Mr. DAVIS of Tennessee, Ms. HART, Mr. BELL, and Mr. BE-REUTER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bring Our Children
5 Home Act”.

6 **SEC. 2. JURISDICTION OVER COMPETING STATE CUSTODY**
7 **ORDERS.**

8 Section 1738A of title 28, United States Code, is
9 amended by adding at the end the following:

10 “(i) If a court of one State makes a child custody
11 determination in accordance with subsection (c) and if
12 that determination is in conflict with a determination
13 made by another State in accordance with subsection (c),
14 a contestant for whom such a determination was made
15 may bring an action in the district court of the United
16 States the district of which includes the resident of such
17 contestant to determine, on the basis of the best interests
18 of the child involved, which determination shall prevail.”.

1 **SEC. 3. NATIONAL REGISTRY OF CUSTODY ORDERS.**

2 (a) IN GENERAL.—The Attorney General shall estab-
3 lish a national child custody and visitation registry in
4 which shall be entered—

5 (1) certified copies of custody and visitation de-
6 terminations made by courts throughout the United
7 States (and foreign custody orders concerning chil-
8 dren temporarily or permanently resident in the
9 United States);

10 (2) information identifying pending proceedings
11 in courts throughout the United States for initial,
12 modification, or enforcement orders; and

13 (3) information identifying proceedings filed in
14 any court in the United States pursuant to the
15 Hague Convention on the Civil Aspects of Inter-
16 national Child Abduction and the International
17 Child Abduction Remedies Act, and resulting orders.

18 (b) COOPERATION.—The Attorney General shall seek
19 the cooperation of State and Federal courts in each State,
20 and the District of Columbia, in providing relevant infor-
21 mation to the registry on an ongoing basis. The Attorney
22 General shall provide such financial and technical assist-
23 ance as necessary.

24 (c) ACCESS.—The registry shall be accessible to
25 courts, law enforcement officials, custody contestants and
26 their legal representatives

1 **SEC. 4. DETENTION OF CHILDREN LISTED AS MISSING.**

2 Law enforcement officers of any State or local gov-
 3 ernment may hold, for not more than 24 hours or until
 4 a disposition can be made, any child listed under any cat-
 5 egory of the Missing Person File by the National Crime
 6 Information Center for the proper disposition of the child
 7 in accordance with the latest valid custody determination
 8 applicable to the child.

9 **SEC. 5. INTERNATIONAL CHILD ABDUCTION REMEDIES.**

10 (a) LEGAL ASSISTANCE FOR VICTIMS OF PARENTAL
 11 KIDNAPPING.—Section 7 of the International Child Ab-
 12 duction Remedies Act (42 U.S.C. 11606) is amended by
 13 adding at the end the following new subsection:

14 “(f) LEGAL ASSISTANCE FOR VICTIMS OF PARENTAL
 15 KIDNAPPING GRANTS.—

16 “(1) FUNDING TO LEGAL SERVICES PRO-
 17 VIDERS.—The Central Authority shall establish a
 18 program to provide funding to legal services pro-
 19 viders, including private attorneys, public officials
 20 acting pursuant to the Uniform Child Custody Ju-
 21 risdiction and Enforcement Act, legal aid programs,
 22 and law school clinical programs, to provide direct
 23 legal or advocacy services on behalf of persons seek-
 24 ing remedies under the Convention, or other civil or
 25 criminal remedies in interstate or international pa-
 26 rental kidnapping cases.

1 “(2) TRAINING AND TECHNICAL ASSISTANCE.—

2 The Central Authority, directly or through grants,
3 shall provide training and technical assistance to re-
4 cipients of funds under paragraph (1) to improve
5 their capacity to offer legal assistance described in
6 paragraph (1).”.

7 (b) LEGAL SERVICES CORPORATION.—The Legal
8 Services Corporation may use funds made available to the
9 Corporation for programs to represent aliens in pro-
10 ceedings brought in the United States under the Conven-
11 tion—

12 (1) if the individuals to whom the representa-
13 tion is provided otherwise meet the criteria of the
14 Corporation for eligible clients under the Legal Serv-
15 ices Corporation Act; and

16 (2) whether or not such individuals are resident
17 in the United States.

18 (c) EXEMPTION FROM COURT COSTS.—Section 8(b)
19 of the International Child Abduction Remedies Act (42
20 U.S.C. 11607(b)) is amended—

21 (1) by redesignating paragraphs (2) and (3) as
22 paragraphs (3) through (4), respectively;

23 (2) by striking paragraph (1) and inserting the
24 following: “(1) No court costs may be assessed on a
25 petitioner in connection with a petition seeking the

1 return of, or rights of access to, a child located in
 2 the United States, pursuant to this Act.

3 “(2) Petitioners may be required to bear the costs
 4 of legal counsel or advisors, court costs incurred in connec-
 5 tion with their petitions (other than petitions described in
 6 paragraph (1)) and travel costs for the return of the child
 7 involved and any accompanying persons, except as pro-
 8 vided in paragraphs (3) and (4).”; and

9 (3) in paragraph (3), as so redesignated—

10 (A) by striking “paragraph (3)” and in-
 11 serting “paragraph (4)”; and

12 (B) by inserting “(other than in connection
 13 with a petition described in paragraph (1))”
 14 after “or court costs”.

15 (d) RESPONSIBILITIES OF UNITED STATES CENTRAL
 16 AUTHORITY.—Section 7 of the International Child Abduc-
 17 tion Remedies Act (42 U.S.C. 11606) is amended by add-
 18 ing at the end the following new subsections:

19 “(f) TECHNICAL ASSISTANCE.—The United States
 20 Central Authority shall encourage the Chief Justice of
 21 every State and the District of Columbia to designate a
 22 single court, or a limited number of courts, in which cases
 23 brought under the Convention may be heard. The Central
 24 Authority may provide technical assistance (including
 25 computers and Internet access) as necessary to foster con-

1 solidation of jurisdiction and implementation of the Con-
2 vention, consistent with the purposes of the Convention.

3 “(g) TRAINING.—The United States Central Author-
4 ity shall provide or promote training of State court judges,
5 lawyers, and law students on the civil and criminal laws
6 pertaining to interstate and international parental kidnap-
7 ping. To carry out this subsection, the United States Cen-
8 tral Authority may make available funds under subsection
9 (e) to State judicial educators, national, State, and local
10 bar associations, and law schools. The United States Cen-
11 tral Authority shall require recipients of such funds to re-
12 port on the training programs they present, including the
13 number of participants.”.

14 (e) FEDERAL JUDICIAL CENTER.—Section 620 of
15 title 28, United States Code, is amended by adding at the
16 end the following:

17 “(c) CONTINUING EDUCATION AND TRAINING PRO-
18 GRAMS.—The Center shall include in its continuing edu-
19 cation and training programs, including the training pro-
20 grams for newly appointed judges, information on the
21 Hague Convention on the Civil Aspects of International
22 Child Abduction, the International Child Abduction Rem-
23 edies Act, the International Parental Kidnapping Crime
24 Act, and other Federal statutes pertaining to parental kid-
25 napping within the jurisdiction of the Federal courts, and

1 shall prepare materials necessary to carry out this sub-
2 section.”.

3 **SEC. 6. REPORTS RELATING TO INTERNATIONAL CHILD AB-**
4 **DUCTION.**

5 (a) REPORT ON PROGRESS IN NEGOTIATING BILAT-
6 ERAL TREATIES WITH NON-HAGUE CONVENTION COUN-
7 TRIES.—The Secretary of State shall prepare and submit
8 to the Congress an annual report on progress made by
9 the United States in negotiating and entering into bilat-
10 eral treaties (or other international agreements) relating
11 to international child abduction with countries that are not
12 contracting parties to the Hague Convention on the Civil
13 Aspects of International Child Abduction.

14 (b) REPORT ON HUMAN RIGHTS PRACTICES.—(1)
15 Section 116(d) of the Foreign Assistance Act of 1961 (22
16 U.S.C. 2151n(d)) is amended—

17 (A) in paragraph (7), by striking “and” at the
18 end and inserting a semicolon;

19 (B) in paragraph (8), by striking the period at
20 the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(9) the status of efforts in each country to
23 prohibit international child abduction, including—

1 “(A) efforts to expedite the return of chil-
2 dren to the country of their habitual residence;
3 and

4 “(B) the extent to which the country re-
5 spects the rights of custody and of access under
6 the laws of other countries.”.

7 (2) Section 502B(b) of the Foreign Assistance Act
8 of 1961 (22 U.S.C. 2304(b)) is amended by inserting after
9 the sixth sentence the following: “Each report under this
10 section shall include information on the status of efforts
11 in each country to prohibit international child abduction,
12 including efforts to expedite the return of children to the
13 country of their habitual residence and the extent to which
14 the country respects the rights of custody and of access
15 under the laws of other countries.”.

16 (c) REPORT ON ENFORCEMENT OF SECTION 1204 OF
17 TITLE 18, UNITED STATES CODE.—The Attorney Gen-
18 eral, in consultation with the Secretary of State, shall pre-
19 pare and submit to the Congress an annual report that
20 contains a description of the status of each case involving
21 a request during the preceding year for extradition to the
22 United States of an individual alleged to have violated sec-
23 tion 1204 of title 18, United States Code.

1 **SEC. 7. SUPPORT FOR UNIFORM CHILD CUSTODY JURIS-**
2 **DICTION AND ENFORCEMENT ACT.**

3 From amounts made available to carry out this sec-
4 tion, the Attorney General shall support, directly or
5 through grants and contracts, the adoption and implemen-
6 tation by the States of the Uniform Child Custody Juris-
7 diction and Enforcement Act, as adopted by the National
8 Conference of Commissioners on Uniform State Laws (in
9 this section referred to as the “UCCJEA”). The support
10 provided under this section shall include the following ac-
11 tivities:

12 (1) Activities to promote the adoption of the
13 UCCJEA by States that have not yet adopted it.

14 (2) Activities to provide training to lawyers and
15 to judges and other appropriate public officials to
16 ensure that the UCCJEA is implemented effectively
17 and uniformly throughout the United States.

18 (3) Activities to provide guidance and funding
19 to States to facilitate and expedite the enforcement
20 by those States of the custody and visitation provi-
21 sions of the UCCJEA.

22 **SEC. 8. FEDERAL JUDICIAL CENTER EDUCATION PRO-**
23 **GRAMS ON PARENTAL KIDNAPPING.**

24 The Federal Judicial Center, in fulfilling its function
25 to stimulate, create, develop, and conduct programs of
26 continuing education and training for personnel of the ju-

1 dicial branch of the Government and other persons (as
2 specified in section 620(b)(3) of title 28, United States
3 Code), shall ensure that those programs include education,
4 training, and materials on the Hague Convention on the
5 Civil Aspects of International Child Abduction, the Inter-
6 national Child Abduction Remedies Act, the International
7 Parental Kidnapping Crime Act, and such other inter-
8 national and Federal laws relating to parental kidnapping
9 as are within the jurisdiction of the Federal courts.

10 **SEC. 9. USE OF SUPERVISED VISITATION CENTERS UNDER**
11 **THE SAFE HAVENS FOR CHILDREN PILOT**
12 **PROGRAM IN SITUATIONS INVOLVING THE**
13 **RISK OF PARENTAL KIDNAPPING.**

14 Section 1301(a) of the Violence Against Women Act
15 of 2000 (42 U.S.C. 10420(a)) is amended by striking “or
16 stalking” and inserting “stalking, or the risk of parental
17 kidnapping”.

18 **SEC. 10. DISCLOSURE OF TAXPAYER IDENTITY INFORMA-**
19 **TION TO NATIONAL CENTER FOR MISSING**
20 **AND EXPLOITED CHILDREN.**

21 (a) IN GENERAL.—Subsection (m) of section 6103 of
22 the Internal Revenue Code of 1986 (relating to disclosure
23 of taxpayer identity information) is amended by adding
24 at the end the following new paragraph:

1 “(8) REQUESTS FROM THE NATIONAL CENTER
2 FOR MISSING AND EXPLOITED CHILDREN.—Upon
3 written request by the National Center for Missing
4 and Exploited Children, the Secretary may disclose
5 the mailing address and any business address of any
6 taxpayer or dependent thereof pursuant to section
7 404 of the Missing Children’s Assistance Act, for
8 use only by the National Center for Missing and Ex-
9 ploited Children in locating and recovering missing
10 and exploited children.”.

11 (b) SAFEGUARDS.—Paragraph (4) of section 6103(p)
12 of such Code (relating to safeguards) is amended—

13 (1) by striking “(16) or” and inserting “(16),
14 or”,

15 (2) by inserting “or in subsection (m)(8)” after
16 “(20)” each place it occurs, and

17 (3) by “or (7) of subsection (m)” and inserting
18 “(7), or (8) of subsection (m)”.

19 (c) CRIMINAL PENALTY FOR UNAUTHORIZED DIS-
20 CLOSURE OF INFORMATION.—Paragraph (2) of section
21 7213(a) of such Code (relating to State and other employ-
22 ees) is amended by striking “or (7)” and inserting “(7),
23 or (8)”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to requests made after the date
3 of the enactment of this Act.

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