

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, Mr. ROBERTS, Mr. DURBIN, Mr. REED, Mr. TOOMEY, Mr. JOHNSON of South Dakota, Ms. CANTWELL, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Foreign Relations

SEPTEMBER 19, 2012

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*]

DECEMBER 4, 2012

Considered, amended, and agreed to with an amended preamble

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 yet become a party to the Hague Abduction Convention: Now, therefore, be it

1 *Resolved*, That—

2 (1) the Senate—

1 (A) condemns the international abduction
2 of all children;

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

14 (C) calls on all countries to become a party
15 to the Hague Abduction Convention and to
16 promptly institute measures to equitably and
17 transparently address cases of international pa-
18 rental child abduction; and

19 (D) calls on all countries that have not be-
20 come a party to the Hague Abduction Conven-
21 tion to develop a mechanism for the resolution
22 of current and future cases of international pa-
23 rental child abduction that occur before those
24 countries become a party to the Hague Abduc-
25 tion Convention in order to facilitate the

1 prompt return of children abducted to those
2 countries to the children's countries of habitual
3 residence; and

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

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

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

19 (C) continue to use diplomacy to encourage
20 other countries to become a party to the Hague
21 Abduction Convention and to take the necessary
22 steps to effectively fulfill their responsibilities
23 under the Hague Abduction Convention;

24 (D) use diplomacy to encourage countries
25 that have not become a party to the Hague Ab-

1 duction Convention to develop an institutional-
2 ized mechanism to transparently and expedi-
3 tiously resolve current and future cases of inter-
4 national child abduction that occur before those
5 countries become a party to the Hague Abduc-
6 tion Convention; and

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

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

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

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