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**PARENTAL KIDNAPPING**

**by Ronald Laney**

Richie was only four when his non-custodial father abducted him. When he was located a year later, his vocabulary had diminished and he was suffering from a fungal skin condition caused by a lack of hygiene. The boy screamed in terror at the sight of his mother because he had been told she had abandoned him.

Richie and his mother are two of the victims of the estimated 354,100 parental abductions that take place in the United States each year.

Conducted in 1988, National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART) estimated that 3,200 to 4,600 nonfamily abductions involved coercion, detention of the child for more than one hour, or the luring of the child for the purpose of committing another crime. Of the 354,100 family abductions that NISMART estimated took place that year, 163,200 involved concealment, interstate transportation of the child, or evidence the abductor intended to alter custodial privileges permanently.

**Impact**

Recent research suggests that children endure adverse consequences from being abducted. Besides emotional turmoil, children may suffer from inadequate schooling, poor nutrition, unstable lifestyles, and neglect. Some are abandoned, only to be discovered living in foster homes. In the most egregious cases, children suffer long-term harm that may leave them scarred for life.

Faced with the demands of rising violent crime and dwindling budget resources, law enforcement agencies are hard-pressed to make parental abductions a priority. The belief that a child is safe with a parent lessens the chance of aggressive investigation by law enforcement. Yet one study reported 49 percent of abductors have previously established criminal histories and 75 percent of abducting fathers have a history of violent behavior.

Research reveals diverse motivations when a parent kidnaps children in violation of custody or visitation rights. Children are often used as pawns in contentious divorces in a parental game of one-upmanship. Some abductors kidnap children as an extension of battering, seeking to control their spouse by depriving them of visitation or custodial rights. One of the most difficult claims for police and prosecutors to investigate is the allegation that domestic violence or abuse motivates the abduction. Abductors may flee to avoid further abuse to themselves or children, or the abuser may abduct in an attempt to intimidate a battered parent who is attempting to leave the relationship.

### **Strategies**

The National Center for Missing and Exploited Children (NCMEC) recommends that law enforcement officers investigate allegations of abuse and parental kidnapping separately and comprehensively. To neglect one charge in favor of the other places children at risk. NCMEC's Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management (1995) contains an investigative checklist and a complete discussion of issues associated with parental abduction investigations. In cases where no civil custodial determinations are in place, NCMEC recommends that investigating officers, at a minimum, enter the child into the FBI's National Crime Information Center (NCIC) Missing Person File. Once a State or local court establishes custody, investigators may proceed with a criminal investigation as appropriate.

Recognizing the possibility of custody violations when one parent flees domestic violence, the National Council of Juvenile and Family Court Judges' Family Violence Project recommends the following four steps to law enforcement and prosecutors:

1. Issue a warrant for the fleeing parent.
2. Ensure that there is an adequate investigation of the potential impact of family violence on the flight.
3. Maintain existing child custody orders until such investigation is complete.
4. Initiate orders to protect the children until final resolution.

## **Federal Response**

The Parental Kidnapping Prevention Act (PKPA), 28 U.S.C. 1738, authorizes the issuance of federal warrants for unlawful flight to avoid prosecution in parental abduction cases. The PKPA also provides access to authorized persons, including law enforcement officers, to the Federal Parent Locator Service. This service, which searches such Federal agency databases as Social Security Administration, Internal Revenue Service, and State Employment Agencies, can help find abducting parents.

The PKPA authorizes the Federal Bureau of Investigation to investigate parental kidnapping cases when an unlawful flight to avoid prosecution (UFAP) warrant has been issued. FBI investigation of parental abduction cases that cross state boundaries can be crucial to the resolution of these crimes.

The Missing Children Act of 1982, Public Law 97-292, and the National Child Search Assistance Act of 1990, Public Law 101-647, prohibit policies that establish waiting periods for police reports and require the entry of missing children information into the NCIC database.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has established a partnership with NCMEC. Established in 1984, NCMEC provides lead information, case management, photo distribution, age progression, publications, and technical assistance to law enforcement, prosecutors, parents, and other interested parties. NCMEC maintains a toll-free hotline and works closely with local law enforcement and state clearinghouses to prevent abductions, find abducted children, and facilitate their return to the custodial parent.

## **Additional Resources**

OJJDP sponsors no-cost training for law enforcement and prosecutors through Fox Valley Technical College (FVTC). FVTC offers a three-day course, Missing and Exploited Children, that presents advanced investigative and interviewing techniques applicable to missing children cases. For further information regarding this course, please call FVTC toll-free at 1-800-648-4966.

OJJDP publications that provide additional information regarding parental kidnapping include:

Obstacles to the Recovery and Return of Parentally Abducted Children, American Bar Association (1995)

Parental Kidnapping, Domestic Violence, and Child Abuse: Changing Legal Responses to Related Violence. American Prosecutor's Research Institute (1995)

Charging Parental Kidnapping, American Prosecutors' Research Institute (1995).

These publications may be obtained by calling the Juvenile Justice Clearinghouse toll-free at 1-800- 638-8736.

Relevant NCMEC publications include:

Family Abduction: How to Prevent an Abduction and What to Do if Your Child is Abducted, National Center for Missing and Exploited Children (1994)

Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management, National Center for Missing and Exploited Children (1995).

These publications may be obtained by calling NCMEC toll-free at 1-800-843-5678.

For further information regarding NCMEC, see National Center for Missing and Exploited Children, OJJDP Fact Sheet #32, October 1995.

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