

BACHOME_FAV_SB924

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Position: FAV



March 2, 2020

Honorable Delegates and Senators
Maryland General Assembly
90 State Cir
Annapolis, MD 21401

RE: Maryland Child Abduction Prevention Act (SB924/HB1103)

Dear Delegates and Senators,

I serve as Executive Director of Bring Abducted Children Home, a nonprofit organization formed in 2011 and dedicated to the immediate return of internationally abducted children being wrongfully detained in Japan. We also strive to end Japan's human rights violation of denying children unfettered access to both parents. I am also a founding partner in The Coalition to End International Parental Child Abduction whose mission is to unite organizations to work passionately to end international parental kidnapping of children through advocacy and public policy reform. Our vision is a world where children are safe from international kidnapping by a parent.

In this capacity I have testified to and briefed the U.S. Congress six times on the ongoing abduction crisis. I have led meetings in the White House and at the Secretary of State's policy planning office. Also I have testified in California family court as an expert witness and in support of state legislation.

I fully support the passage of the Maryland Child Prevention Abduction Act (SB924/HB1103) as a positive step toward better preventing international parental child abduction.

In my own case I was granted custody of my son in May 2007. Three years later, on June 20, 2010, I dropped my son, "Mochi" Atomu Imoto Morehouse, off to begin a weeklong visit with, his mother. He was 6 ½ years old.

That is where the endless nightmare began. Six days later, I received a phone call that no parent wants to receive. It was the police. My son and ex-wife had been reported missing. I knew immediately what happened. She succeeded in what she had threatened to do. She had kidnapped our son to Japan.

In that moment my life was shattered. How could this happen to my little boy? I did everything I could think of to prevent it. There were even passport and travel restraints in the court order to bar her from going outside the state with him. When the Seattle Consulate of Japan denied her passport request she simply went to the Japanese consulate in Portland, which issued her one in violation of the Ministry of Foreign Affairs Passport issuance policy.

Sometime people say to me, at least you know he is safe with his mother. He may be somewhere in Japan with her, but he is not safe. He is at risk. She has willingly and intentionally kidnapped him to a foreign land with the intent of alienating him from me and everyone he knows.

Imagine being a child and your mother steals you away to a foreign country and then tells you your father does not want you anymore or that he is dead. Your whole life is now built on a foundation of lies.

This is not what a healthy, nurturing parent does. It is child abuse and it is a federal crime under the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204).

In 2014 and again in 2017 I won landmark rulings in Japan. Their court declared my U.S. sole custody has legal effect. My ex-wife has no legal custody rights there and they also cited her admission of illegal acts of passport fraud and forgery. There was no intent to offer justice, though. It was simply Japan's continuity principle at work. It does not matter how a child ends up with the abductor in Japan, they will not uphold laws and treaties to return children to their rightful home. In the end the court refused to reunite Mochi and me. I don't even know as where he is being held.

Kidnapped American children's true voices have been silenced. They need to be heard. In the beginning of my most recent legal battle in Japan, my son, thirteen at the time, was asked by his attorney, "do you ever think about your father?" As the tears rolled down his face he replied, "sometimes I dream of him at night."

The last time I hugged him, the last time I heard his voice was Father's Day 2010.

I wish I could say that my story is unique. It is not. As noted in U.S. Senate Resolution 487 (S.Res.487) more than 11,500 children were reported abducted from the United States between 2008 and 2018. Maryland ranks #11 in the nation according to figures we obtained from the U.S. Department of State. Most kidnapped children never make it home according to responses written responses from Assistant Secretary of State for Consular Affairs Carl Risch.

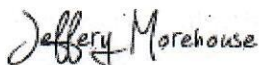
Parents seeking travel abroad and their attorneys may cite the Hague Convention on the Civil Aspects of International Child Abduction as a remedy should the parent not return the children from a foreign visit. Judges may believe in this as a perceived safeguard. In reality it is naive. The Hague Abduction Convention is simply a framework that is implemented on top of existing law in each signatory country. There are no international sanctions for a country failing to uphold the intent of the treaty.

Parents are left on their own to navigate foreign courts if they are able to put together the resources needed to mount a legal battle overseas. In countries such as Japan court orders are not enforceable without the voluntary compliance of the kidnapping parent.

Restraining children at risk from traveling outside the U.S. and entering the children into the U.S. Custom and Border Protection's Prevent Abduction Program is the best current tool stop future kidnappings from happening.

Protect the children of Maryland from being victims of international parental abduction by passing The Maryland Child Abduction Act (SB924/HB1103).

Sincerely,



Jeffery Morehouse
Executive Director

Davin Sloan_FAV_SB924

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Position: FAV

Testimony in Support of SB-924 and HB-1103
The Maryland Child Abduction Prevention Act
Written Version
March, 2020
Davin Sloan

Good afternoon.

Thank you for the opportunity to speak today.

My name is Davin Sloan.

I am here in support of SB-924 and HB-1103, the Maryland Child Abduction Prevention Act.

I seek your help to create abduction protections for at-risk children, and to bring awareness to the devastating consequences of "International Parental Child Abduction".

I am the proud father of a delightful daughter, nearly 6 years old. She is my only child.

She was born here at Anne Arundel Medical Center. She is a US citizen, a Marylander, and an Annapolitan.

My daughter was, and is, a victim of International Parental Child Abduction.

In 2016, I travelled with my daughter and foreign-born wife for what I thought was to be a long summer vacation in the Czech Republic.

I discovered, to my horror and anguish that my child's mother had no intention of returning home with our child, to Annapolis.

My daughter was unlawfully and wrongfully retained in the Czech Republic for 1012 agonizing days.

I found out in the worst way, what can and does happen when marriages involving foreign-born spouses fail.

I was devastated, humiliated, broken and terrified.

At that time, there was little I could do but return home.

To have to board an airplane alone, fly across an ocean to the US, leaving my daughter behind, with no way for her to understand, was beyond excruciating.

Importantly, very many international parental child abductions begin with seemingly consensual family travel, where one parent does not know the true intentions of the other, until it is too late.

After some months, I came to the stark realization that if I did not soon begin a Hague proceeding, my daughter would be lost forever, and never know her father or be able to return home.

In 2017, I initiated a Hague proceeding. I had no idea what this would entail. I could not have imagined what lie ahead.

In pursuit of my daughter's return, I travelled to the Czech Republic 5 times, a total of 189 days overseas.

For the first 2 years, my contact with my daughter was limited to a total of 16 hours.

I have spent well over \$150,000 fighting for my daughters return and well-being.

I had to dig very deeply to find the emotional stamina to continue the fight for so long.

In January, 2018, the Czech Appeal Court ruled for my daughter's return, under the Hague treaty.

The case was then brought before the Czech Constitutional Court, their Supreme Court.

This court immediately enjoined the ordered return of my daughter, not rendering any decision for another 9 months.

In December, 2018, the Constitutional Court finally dismissed all objections and upheld the judgement for return.

The hope and expectation of Hague judgments, is that the taking parent will comply and return. This did not happen.

In July 2019, the Czech court moved forward with an enforcement action. Police, social workers, and court officials arrived at the house where my daughter was held and had to physically remove her.

It was an extremely traumatic experience for my daughter.

That day, my daughter was legally transferred to my care for her return to her home in the US.

On July 04, 2019, I was finally able to return, with my daughter, to our home in Annapolis Maryland, almost three years after our planned return.

However, upon my return to the US with my daughter, I have encountered a grave new obstacle.

There is currently no framework in Maryland to prevent re-abduction, or to accept or grant comity to Hague Return Judgments.

Should my child again be removed from this country I would have to start the Hague process again from the beginning.

There is an urgent need for a uniform, automatic procedure to protect children from abduction and re-abduction, when there are known and credible risks.

It is essential that family courts have the authority, mandate and knowledge to properly enable abduction protections.

Foremost, our courts should be required to enroll at-risk children into the CBP Prevent Abduction Program.

Secondly, facilitating “mirror agreements” with foreign authorities would help ensure enforcement of a US custody or travel agreement.

Courts and the family law system need to be informed on the exceptional and severe risks of abduction, re-abduction, and the consequences and finality of allowing any international travel or visitation.

Once a child is outside of US jurisdiction, there is no remedy, and enforcement of US custody orders is not possible.

My daughter remains at great risk. Among well-established risk factors, parents who have previously abducted present the single greatest risk of re-abduction.

Abducted children suffer a multitude of short and long-term damages. Physical symptoms of stress, disruption of identity formation, fear of abandonment, damage to their sense of security, confidence and trust, to name only a few.

Upon her return, my daughter could no longer speak English.

She had been told she was born in the Czech Republic, and would not believe me that she was born here in Annapolis.

She is now flourishing, but there will be very much work to do, for many years.

Eventually, she will come to learn what happened, and have to cope with that trauma as well.

The US Congress and most experts recognize Parental Child Abduction as a form of child abuse.

Incredibly, in Anne Arundel County, abduction is not recognized as a form of child abuse. This must change.

The Hague treaty, intends to return children to their habitual residence in as little as 6 weeks. Most often it takes many years.

Even with countries that are signatory to the Hague Treaty, The likelihood of successful return is small.

My fortune in achieving a successful recovery under the Hague Convention is exceedingly rare.

I prevailed, and the foreign country eventually enforced their judgement.

Yet, I can only imagine how many parents have no hope or resources to fight such a case.

Many left-behind parents find the legal and social systems in the foreign countries strongly favor the taking parent, native citizen or mother. Also, many countries do not enforce Hague return judgements, if the taking-parent doesn't agree to voluntarily return. I was very fortunate.

Many left-behind parents will never begin a case, or even report the abduction due to lack of resources, knowledge, shame or grief.

Clearly, it is a worthy goal to focus on preventing abductions from occurring in the first place.

I ask you to pass this legislation so that my daughter, and others like her, can be protected under the laws of the state in which she was born.

LaBrie_FAV_SB924

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Testimony in favor of HB1103 and SB924
March 4-5, 2020
Laurent La Brie, Ph. 914-419-4253, Reisterstown, MD

I am Laurent La Brie, and I present this testimony **in favor** of HB1103 and SB924 the Maryland Child Abduction Prevention Act.

We in Maryland have welcomed and integrated citizens from all over the globe. Our welcoming hearts and vibrant economy have attracted 911,000 people born in other countries.¹ Tragically, an annual divorce rate of 2.7 per thousand means there are 2,500 divorces per year involving foreigners. There is an international abduction from Maryland every two weeks, which ranks us 11th among the 50 United States.² The District of Columbia and fourteen states including Pennsylvania have passed forms of the Uniform Child Abduction Prevention Act. The time has come for Maryland to protect its children like its neighbors do.

Parents attempting to recover an abducted child or trying to prevent an abduction live in a painful world. From the characteristics and red flags the Justice Department ascribes to abductors we can paint the following picture of the marriage and partner that left behind parents have endured before they begin preventing abduction. He or she has endured some or most of the following: high conflict marriage to a spouse who may have a sociopathic personality, a criminal record, paranoia, and/or a distorted view of reality who likely has abducted and/or threatened to abduct their children and accused him or her of abusing spouse and/or children. Almost all wear a scarlet letter because the stigma of being accused of abuse doesn't go away even after the charges have been dismissed.

1 https://www.americanimmigrationcouncil.org/sites/default/files/infographics/maryland_infographic_2018.png
2 (Estimation based on 1,250 per year reported from 2010-2013 multiplied by 24 years since The U.S. Department of State's Office of Children's Issue's was created. Outgoing Case Reports are available at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/data.html>)

Anxiety over the potential abduction adversely affects their job performance and personal relationships including those with their children. One parent I know hasn't been able to hold a job since the abduction. If the feared abduction occurs, they often blame themselves despite being the victims themselves. They carry scars from legal systems that have not safeguarded what is most dear to them while at the same time draining them of their resources.

It was difficult to find people who could testify here today because their custody cases are open. Many others who recover their children don't have the emotional energy to discuss it.

I will present three cases that I personally know of.

David and Joshua were abducted from Maryland to Japan on May 13th 2007. After many attempts to reunite with his children, the only thing their father Doug Gessleman has received is a few photos and emails. He wrote me, "They abducted my children, changed their names and blame me for abandoning them without any financial support. Kids are grown will more than likely never reach out to me." With this bill, judges will be informed that Japan is not enforcing Japanese family orders for returns or providing both parents access to kidnapped children. Travel restraints for children and entry into the federal Prevent Abduction Program are the best way to save them.

WJZ reported on Stan Hunkovich, a Maryland firefighter whose children were abducted to Trinidad & Tobago. The children have not been recovered despite intervention of Secretary of State John Kerry and Congressmen Dutch Ruppersberger and Andy Harris. The bill we are proposing contains provisions which would have encouraged the use of the federal Prevent Abduction Program to prevent their kidnapping.

Another father is an Army veteran from Baltimore County who is trying to protect his children from abduction. His case is open, so he couldn't testify publicly. His ex-wife has most of the red flags of an abductor including having abducted and absconded with their children both domestically and internationally. His lawyer with 40 years of experience didn't know what the Hague Convention was. His judge rejected any travel precautions or getting his custody orders registered in the country of potential refuge because the judge couldn't believe that the mother *"would transport them to a country with a repressive government, a poor economy, uncertain educational possibilities, and uncertain health care availability, potentially on the run for the rest of their childhood lives so as to escape the authorities."* Contrary to the Judge's belief, 80% of the children abducted from Maryland go to non-first world countries because the lower cost of living allows divorce settlements to go further. There is no need for a life on the run from the authorities when the authorities have never returned an abducted child. Another judge told his lawyer there is no judge in Baltimore County who will restrict travel without a written threat from the prospective kidnapper. Thus, many judges unknowingly don't base their decisions on the risk factors for abduction established by their own U.S. Department of Justice. If this bill passes, parents' cases will be presented based on the true risk of abduction.

Recovery from some countries is difficult if not impossible. The US government is afraid of assessing penalties on countries not respecting the Hague Convention because it angers big business. So, preventing an abduction by considering the risk factors, barring travel for children at risk and entering them into the federal Prevent Abduction Program are our best tools to protect our families and children. In this age of ubiquitous Internet and webcam apps, international family can participate in all family events 24/7 through Skype if so desired. This

bill will give parents, lawyers, and judges knowledge necessary to assess the true risk factors and true understanding of the willingness of the destination's government to return a child so they can take whatever steps are merited to safeguard the children.

Therefore, this testimony pleads with the Maryland legislature to enact this bill so that children may not be denied a return to their home, their American identities, and their sustaining contact with both parents and preempting the paramount risk of experiencing all the developmental and emotional problems of kidnapping. When risk factors are remedied, a travel restriction can be reversed. A child abduction (and the damage thereof) cannot.

NCMEC_FAV_ SB924

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**STATEMENT BY JOHN F. CLARK
PRESIDENT AND CEO
NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN**

Regarding the Maryland Child Abduction Prevention Act

(HB1103 / SB924)

March 3, 2020

On behalf of the National Center for Missing & Exploited Children (NCMEC) and the families and children we serve, I am writing to express our support for the Maryland Child Abduction Prevention Act, currently pending before the House Judiciary Committee and Senate Judicial Proceedings Committee of the Maryland General Assembly.

This important legislation seeks to ensure that all parents and guardians are notified before a child's permanent residence is changed or the child travels outside of the United States. In addition to giving parents appropriate notice and an opportunity to object to relocation or travel, the legislation also incorporates many of the provisions of the Uniform Child Abduction Prevention Act (UCAPA), which has been widely adopted into the family code of states around the country. UCAPA was developed in recognition of the long-lasting harm that abducted children may suffer, and enacted with the understanding that identifying risk factors and imposing appropriate prevention measures serves the best interests of the child.

Three decades ago, following the abduction and murder of their son, John and Revé Walsh channeled their grief and came together with other child advocates to create NCMEC in 1984. Today our organization serves as a national clearinghouse dedicated to help find missing children, reduce child sexual exploitation, and prevent future victimization. Among many other critical programs and services, last year NCMEC assisted families and law enforcement agencies with more than 29,000 missing child reports.

In 2019, NCMEC opened more than 1,100 new cases of family abduction, and assisted hundreds more families who were seeking related information and resources. Nearly every day, NCMEC provides information to parents, attorneys, and courts about the overall risks of domestic and international family abductions and options for effectively preventing an abduction from occurring.

NCMEC consistently emphasizes the importance of preventing harm to children before it occurs. We strive to understand current trends and transform accumulated statistics regarding missing and abducted children into positive safety and prevention strategies. Recently NCMEC published an analysis of 10 years of Family Abduction reports to our organization, involving more than 11,500 cases.¹ Improvements in law enforcement response times, legislative initiatives, and more sophisticated strategies for recovering children have led to improved success rates for domestic family abductions, which typically resolve in less than 6 months. But international family abductions take an *average* of 9 months to resolve, and many families struggle for years to return their children home to the U.S.

Family abduction is not a harmless act. When a child is taken or wrongfully retained by their parent or family member, the crime can have serious and even tragic consequences. Particularly unique challenges arise when a child has been taken across state lines or removed from the country, and sadly international family abductions are often measured with months and years of searching and anguish. The U.S. and international community have made positive strides, for instance adopting the 1980 Hague Convention on the Civil Aspects of International Child Abduction (“Hague Convention”), but this is still not a guarantee for a quick or successful outcome. Each year numerous countries are cited by the State Department for failure to comply with their obligations under the Hague Convention or to otherwise assist with recovering U.S. children abducted internationally.²

When confronted with the depth and scope of harmful impacts family abduction can have, it becomes even more important to focus on what can be done to prevent these tragedies from occurring. NCMEC provides written guidance³ for families and for attorneys as well as participating in judicial trainings to address the risks and proper response to family abduction. We have also emphasized the victim and family’s perspective and incorporated family abduction protocols and best practices into training for law enforcement agencies who investigate these crimes.⁴

NCMEC is encouraged by legal and legislative improvements designed to reduce the incidence of family abduction, like the earlier successful push for widespread enactment of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) which discourages family law forum-

¹ Family Abductions: What We’ve Learned. (NCMEC 2018), *available at* <http://www.missingkids.org/ourwork/ncmecdata>.

² See Annual Report on International Child Abduction (U.S. Department of State 2019), *available at* <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

³ See Family Abduction: Prevention and Response, 6th Edition (NCMEC 2009) and Litigating International Child Abduction Cases Under the Hague Convention, 2nd Edition (NCMEC 2012), *available at* <http://www.missingkids.org/ourwork/publications>.

⁴ See Chapter 4 “Family Abduction,” in Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management, 4th Edition (NCMEC 2011), *available at* <http://www.missingkids.org/ourwork/publications>.

shopping and provides a method for recognizing and enforcing custody orders from another state or country when a child is taken across jurisdictional boundaries.⁵

More recently, the Uniform Child Abduction Prevention Act builds on these improvements and helps ensure judges are empowered to identify possible risks and to address them in custody proceedings. Importantly UCAPA also provides an avenue for parents to raise concerns about potential abduction and, if supported by evidence, to seek adequate prevention measures from the Family Court. At this time, UCAPA, or similar prevention legislation, has been adopted by 16 states and the District of Columbia.⁶ NCMEC encourages the Maryland General Assembly to join this important movement and to provide further protections for children and families in the state.

Thank you for considering HB1103 / SB924, the Maryland Child Abduction Prevention Act, and for your leadership on issues critical to the safety and security of our nation's children and families.

⁵ Maryland enacted the UCCJEA in 2004, Md. Code Ann., Fam. Law § 9.5-101 *et seq.*

⁶ Alabama, Colorado, District of Columbia, Florida, Kansas, Louisiana, Michigan, Mississippi, Nebraska, Nevada, New Mexico, Pennsylvania, South Dakota, Tennessee and Utah have each enacted UCAPA. California and Texas enacted similar abduction-prevention legislation.

Priola_FAV_SB924

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Position: FAV

Testimony testify in favor of HB1103 and SB924

March 4-5, 2020

Nicole Priola Ph. (410) 790-0066 Woodbine, MD

My name is Nicole Priola and I am here to testify **in favor** of HB1103 and SB924 the Maryland Child Abduction Prevention Act. My nephew August was abducted from Hawaii to the country of Greece on September 5, 2017. My brother Anthony was born and raised here in Maryland. His immediate family still resides in Maryland and the abduction has affected us all in every aspect of our lives.

His now ex-wife a Greek Citizen used the U.S. courts by making false allegations filing a temporary Protective Order against Anthony to have August removed from the home so she could leave the county with their 2-year-old son. Anthony knew what she was planning to do and informed the local police and courts. The local police did nothing. When the Protective Order was dropped, Anthony attempted to file a missing person report with the local police and was told August was not missing, but with his mother. He later found out that his ex-wife had left Hawaii and was at LAX with August. He contacted the police at the airport and was told to have his local police contact the airport officers so they could stop her from getting on the flight. She was able to leave the country with August.

Anthony has full physical and legal custody of his son who is now 4. He has been fighting to get him back for 908 days and counting. **Although Greece is a signatory of the Hague Convention of International Parental Abduction**, we have not found one documented case where Greece has returned a child abducted by a parent.

Anthony has been in Greece for court several times since August's abduction. The first Hague decision by a Greek Judge made a custody order stating that it would be hard for the mother to see her child if he is returned to the U.S. My brother appealed that decision and was scheduled to appear in Court in Greece on November 1, 2018. The Court allowed his ex-wife to postpone the appeals hearing to January 31, 2019 while Anthony and my mother were present in Greece. On that date, Anthony appeared in the Greek court again. The Court postponed his hearing to February 14, 2019 even after his lawyer informed the Court that his return flight was on February 11. He is now at the Supreme Court scheduled to be heard in **October 2020**.

Anthony has had little communication with his son, August. Although his ex-wife has been ordered to call him 30 minutes a day, she fails to do so on a regular basis. On one occasion, while Anthony was in Greece after a visit with August, I got a phone call from him in tears. He said, "I had to watch her drag August on the ground by his arm out of the place while he cried and screamed for his daddy. He had no coat or shoes in 30-degree weather. I could do nothing. I just had to watch her do this to my son."

There has been no help from anyone in our government, including the Hilo Hawaii State Prosecutor, the Hilo Local Police, The FBI, The U.S. Office of Children's Issues, U.S. Representative Tulsi Gabbard, and more.

This is just a small portion of what Anthony has gone through trying to have August returned after being internationally abducted. If there were more laws and education on parental abduction, not only to our judges but also to lawyers and law enforcement, many parents would not have to go through this situation. Passing HB1103/SB924 will not help my brother or nephew, but it will help prevent future cases like his.

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Position: FAV

JUSTIN READY
Legislative District 5
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Judicial Proceedings Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 4, 2020

SB 924 Maryland Child Abduction Prevention Act

Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

Senate Bill 924 as amended would set up a process to prevent a parent from removing a child from the United States with intent to obstruct another parent's custodial rights. Improvements in law enforcement response times, legislative initiatives, and more sophisticated strategies for recovering children have led to improved success rates for domestic family abductions, which typically resolve in less than 6 months. But international family abductions take an *average* of 9 months to resolve, and many families struggle for years to return their children home to the U.S. SB 924 would allow the court in a custody or visitation proceeding, to order that either party provide written notice of at least 90 days when they intend to travel outside of the United States and would require a hearing on an expedited basis if necessary. This mirrors the process used if one party would like to relocate.

Senate Bill 924 also authorizes a court to order abduction prevention measures if the court finds evidence establishing a credible risk of abduction of the child using the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). UCCJEA provides states with a tool for deterring both domestic and international child abductions by parents and people acting on behalf of the parents by allowing the court to impose measures designed to prevent child abduction both before and after a court has entered a custody decree.

Today you will hear from individuals who have struggled with the abduction of a child and the challenges they face putting the safeguards in place to remain in their children's lives.

Federal law prohibits a parent from removing a child from the United States or retaining a child in another country with intent to obstruct another parent's custodial rights. U.S. Customs and Border Protection, in conjunction with the U.S. Department of State and other federal agencies, has established a program that seeks to prevent the departure of a child from the United States when presented with a valid, enforceable court order that prohibits the child's removal from the country (the Prevent Abduction Program).

I respectfully request a favorable report on Senate Bill 924.