

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 in support of HB1103, the Maryland Child Abduction Prevention Act. My name is Davin Sloan.

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.