



BILL NO: Senate Bill 383
TITLE: Maryland Abduction Prevention Act
COMMITTEE: Judicial Proceedings
HEARING DATE: February 15, 2023
POSITION: **SUPPORT**

Chair Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

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

Since its inception, NCMEC has been heavily involved in combatting child abductions. NCMEC was born in response to an unthinkable tragedy. In 1981, 6-year-old Adam Walsh was shopping with his mother when he vanished without a trace. His devastated parents, John and Revé Walsh, had nowhere to turn for help in finding Adam. Despite his parents' desperate search, ten days after Adam was abducted, he was found murdered more than 100 miles away. John and Revé channeled the painful experience of losing Adam to create NCMEC in 1984. Over the past 38 years, NCMEC has become the leading private, nonprofit organization to serve as a global resource center and information clearinghouse on issues related to missing and exploited children.

In 2022, NCMEC assisted families and law enforcement agencies with more than 29,000 missing child reports and opened more than 1,000 new cases of family abduction. Unique challenges arise when a child has been taken across state lines or removed from the country, and even more sobering is the fact that international family abductions are often measured by months and years of searching and anguish. Identifying and addressing key risk factors that precede family abductions will prevent these traumatic events from occurring in the first place.

NCMEC understands that 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, long-lasting, and even tragic consequences. While state, federal and international laws enable law enforcement to work across jurisdictional boundaries, borders and even oceans to locate and recover child victims of family abductions, only Child Abduction Prevention legislation, such as the bill being considered before this Committee today, is specifically designed to prevent children from ever experiencing the trauma of a family abduction.¹

¹ See Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), the Parental Kidnapping Prevention Act and the Hague Convention on the Civil Aspects of International Child Abduction.

SB 383 as amended aligns with the statutory sensibilities of Maryland's *Uniform Child Custody Jurisdiction and Enforcement Act* (UCCJEA).² SB 383 provides Maryland family courts with statutory guidelines for family custody disputes and proceedings that will enable family court judges to: **(1) identify children at risk for family abductions**; and **(2) take specific actions to prevent family abductions**. Under the bill, family courts by request of a parent, attorney or officer of the court would consider whether a credible risk for abduction of A child exists, by evaluating key factors, including:

- Abduction planning behaviors, threats or previous abduction attempts;
- Strong familial or other ties to a foreign country;
- Ties to nations not part of or compliant with the Hague Convention on the Civil Aspects of International Child Abduction; and
- Falsifying forms related to travel, committing related fraud, or refusing to follow custody orders.

After assessing abduction risks, family courts would be statutorily empowered under the Maryland Child Abduction Prevention Act to take preventative action, including:

- Impose travel restrictions;
- Supervise visitation;
- Order the surrender of passports;
- Require bonds as a financial deterrent to abduction;
- Order any relief available under state law; and
- In limited emergency circumstances, issue an order for physical custody of the child when an abduction is imminent.

SB 383 incorporates key provisions of the Uniform Child Abduction Prevention Act (UCAPA). UCAPA is model abduction prevention legislation that was developed by the Uniform Law Commission (ULC), endorsed by the Family Law Section of the American Bar Association and has been adopted into the laws of 14 States and the District of Columbia.³

NCMEC is confident that with the leadership of this Committee, Maryland family courts will soon have statutory access to an abduction prevention framework that protects the best interests of children in Maryland and prevents family abductions.

For the reasons stated, NCMEC strongly supports SB 383 and requests a favorable report.

² The UCCJEA discourages family court forum-shopping and provides a method for recognizing and enforcing child custody orders from another state or country when a child is taken across jurisdictional boundaries.

³ Alabama, Colorado, The District of Columbia, Florida, Kansas, Louisiana, Michigan, Mississippi, Nebraska, Nevada, New Mexico, Pennsylvania, South Dakota, Tennessee and Utah.