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LAW FIRM

TELEPHONE: 240-396-4373  
WWW.MARKHAMLEGAL.COM

February 14, 2023

Honorable William C. Smith, Jr.  
Senate Committee on Judicial Proceedings

**Re: Statement for February 15, 2023 Hearing in Support of Senate Bill 0383, as amended.**

Dear Chair Smith:

I write to support the enactment of the Uniform Child Abduction Prevention Act (“UCAPA”) as set forth in Senate Bill 0383, as amended, and corresponding House Bill 267, as amended, in Maryland. I commend Senator McKay and Delegate Bartlett for putting forward legislation to capture international and domestic child abductions. The Uniform Act addresses important facets of assessing and preventing the risk of child abduction.

I am a family law attorney in Maryland and Washington, DC. I have been in private practice for 8 years. My focus is domestic and international family law litigation. I am barred in Maryland, the District of Columbia, Florida, and England & Wales (not practicing as a qualified solicitor). I have represented left-behind and taking parents in international child abduction cases in federal courts across the United States pursuant to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. I have represented parents in emergency *ne exeat* (“no exit”) proceedings to prevent domestic and international child abductions. I have engaged experts in abduction-risk cases. I have been court-appointed as a Best Interest Attorney for children.

I fully support the legislature considering UCAPA, which is a well-reasoned Uniform Act to address child abduction prevention. UCAPA was finalized by the Uniform Law Commission in 2006. Since its adoption, fifteen (15) states have adopted the Uniform Act in its entirety or with modest amendments. Importantly, two surrounding jurisdictions, the District of Columbia and Pennsylvania, have adopted UCAPA. Two additional states have introduced the legislation. It is my sincere hope that many other states will soon consider UCAPA in light of its immense benefit to the public and to the court and to provide consistency across the nation.

UCAPA, as stated in the Prefatory Note, is premised on the general principle that preventing an abduction is in a child’s best interests. It establishes a comprehensive framework to impose abduction prevention measures at any time either before or after a child custody determination. As drafted, UCAPA fulfills its intended purpose.

Over the past decades, child abduction prevention has been an important topic particularly with the increasingly transient nature of families. Many family law practitioners routinely advise their clients about the risk of child abduction and the preventive measures custodians can take. Separating families often memorialize preventative measures in their written settlement agreements. However, without intervention from the court, it is unlikely that preventive measures or written agreements alone will minimize or prevent the occurrence of child abductions.

UCAPA allows judges to be proactive rather than reactive. Courts have specially assigned dockets for emergency family matters. The risk of removal of a child from a court's jurisdiction is frequently identified as an emergency matter in internal operating procedures. However, without guidance on how and what to address for largely non-routine issues, court intervention leads to inconsistent and unpredictable results.

If UCAPA is adopted in Maryland, judges will be bound to apply the uniform law in this family law context and the parties will have predictability for the process. Parents can feel secure in knowing that Maryland is not a haven for potential abductors because there is no legislation addressing this important issue. Attorneys and litigants will have guidance on what the court will consider so that evidence can be streamlined and presented in a useful way. Judges will review objective facts and apply the risk factor guidance (based on years of research) set forth in UCAPA. Courts will retain discretion in what remedies to impose depending on the facts of the case.

Importantly, UCAPA addresses both domestic and international child abductions. UCAPA is fair in its approach to both foreign and non-foreign parties. Bringing awareness to the risk of child abduction and the available remedies is a huge first step. Oftentimes these issues are addressed too late and the opportunity to recover a child at risk of abduction is lost.

UCAPA legislation undoubtedly serves the public interest. The advantages and benefits are clear. The adoption of UCAPA will bring much desired clarity to the court process and to litigants who have genuine concerns about international and domestic child abduction. I respectfully urge this Committee to strongly consider supporting the enactment of UCAPA in Maryland.

Very truly yours,



Leah Ramirez