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Report to the Chairman, Committee on International Relations, House of Representatives

March 2000

FOREIGN AFFAIRS

Specific Action Plan Needed to Improve Response to Parental Child Abductions

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United States General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

B-284189

March 29, 2000

The Honorable Benjamin A. Gilman
Chairman, Committee on International Relations
House of Representatives

Dear Mr. Chairman:

The State Department estimates that about 1,000 children are abducted from the United States annually.[1] International parental child abduction occurs when a parent removes a child from the United States or retains a child outside the United States violating the parental rights, including visitation, of the left-behind parent. The United States, along with 53 other countries, is a party to the *1980 Hague Convention on the Civil Aspects of International Child Abduction,*[2] which establishes civil procedures that the State Department may use to locate, access, or return abducted children to resolve custody issues.[3] It is in force between the United States and 48 other countries. In addition, the Congress passed the International Parental Kidnapping Crime Act of 1993,[4] which allows the Justice Department to criminally prosecute abducting parents. The National Center for Missing and Exploited Children, a private nonprofit organization that receives federal government funding, works with the State and Justice Departments when seeking the return of children abducted from the United States.

[1]The actual number of cases may be greater because some parents never report the abductions to the State Department but instead pursue a remedy directly with foreign authorities.

[2]29 ILM 1501 (1980).

[3]The Hague Convention seeks to ensure that child custody disputes will be resolved in the country of the child's habitual residence.

[4]18 U.S.C. 1204.

Left-behind parents and others have raised a number of concerns about the adequacy of the federal government's response to international parental child abduction. Because of these concerns, you asked us to report on (1) problems identified with the federal government's response to international parental child abductions, (2) the Justice Department's use of the 1993 International Parental Kidnapping Crime Act to prosecute abducting parents, and (3) the actions federal agencies plan to take to address the problems. [5]

Scope and Methodology

Our review focused on problems with the federal government's response to international parental child abduction that were widely recognized and reported by the federal government and left-behind parents. To gather information for our analysis, we interviewed over 30 key officials and representatives from the State and Justice Departments, the National Center for Missing and Exploited Children, and the California State Attorney General's office.[6] We also discussed individual cases with five U.S. left-behind parents.

To report on problems with the federal response, we reviewed the State and Justice Departments' April 1999 *Report to the Attorney General on International Parental Kidnapping* and the State Department's *1999 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction.* These reports documented substantial problems with the federal response and identified key issues related to Hague Convention noncompliance, respectively. To confirm and expand our understanding of the information in these reports, we interviewed the officials responsible for preparing them. We also interviewed representatives from the National Center for Missing and Exploited Children, who commented on the State and Justice Departments' April 1999 report. In addition, we reviewed a draft American Bar Association's study, prepared in 1998, which outlined problems affecting left-behind parents' efforts to resolve their abduction cases. We also met with an

[5]In October 1999, the House International Relations Committee held hearings on parental kidnapping at which GAO, the State and Justice Departments, and left-behind parents testified. See our testimony *Foreign Affairs: Federal Response to International Parental Child Abductions* (GAO/T-NSIAD-00-44, Oct. 14, 1999) for more details.

[6]The State of California Supervising Deputy Attorney General and officials from three district attorneys' offices provided information on the California model for managing child abduction cases under both federal and state law.

author of the study, who discussed the contents of the report and attested to its findings.

To determine the extent to which the Justice Department has used the International Parental Kidnapping Crime Act of 1993 to pursue abducting parents, we reviewed data and information from the Justice Department's Office of International Affairs, the Executive Office for U.S. Attorneys, and the Federal Bureau of Investigation. To further understand how decisions to pursue criminal charges are made, we interviewed three assistant U.S. attorneys (in California, Maryland, and Virginia) who were identified by their executive office as representative sources of information about departmental prosecutions under the act.

To assess the actions federal agencies plan to take to address their problems, we reviewed the recommendations State and Justice proposed in the April 1999 *Report to the Attorney General on International Parental Kidnapping*. We also reviewed a list of actions State and Justice plan to take over the next 3 years to improve the federal response. To confirm our understanding of these actions, we interviewed the senior-level officials from State and Justice responsible for developing the list and setting implementation priorities.

We conducted our work from May 1999 through March 2000 in accordance with generally accepted government auditing standards.

Results in Brief

The State and Justice Departments, the National Center for Missing and Exploited Children, and left-behind parents have identified problems and issues with the federal government's response to international parental child abduction. These problems include the need for more systematic diplomatic efforts to work with foreign governments to resolve problems of noncompliance with the Hague Convention and the lack of services such as financial assistance and counseling to left-behind parents. They also cited weaknesses in State's system for tracking and managing child abduction cases. Together, these problems create obstacles to left-behind parents in their attempts to locate, gain access to, and secure the return of their children.

The Justice Department's use of the 1993 International Parental Kidnapping Crime Act has been limited. Since 1993, Justice has indicted 62 parents under the act and obtained 13 convictions. Left-behind parents believe Justice has not used this law sufficiently to prosecute parents who abduct

children from the United States. The Department believes that each abduction requires a review based on its merits to decide whether to prosecute an abducting parent, including whether such prosecution might compromise efforts to return a child under the Hague Convention. Both Justice and State note that criminal prosecution seeks to punish abducting parents but does not seek or ensure the return of the child.

The State and Justice Departments have recognized that they have problems and have planned actions they believe will correct most of them. For example, they plan to close gaps in federal services to left-behind parents, develop an integrated case-tracking system to manage international child abduction cases and undertake studies to improve compliance with the Hague Convention. Although some progress has been made in these areas, their plans lack the details necessary for effective implementation. For example, State and Justice have not developed a clear strategy or plan that defines measurable goals, objectives, and resources required to fully implement their planned actions.

To remedy the continuing problems we identified, we are recommending that the State and Justice Departments jointly develop a more detailed action plan for implementing their proposed actions. Such a plan would include measurable goals, detailed objectives, milestones for completion, and required resources. The plan should also include a mechanism for periodically assessing the effectiveness of the federal response to problems.

Background

When international parental child abduction occurs, left-behind parents can seek the help of the federal government in two ways: (1) through a civil process as part of an international effort to gain access to or the return of the abducted child and (2) through a criminal process to bring the abducting parent to justice. The State Department's Office of Children's Issues is responsible for helping left-behind parents locate and visit their abducted children and for reporting on their general welfare. The Department is also responsible for providing left-behind parents with a point of contact to provide information on the status of judicial and administrative proceedings in other countries and to make contacts on behalf of left-behind parents with local officials in foreign countries. Most cases are handled under civil procedures established by the *1980 Hague Convention on the Civil Aspects of International Child Abduction*, which covers 54 countries. See appendix I for a list of the participating countries.

The international environment in which the State and Justice Departments must operate is complex because their ability to be proactive can be at the discretion of the abductor's government. Even though these governments may be signatories to an international convention, some countries do not recognize parental abduction as a crime and are therefore slow to, or do not pursue, an abducted child or abducting parent. For countries that are not signatories to the Hague Convention, obtaining their cooperation can be even more difficult.

Under the Hague Convention, each participating country identifies a lead government agency (called a "central authority") to serve as a central point of contact. The State Department is the central authority for the United States. For abductions to countries that do not participate in the Hague Convention, State and left-behind parents must tailor their approach to each country. Table 1 contains data on the State Department's caseload. At our request, the State Department provided us caseload information for May 1997 through December 1999. The information reported includes cases opened prior to May 1997 (when State's current data system became operational).

Table 1: Cases of Parents' Abduction or Retention of Children From the United States (May 1997 through Dec. 1999)

Number of Cases	Cases processed under Hague Convention	Cases where Hague Convention does not apply	Total
Opened	1,388	959	**2,347**
Closed	893	306	**1,199**
Child returned	382	121	**503**
Left-behind parent granted access	44	6	**50**
Closed for other reasons	467[a]	179[a]	**646**
Pending	495	653	**1,148**

[a] Cases were closed for a variety of reasons, including withdrawal by left-behind parents, judicial refusal to hear cases, children's age over 16 for Hague cases and 18 for non-Hague cases and the inability to find the child.

Source: Department of State.

As noted in table 1, about 50 percent of the cases have been closed. Less than half of the closed cases resulted in the children being returned or the left-behind parent being granted access to the child. Thus, left-behind parents succeeded in visiting their children or in having them returned in only about 24 percent of all cases opened during the period of analysis.

At the federal level, the Justice Department, including the Federal Bureau of Investigation, is the agency responsible for pursuing federal criminal charges against abducting parents. Likewise, all 50 states, the District of Columbia, and the territories recognize the abduction of a child by a parent as a serious crime, subject to penalties exceeding 1 year in prison. Left-behind parents generally contact local law enforcement agencies as a first step when their children are abducted. They are instructed to file a missing person report with the local police department and to request that the abducted child's name and description be entered into the "missing person" section of the National Crime Information Center[7] computer. State and local prosecutors may be involved in the investigation and prosecution of international parental abduction cases. Table 2 provides an historical summary of cases brought under the act.

Table 2: Justice Department Actions Under the 1993 International Parental Kidnapping Crime Act (Fiscal years 1994-99)

	Fiscal year						
Action	**1994**	**1995**	**1996**	**1997**	**1998**	**1999[a]**	**Total**
Federal Bureau of Investigation cases opened[b]	20	42	68	65	98	38	**331**
U.S. Attorney cases opened against abducting parents[c]	15	27	50	49	57	31	**229**
Abducting parents indicted	5	7	11	12	16	11	**62**
Abducting parents convicted	0	1	5	2	4	1	**13**

[a] First two quarters of fiscal year 1999.

[b] Cases involving international parental child abductions brought under the 1993 act (18 U.S.C. 1204) exclusively. Data on the number of state cases is not available and not included in table 2.

[c] Cases opened following preliminary investigation by the Federal Bureau of Investigation.

Sources: Federal Bureau of Investigation and the Executive Office for U.S. Attorneys, U.S. Department of Justice, July 1999.

Over the past several years, many left-behind parents have criticized the federal government's performance in responding to international parental child abductions. They maintain that the federal government's response has been uncoordinated, insensitive, and ineffective. To address parents'

[7]The National Crime Information Center is a U.S. nationwide police information system managed by the Federal Bureau of Investigation. Data on missing children is located in the Missing Persons Field.

concerns and the difficulties of operating in a complex international environment, the Attorney General and the Secretary of State created the Policy Group on International Parental Kidnapping[8] in November 1998 to identify ways to improve the federal response to international parental child abduction.

Problems and Issues Related to the Federal Response to International Parental Child Abduction

During our review of information provided by the State and Justice Departments, the National Center for Missing and Exploited Children, and left-behind parents, we identified many problems and issues regarding the federal government's response to international parental child abduction. These problems and issues include

- the need for more systematic and aggressive diplomatic efforts to improve international responses to parental child abductions, particularly in countries that do not comply with their Hague Convention obligations;
- gaps in federal services to left-behind parents, which make it difficult for parents to recover their abducted children;
- limited experience of and training for judges and other court officials in child custody matters involving parents of different national citizenship;
- limited experience, of and training for, U.S. local and federal law enforcement personnel about when and how to use the Justice Department's National Crime Information Center (a database with information on crimes and individuals related to the crimes) to interrupt abductions in progress; and
- weaknesses in the State Department's case-tracking process, which impair case and program coordination.

In addition, left-behind parents have raised an issue about the limited use of the International Parental Kidnapping Crime Act of 1993 to pursue abducting parents and bring them to justice. Collectively, these problems and issues related to the federal response to international parental child

[8]The Policy Group on International Parental Kidnapping comprises high-level representatives of the State and Justice Departments and seeks to expedite reforms in the federal response. The interagency working group, formed by the policy group and chaired by the State Department's Office of Children's Issues carries out the tasks identified by the policy group. The Subcommittee on International Child Abduction is part of the Federal Agency Task Force on Missing and Exploited Children formed by the Attorney General in 1995 and is chaired by the Office of the Juvenile Justice and Delinquency Prevention.

abduction create obstacles to locating, accessing, and returning abducted children. They also affect the ability to prevent and interrupt abductions.

Need to Systematically Pursue Diplomatic Efforts to Improve International Responses to Parental Child Abductions

The State Department has recognized that more systematic and aggressive action is needed to press countries to adhere to the Hague Convention. The April 1999 report by State and Justice recognized the importance of using diplomatic efforts to effect the return of abducted children and noted that more initiatives are needed to be implemented in this area. Others have recognized the need for diplomatic efforts to address the unresponsiveness of signatories to the Hague Convention. For example, the American Bar Association concluded in a draft 1998 report that the lack of uniformity in the application of the Hague Convention across countries raises serious questions about the Convention's efficacy as a multilateral treaty. The State Department's May 1999 report to the Congress[9] on the issue of compliance with Hague Convention identified Austria, Honduras, Mauritius, Mexico, and Sweden as the most serious violators. According to that report, in some cases, these countries have disregarded their obligations to take appropriate measures to discover the whereabouts of abducted children.[10] In others, their judicial systems have interpreted the Convention in a manner that the State Department believes undermines the Convention's basic goal of ensuring the prompt return of children to their habitual residence. For example, article 13b allows a signatory to refuse to return a child if "his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable position." Some foreign courts have asserted that taking a child from an abducting parent implicates this provision. Especially if the trend of foreign countries not adhering to their Hague Convention commitments continues, expanded diplomatic efforts to resolve international parental abduction are necessary.

[9]*Report on Compliance With the Hague Convention on the Civil Aspects of International Child Abduction* (Washington, D.C.: Department of State, May 1999).

[10]The Hague Convention requires signatories to establish a "central authority" to (1) take appropriate measures to discover the abducted child's whereabouts; (2) prevent further harm to the child or prejudice to interested parties; (3) secure the voluntary return of the child or to bring about an amicable resolution of the issues, and if necessary, (4) initiate or facilitate the institution of judicial or administrative proceedings with a view toward obtaining the return of the child.

Left-behind parents have criticized State for not pursuing diplomatic initiatives more vigorously with these and other countries to improve their response to international parental abductions. The State Department's position is that the return of these children is a high priority but that the Department has to deal with foreign governments and judicial systems that make it difficult if not at times impossible to acquire the abducted children. Also, the draft American Bar Association report recommended that State be more willing to use diplomatic pressure to resolve abduction cases in non-Hague cases and in Hague cases in countries from which few children are returned. The State Department acknowledges that it needs to take a more proactive role in promoting greater compliance with the Hague Convention.

Federal Support to Left-Behind Parents Has Gaps

Left-behind parents have criticized the State Department for not providing a single, central point of contact for information and guidance on how to respond to abductions of their children. They also cited as problems limited U.S. government-provided financial assistance and counseling services and infrequent and inconsistent communication with State Department officials managing their cases. The State Department has recognized gaps in services to left-behind parents as a problem that needs to be addressed.

The lack of a single, central point of contact within the federal government makes it difficult for left-behind parents to obtain complete information on and to monitor the status of their cases. For example, although the State Department's Office of Children's Issues can apprise left-behind parents on the status of their civil cases, the office usually does not have information on the status of the criminal aspects of these cases where the Justice Department or state prosecutor is pursuing criminal penalties. Parents have to obtain this information from the Justice Department.

Currently, neither the State nor Justice Departments provide sufficient financial assistance to offset left-behind parents' costs, unlike some other Hague countries. Securing the return of abducted children can entail significant expenses. For example, left-behind parents usually need to travel abroad, retain a lawyer, and pay other fees. According to a draft 1998 American Bar Association study, left-behind parents spent, on average, $33,500 in the search and recovery of their children. One U.S. left-behind parent told us he spent over $200,000 pursuing his abducted child, while the abducting parent's costs were paid in full by her government.

Some countries—Germany and Austria, for example—require that Hague applications for accessing or returning abducted children be filed in their native language along with supporting documentation. In these cases, left-behind parents may be required to pay for translation services. These costs are beyond parents' means. Moreover, left-behind parents and siblings may need psychological counseling services, but the federal government has not traditionally provided financial assistance for counseling. Without financial and other assistance, U.S. left-behind parents often find themselves pursuing their children at a financial disadvantage, which can make a substantial difference in their success.

Limited staffing at State's Office of Children's Issues has adversely affected the staff's ability to keep parents informed about the status of their cases, according to office staff. During most of fiscal year 1999, each caseworker handled an average caseload of about 150 cases. Ideally, according to social work experts, a caseworker handles 35 cases. Although the Office of Children's Issues does not have a specific written requirement regarding the frequency of contact with left-behind parents, parents should be contacted once a month on Hague Convention cases and every 4 to 6 months on non-Hague cases, according to the Office's Deputy Director. Office staff said they were generally unable to make such frequent contacts, resulting in frustration among left-behind parents. The State Department has not maintained records of how often parents have been contacted.

Training of U.S. Judicial and Law Enforcement Officials

State and Justice identified some problems that affect the ability of U.S. courts and law enforcement officials to prevent and interrupt abductions. According to the State and Justice Departments' April 1999 report, attorneys, judges, and officials at all levels of government who deal with family law and custody matters have little or no experience or training regarding international custody issues. Consequently, according to a Justice Department official, they may not be aware of the potential flight risk and the means for preventing the abduction. For example, when a judge suspects that one parent may abduct the child, reference to the 1993 International Parental Kidnapping Crime Act can be included in the custody order to deter the abduction.

The April 1999 report also stated that both federal and local law enforcement officials lack training to know when and how to use the National Crime Information Center's computerized police information system to stop abductions in progress. The report indicated that

information about the abducted child might not be entered into the system to alert law enforcement in time to stop an abduction. It also indicated that information on the abducted child might be removed prematurely before the child is returned.[11]

The Case-tracking Process Has Weaknesses

Although several agencies may be involved in international parental child abduction cases, the federal government does not have a comprehensive information system to track agency activities or ensure that these agencies are taking all appropriate measures. The State Department and the National Center for Missing and Exploited Children have separate databases that track international parental abduction cases. A Justice Department database tracks criminal cases brought against child-abducting parents. These databases are not integrated and use different criteria to categorize cases, actions, and results. As a consequence, the incidence of abduction cases, agency actions on those cases, and their results cannot be quickly or easily determined across agencies.

The lack of an integrated, comprehensive database has also led to program management problems such as duplication of effort between agencies. For example, a caseworker in the State Department's Office of Children's Issues made inquiries to a foreign central authority on one case only to find that the Federal Bureau of Investigation had located the child and closed its case a month earlier. This caseworker also told us that his office and the Bureau often make duplicate inquiries to foreign central authorities on the same case. In addition, State's case-tracking process cannot provide information on all reasons why cases are closed, nor does a closed case mean that an abducted child was visited by the left-behind parent or returned. Consequently, the effectiveness of federal efforts is difficult to evaluate. According to the Policy Group on International Parental Kidnapping, the Office of Children's Issues lacks data to determine where best to allocate resources or identify the elements of successfully resolved cases.

[11]The Federal Bureau of Investigation is addressing the issue of retaining a child's name in the National Crime Information Center database when the child has been located but not yet returned. The Advisory Policy Board of the National Crime Information Center is considering the issue and is expected to make a final decision by the summer 2000.

Use of the International Parental Kidnapping Crime Act Has Been Limited

The International Parental Kidnapping Crime Act makes parental abduction a federal felony. Since 1993, the Justice Department has indicted 62 parents under the act.[12] As a result of these indictments, 13 parents have been convicted. Decisions to bring cases under the act rest with each of the 93 independent U.S. attorney's offices. The assistant U.S. attorneys with whom we spoke (in Maryland, Virginia, and California) cited a number of reasons to explain their limited use of the act. We also interviewed a California Supervising Deputy Attorney General and officials from three district attorney's offices. California has one of the highest international parental abduction rates in the country, and many have felt the state has a model program. Some prosecutors indicated that as a general policy they will not indict abducting parents until civil remedies are exhausted under the Hague Convention. They cited congressional intent that the procedures under the Hague Convention should be the option of first choice for a parent who seeks the return of a child.[13] Other prosecutors noted that prosecuting abducting parents can compromise efforts under the Hague civil process to return a child, since some Hague countries have asserted their unwillingness to continue pursuing civil remedies if criminal charges are pending against its citizens.[14]

[12]As of April 30, 1999.

[13]Public Law 103-173.

[14]According to a draft American Bar Association 1998 report, four central government authorities reported that some judges in their country will not order a child's return if criminal charges are outstanding against its citizen parent.

Assistant U.S. attorneys believe they can also provide significant federal assistance to left-behind parents by supporting state-level prosecutors in their pursuit of international parental abductors rather than by supporting cases under the act. State-level prosecutors who have already investigated and indicted a parental abductor under state law can request from an assistant U.S. attorney a federal arrest warrant when the abductor unlawfully crosses state or international borders to avoid prosecution under state law.[15] By obtaining a federal warrant, state-level prosecutors can bring federal resources to bear against the abducting parent. For example, the Federal Bureau of Investigation can help state-level law enforcement officers locate abductors, and federal prosecutors can request that the State Department deny or revoke an abductor's passport to prevent departure. Also, federal warrants can be used to invoke International Police (INTERPOL) notices to seek abductors wanted for extradition.[16]

Even with these mechanisms, however, Justice Department officials told us that many countries, including several Hague signatories, do not consider parental child abduction to be a criminal offense as the United States does and thus do not consider international parental abduction to be an extraditable offense. Moreover, even if a foreign country deems parental abduction a criminal offense, it often will not be willing to extradite its own nationals.

According to Justice Department officials, one purpose of the act is to seek to prosecute abducting parents, an action that does not guarantee the return of the child.[17] They argue that even if the abductor is extradited to the United States, the child might remain in the abductor's home country with the abductor's family or friends. The law does not require the return of the child. Consequently, they take a case-by-case approach to deciding whether to prosecute. In this regard, however, they were unable to provide us with information on how many abducted children have been returned because the Justice Department does not maintain such statistics.

[15]The 1980 Parental Kidnapping Prevention Act (P.L. 96-611) expressly declares that the Fugitive Felon Act (18 U.S.C. 1073) applies to state felony cases involving parental kidnapping.

[16]State arrest warrants can also invoke INTERPOL notices.

[17]In at least one case, a federal judge conditioned an abductor's sentence on the return of the child. The judge's sentence was upheld on appeal. See *U.S. v. Amer*, 110 F.3d 873 (2d Cir. 1997).

Left-behind parents believe Justice has not made sufficient use of the federal criminal law to prosecute parents who abduct children from the United States. They believe that wider application of the act would serve as an effective mechanism for deterring international parental child abductions.

Proposed Improvements to Federal Response Lack Measurable Goals, Objectives, and Resource Commitments

Based upon the April 1999 report to the Attorney General, State and Justice have identified several actions that they believe will improve the federal response to international parental child abduction. Our analysis shows that some of these actions have already been taken. However, most of the actions have not been implemented, and many are not clearly defined. In addition, State and Justice have no clear commitment to taking action as would be evidenced by an implementation strategy that outlines measurable goals, objectives, time frames, and the level of resources required to achieve the goals.

Proposed Actions to Address Identified Problems

To correct problems identified in the April 1999 report to the Attorney General, table 3 provides a summary of proposed actions State and Justice plan to take to improve the federal response to international parental child abduction over the next 3 years.

Table 3: Proposed Actions to Improve the Federal Response to International Parental Child Abduction

Problem	Proposed State and Justice Department actions
Noncompliance with Hague Convention, including • lack of systematic and aggressive diplomatic efforts to improve international access and • limited parental access to children abducted to other countries.	State is reviewing systemic Hague implementation problems and is encouraging appropriate countries to join the Convention. For fiscal years 2000-2003, State plans to: • develop policies and protocols to standardize diplomatic approaches by State's overseas consular officers who handle parental abduction cases; • consult with Canada, a country that shares concerns of the United States, on developing ways to improve Hague implementation in other countries; • undertake a legal study to identify ways to enforce civil court orders among Convention participants; • organize an international conference to improve implementation of the Convention; • seek mechanisms to provide greater parental access to abducted children at the next Convention implementation review conference; • share information with other countries to foster return of children; and • explore other initiatives to improve parental access.
Gaps in services to left-behind parents, including • limited financial assistance to help them locate, gain access to, and secure the return of their children and • infrequent contact with Office of Children's Issues caseworkers.	State, Justice, and the National Center for Missing and Exploited Children have updated their agreement to expand the Center's role. State is also increasing staff in the Office of Children's Issues to reduce caseload. Other ongoing State efforts include encouraging, promoting, or supporting • increased state-level victim assistance in abduction cases, • development of support services for parents, • expanded access to legal services for all left-behind parents, and • development of a mediation program to foster voluntary return of child.
Gaps in education and prevention initiatives, including • limited education, training, and other assistance for U.S. judicial officials; • weaknesses in passport issuance and revocation practices; and • limited use of the National Crime Information Center and International Police (INTERPOL) for prevention of abductions.	To increase domestic education and training efforts, State and Justice are cataloging information about custody disputes and Justice is coordinating the development and drafting training materials. The Justice Department's Office of Juvenile Justice and Delinquency Prevention, federal, state, and local law enforcement agencies, and the National Center for Missing and Exploited Children plan to complete developing guides for law enforcement officials and left-behind parents by spring and summer 2000, respectively. To strengthen mechanisms to prevent departure, State is considering targeted education efforts and an expansion of passport-related measures. During fiscal year 2000 and 2001, it plans to create procedures to notify foreign embassies of passport lookouts, pursue passport revocation for minors, and develop a media campaign to raise awareness about international parental child abduction. Justice is providing training to local law enforcement agencies to use the National Crime Information Center and INTERPOL.

Continued

Lack of an integrated database and lack of coordinated federal response, including • weaknesses within the existing State Department case-tracking process; • lack of comprehensive, integrated process for gathering and analyzing data on individual cases; • lack of a central point of contact to inform left-behind parents of all aspects of their cases; and • no framework for ensuring that all appropriate measures are taken by all appropriate agencies in any given case.	State has compiled requirements from Justice, the National Center for Missing and Exploited Children and other agencies to be compiled in a database system. State plans to test a pilot version of the system in May-June 2000 and implement the final system by July-August 2000. Fiscal year 2001 initiatives of other agencies include: • A Federal Bureau of Investigation proposal to retain information on abducted children in the National Crime Information Center database to facilitate foreign apprehension of the abductor and return of the child and • Justice encouragement of state and local clearinghouses for information on missing children located throughout the country to disseminate abduction information and use new case-tracking system. To strengthen coordination, State and Justice have established an interagency working group and a Policy Group on International Parental Kidnapping. The group will use information from the case-tracking system, once implemented, to decide how to allocate resources among competing program activities.
Use of federal criminal prosecutions under the 1993 International Parental Kidnapping Crime Act	No action planned because the Justice Department believes that current use of the act is appropriate.

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Source: GAO summary based on data provided by State and Justice Departments.

State and Justice Have Made Progress in Some Areas

The State and Justice Departments have made some progress in implementing diplomatic initiatives, improving services to left-behind parents, and designing an integrated case-tracking system. For example, the State Department has pursued some diplomatic initiatives with a few countries that have not fully complied with the Hague Convention. In this regard, the U.S. ambassadors have met with officials from Sweden and Austria to promote greater compliance with the Convention. In addition, the State Department prepared diplomatic protocols for consular officers to use in promoting a more systematic approach to resolving compliance problems.

State is improving caseworker services to left-behind parents through staff increases. The Office of Children's Issues staff has increased from 11 to 23 in the past 16 months to reduce the caseload burden from 150 cases per officer to about 80 per officer and increase caseworker contact with left-behind parents. In addition, State hired a case coordinator to improve the Office's coordination with the National Center for Missing and Exploited. State and Justice have signed a cooperative agreement with the National Center for Missing and Exploited Children, although the center's role has yet to be completely determined. This cooperative agreement seeks to enhance the center's role in assisting U.S. left-behind parents, including the center serving as a central point of contact and identifying

foreign-based attorneys who can assist the parents. The National Center is working on the issue of identifying services for left-behind parents, including counseling services.

The Justice Department, through its Office of Victims of Crime in conjunction with the Office of Juvenile Justice and Delinquency Prevention, has established a program to make funds available to parents who qualify in covering the costs of transporting children home once located. In addition, the Office of Juvenile Justice and Delinquency Prevention funds "TEAM HOPE," which is a support and mentoring program for parents who are the victims of child abduction. Through this initiative, trained parent volunteers are teamed with newly victimized parents and families to offer support, advice, and suggestions on how to cope with the situation and where to turn for help. Justice has also begun to develop guides for law enforcement officials and parents.

Both the State and Justice Departments have acknowledged the need for an integrated child abduction case-tracking system to improve interagency coordination. State's Office of Children's Issues has taken the lead to develop this system. A needs assessment and initial design have been completed. Testing of a pilot version of the system is planned for July-August 2000.

Proposed Initiatives to Address Problems Lack Clear Implementation Plan

Although State and Justice have made some progress, most actions they have identified as necessary to improve the federal response have not been implemented, and many of these steps are not clearly defined. Moreover, these agencies lack a clear plan for implementing their proposed initiatives. According to best practices for achieving greater efficiency, effectiveness, and accountability in federal spending, such as those mandated for federal agencies by the Government Performance and Results Act of 1993,[18] plans should be developed that describe how goals and objectives are to be achieved. They should also identify key external factors beyond the agency's control that could affect achievement of the goals and objectives, describe how the program will be evaluated, and establish a schedule for future program evaluations. State and Justice have identified a number of initiatives to address problems, but they have not developed a plan for their implementation.

[18]Public Law 103-62 (1993).

Many initiatives proposed by State and Justice involve further study of issues, with no specific actions identified to correct recognized problems. For example, as part of State's diplomatic initiatives, State proposes to study the enforcement of civil orders and explore initiatives to provide left-behind parents with greater access to abducted children while civil or legal actions are being pursued. However, the Department has not made a commitment to address the problem. In addition, State has not indicated what specific actions it plans to take with countries that do not comply with the Hague Convention. The lack of specificity in this area will make it difficult to judge any real progress in improving implementation of Hague agreements.

State and Justice indicated that most proposed actions to improve interagency coordination, diplomatic efforts, and mechanisms to prevent abductions will not be completed until the end of fiscal year 2000. However, some steps, such as systematically sharing information with other Hague Convention countries to foster the return of abducted children, will not be completed until the end of fiscal year 2001 or 2002.

Finally, State and Justice officials have indicated that several of the proposed actions are subject to the availability of resources. State and Justice officials stated that they have assessed the resources needed to carry out proposed changes and that funding these initiatives is a high priority. However, State and Justice do not indicate how much the initiatives will cost and whether funds have been budgeted.

Conclusions

According to the State Department, they have successfully secured the return of or parents' access to about 24 percent of the children abducted and wrongfully detained from the United States since May 1997. Many children remain abroad, and their left-behind parents seek the assistance of the State and Justice Departments to locate, gain access to, and return these children. Without a more aggressive and systematic diplomatic approach to countries where Hague Convention implementation regarding U.S. children is a problem, the return of these children may not be realized. Both Departments acknowledge that weaknesses in the federal response create obstacles for U.S. left-behind parents seeking to have their children returned. Even though these problems are long-standing, the State and Justice Departments have only recently taken steps to correct them and identified additional actions that need to be taken. However, we question whether these actions will be implemented because the State and Justice Departments have no comprehensive plan for moving forward on their

actions. The development of such a plan would help ensure effective implementation of their proposed actions.

Recommendation

We recommend that the Secretary of State and the Attorney General develop an implementation plan, with measurable goals, objectives, time frames, and resources, needed to address problems with the federal response to international parental child abduction. In developing this plan, the State and Justice Departments should include provisions for monitoring the effectiveness of the initiatives as they are implemented.

Agency Comments and Our Evaluation

The Departments of State and Justice provided written comments on a draft of this report. These are reprinted in appendixes II and III. State and Justice also provided technical comments, which we incorporated as appropriate.

State commented that it is committed to making improvements in its response to international parental child abduction and that this issue would be a top priority in allocating Department resources. Justice stated that the draft report should more fully address the actions that have been taken by the State and Justice Departments to improve responses for left-behind parents. Both State and Justice provided several examples of improvements that are underway or planned such as increasing staffing, developing a case-tracking system, improving counseling services and other assistance to left-behind parents, and working more closely with state governments. State disagreed with our conclusion that State and Justice lack a sufficient plan with measurable goals, objectives, and time frames to improve the federal response to international child abduction. They believe that they have such a plan.

We revised our report to include additional information on State and Justice actions to improve federal responsiveness. However, we disagree that State and Justice have a sufficient plan to improve the federal response to international parental child abduction. The plan referred to by State consists primarily of a four-page table listing a brief set of tasks to be performed and a projected deadline for completing each task. While the document identifies tasks related to the recommendations in State and Justice's April 1999 report, it does not contain measurable goals and objectives, and many of the projected deadlines depend on resource commitments that are not discussed in the plan. In addition, as our report

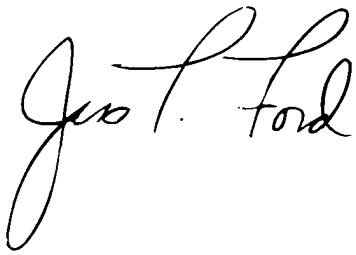
notes, many of the tasks, such as diplomatic initiatives that require further study, are general in nature and lack details on how they will be implemented. The plan does not identify key external factors that could affect the achievement of objectives. It also does not describe how or when progress will be evaluated. Therefore, we continue to believe that State and Justice should develop a more detailed plan.

Justice also noted that the draft report did not provide sufficient discussion of the complexities of securing the return of abducted children. Moreover, State noted that gaps in federal government services are not the key obstacles in obtaining the return of such children. In response to these comments, we added information to our report on the international environment related to international parental child abduction and the complexities of federal efforts to secure children's return.

We are sending copies of this report to interested congressional committees. We are also sending copies to the Honorable Madeleine Albright, Secretary of State and the Honorable Janet Reno, Attorney General. We will also make copies available to others upon request.

Please contact me at (202) 512-4128 if you or your staff have any questions about this report. Other GAO contact and staff acknowledgments are listed in appendix IV.

Sincerely yours,



Jess T. Ford
Associate Director
International Relations and Trade Issues

Party Countries With the United States to the Hague Convention

Argentina
Australia
Austria
Bahamas
Belgium
Belize
Bosnia-Herzegovina
Burkina Faso
Canada
Chile
China (Hong Kong)
Colombia
Croatia
Czech Republic
Cyprus
Denmark
Ecuador
Finland
France
Germany
Greece
Honduras
Hungary
Iceland
Ireland
Israel
Italy
Luxembourg
Macedonia
Mauritius
Mexico
Monaco
Netherlands
New Zealand
Norway
Panama
Poland
Portugal
Macau
Romania
Slovenia
South Africa

Spain
St. Kitts and Nevis
Sweden
Switzerland
United Kingdom
- Bermuda
- Cayman Islands
- Falkland Islands
- Isle of Man
- Montserrat

Venezuela
Zimbabwe

Comments From the Department of State

Note: GAO comments supplementing those in the report text appear at the end of this appendix.

United States Department of State

Chief Financial Officer

Washington, D.C. 20520-7427

February 29, 2000

Dear Mr. Hinton:

We appreciate the opportunity to review your draft report "FOREIGN AFFAIRS: Specific Action Plan Needed to Improve Response to Parental Child Abductions,"GAO/NSIAD-00-10, GAO Job Code 711423.

The Department of State's comments are enclosed for incorporation in the final report. We directly provided technical changes to your staff.

If you have any questions concerning this response, please contact Ms. Mary Marshall, Office of Children's Issues, Citizens Services, Bureau of Consular Affairs, at (202) 647-2598.

Sincerely,

Bert T. Edwards

Enclosure:

As stated.

cc:
GAO/NSIAD – Mr.Kachura
State/CA/OCS/CI – Ms. Marshall

Mr. Henry L. Hinton, Jr.,
Assistant Comptroller General,
National Security and International Affairs,
U.S. General Accounting Office.

Department of State Comments on
Draft Report to the Chairman, Committee on International Relations,
House of Representatives
Specific Action Plan
Needed to Improve Response to Parental
Child Abductions
GAO/NSIAD-00-10

Job code #711423

See comment 1. Also pp. 6, 21.

The Department of State appreciates that the report of the General Accounting Office has identified similar issues highlighted in the April 1998 report of the Attorney General to Congress on the federal government response to international parental child abduction. The Departments of State is committed to continuing to improve the federal response to international parental child abduction. State, together with Justice, has developed, and provided the GAO with a joint "International Parental Kidnapping Action Plan," including measurable goals, objectives and time frames for federal government action. Therefore, we believe it is incorrect to conclude that we lack a sufficient plan to improve the federal government response to international parental child abduction.

See comment 1. Also p. 20.

This action plan was created by the State/Justice Policy group as a road map to implement the Attorney General's report to Congress and includes eight broad policy items to be addressed and 44 specific tasks to implement these items. While the Department believes that it can do more, it does not agree "that weakness in the federal government response make(s) it difficult for left-behind parents to have their children returned." State's improved efforts will address the issues of organization, statistics, information, efficiencies and services to parents and children. The improved federal government response will make the process more helpful to parents and children and may mitigate problems associated with these cases, but the current gaps in federal government services are not the key factor in non-return of children abducted internationally by their parents.

See comment 2.

See comment 1.

While the action plan provided to the GAO did not contain specific dollar figures, the Department of State is committed to pursuing its full implementation. The policy group created an interagency working group, chaired by the Office of Children's Issues (CI) in the Bureau of Consular Affairs at the Department of State, to implement this plan. The issue of international parental child abduction is of the highest importance to the Department of State and improving our response to this issue is a top priority when allocating our resources.

See comment 3. Also p. 18.

We have already taken a number of specific steps to implement this action plan. The Office of Children's Issues staff has grown from 11 to 23 in just the past 16 months. This increased staff has allowed CI to decrease the number of cases that each officer handles from an average of 150 per officer a year ago, to approximately 80 per officer today. The child custody lookout function, and two additional staff members, will be transferred from the Passport Office to when CI moves into its new office space in April. After the move, CI will institute a new procedure of notifying a foreign government embassy at the request of a custodial parent when a child's name is entered into the passport lookout system.

See comment 3.

In addition, CI has added a new Presidential Management Intern to coordinate improved outreach, education and customer services initiatives. A correspondence specialist position has been created to remove the burden of routine correspondence from the country officers. As a result, the officers will have more time to communicate with parents and work on their cases.

See comment 4.
Also see pp. 18, 19.

The Department of State is taking concrete and specific action to develop a computerized case management tracking system that will collect data more accurately and provide improved case management capabilities. This case management tracking system was designated top priority by the Bureau of Consular Affairs. We have seen an initial prototype of the system and will begin testing a pilot version in May-June 2000. We expect the system to be ready in July-August 2000. The system will also allow interagency data sharing; this component will follow the final installation of the internal Department of State system by several months.

See comment 4.

The new interagency database will aid increased coordination among the various agencies, including the Justice Department, involved in these cases. Coordination should not only reduce duplication of effort and improve efficiency on individual cases, but also provide us with the comprehensive statistical reporting necessary to target specific problems with implementation of the Hague Abduction Convention.

See comment 5.

It is important to note the GAO report is focused on the U.S. federal government response to international parental child abduction and as such does not fully address the relationship between federal and state authorities on this issue. While the GAO spoke with State of California authorities, the report does not provide a discussion of the benefits if other states followed the California model for responding to these cases. Furthermore, many of the issues of services and costs associated with these cases (attorney fees, travel, etc.) also arise in domestic parental abduction cases. In an example given in the report, it was not clear that the payment of legal fees of an abducting parent by the foreign government was a service available to every national of that country.

See comment 6.

Parents have consistently complained that their legal fees are not paid either by the federal or state governments. The GAO report does not address the issue of whether

- 3 -

these parents should be provided such monetary support or services in all parental child abduction cases, domestic or international, and, if so, at the federal or state level.

See comment 7.
Also pp. 4, 10, 11.

The GAO report also refers to an American Bar Association's Center on Children and the Law report entitled "Issues in Resolving Cases of International Child Abduction." This report is only a draft, which has never been finalized or published. Therefore, the Department believes that it is both inappropriate for the report to be cited by the GAO and for the Department to comment on any of the draft report's findings until the report is finalized.

The following are GAO's comments on the Department of State's letter dated February 29, 2000.

GAO Comments

1. We believe transparency and accountability should be essential elements of the State Department's strategy for improving its responsiveness to international parental child abduction. While the joint plan is progress toward this end, we disagree that the plan provides a sufficient basis for substantial improvements. This four-page plan outlines general tasks State and Justice plan to complete within broadly projected time frames. It does not, however, include measurable goals, clear objectives, specific time frames, and resource commitments. Our report identified several other omissions, including the plan's failure to identify key external factors beyond State's control that could affect the achievement of its goals and objectives. It also fails to describe how the program will be evaluated and to establish a schedule for future program evaluations. Because the current plan lacks these elements, we recommend in our report that State and Justice prepare an implementation plan that includes among other things provisions for monitoring the effectiveness of their initiatives as they are implemented.

2. We have revised our report and replaced "makes(s) it difficult" with "creates obstacles," which is consistent with the results of our review.

3. In several places, our report recognizes State's efforts to improve its management of international parental child abduction cases. It should be noted, however, that the Congress directed the Office of Children's Issues in the fiscal year 2000 to reduce its child abduction caseload to 75 cases per caseworker.

4. We recognize the impact the new computerized case management tracking system is expected to have on data management and interagency coordination. We have revised our report to include the May-June 2000 testing of the pilot version of the system and the July-August 2000 system readiness.

5. Based on recommendations from State, Justice, and the National Center for Missing and Exploited Children, we met with State of California authorities to obtain their perspectives about improving governmental responsiveness to international parental child abduction. Because the scope of our request was confined to problems with

federal, rather than state, responsiveness, we did not review each of the 50 states' programs. As a result, we cannot conclude whether other states should adopt the California model or whether they would benefit from a process unique to the State of California.

6. The example in our report was an illustration of the cost left-behind parents could incur. While we do not know whether all abducting parents obtain financial support to cover their legal and other fees, some evidence exists that many do. For example, the American Bar Association has concluded that many countries pay for the support of an abducting parent's efforts to retain custody. Whether to provide funding to left-behind parents and under what circumstances is a policy decision which the State Department, not GAO, should make.

7. We acknowledge that the American Bar Association report is in draft. However, we discussed the content of the report with its author and a Justice Department official who sponsored the study. They agreed with how we cite information from their study in our report.

Comments From the Department of Justice

Note: GAO comments supplementing those in the report text appear at the end of this appendix.

U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

February 25, 2000

Mr. Benjamin F. Nelson
Director
International Relations and Trade Issues
National Security and International Affairs Division
U.S. General Accounting Office
441 G Street, NW
Washington, D.C.

Dear Mr. Nelson:

See comment 1 and p. 9.

On February 11, 2000, you provided the Department of Justice (DOJ) copies of a General Accounting Office (GAO) draft report entitled "FOREIGN AFFAIRS: Specific Action Plan Needed to Improve Response to Parental Child Abductions." The draft was reviewed by representatives of the Executive Office for United States Attorneys (EOUSA), the Criminal Division, the Federal Bureau of Investigation (FBI), the Office of Justice Programs (OJP), the Civil Division, and the United States National Central Bureau (USNCB), International Police Organization (INTERPOL). The DOJ notes that the lack of adequate discussion related to the complexities of addressing this problem have led to a portrayal of its and the Department of State's efforts that it believes is less than balanced. We would suggest that the GAO more fully address 1) the limitations on the ability of the DOJ to operate overseas most effectively, 2) the efforts the DOJ has made to enhance its support to left-behind parents, and 3) the actions that have been taken by the Departments of State and Justice to improve responses for left-behind parents.

See comment 2.

Within the framework of the system that exists internationally, the Department believes it is most important to secure the return of the abducted child. Many of its activities, which are dictated by the international environment, are geared toward that end. As currently written, we do not believe that the report adequately portrays this coaction. The report does not fully discuss the fact that the ability for FBI Legal Attaches (Legat) and U.S. Department of State Consular Officials to be proactive is at the discretion of the Host Nation's Government. For example, since Egypt and most Middle East countries are not signatories to the Hague Convention on child abduction, the left behind parent must rely on the sovereign court system and informal arrangements which can be worked out for the recovery of the child. Consular officials can only conduct welfare and whereabouts checks and the Legat can make repeated requests to the local National Central Bureau of INTERPOL to facilitate arrest(s), arrange visitation, and provide a list of indigenous attorneys who are skilled in child welfare matters. Even in countries that are signatories to the Hague Convention, the Department of Justice must take a case-by-case review on the merits of each matter to decide whether to prosecute an abducting parent,

See comment 1.

See comment 1 and p. 16.

including whether such prosecution might compromise efforts to return a child under the Hague Convention. This decision also considers that state prosecutions will continue to be more numerous than Federal ones, these prosecutions provide an adequate basis for an extradition request, and criminal prosecution seeks to punish abducting parents and does not seek or ensure the return of the child.

See comment 3.

The GAO notes that left-behind parents have criticized the federal government for 1) not having a single, central point of contact for information and guidance on responding to abduction cases, 2) insufficient counseling services, and 3) limited financial assistance. The issue of a single point of contact has been addressed by the Departments of State and Justice through the development of a single database to contain all relevant case information. With regard to counseling services, pursuant to the revised agreement between State and the National Center for Missing and Exploited Children (NCMEC) whereby NCMEC handles incoming Hague petitions on behalf of State, NCMEC is working on the issue of identifying services for parents. Further, a program has been established by the Office of Victims of Crime in conjunction with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to make funds available to assist parents who qualify in covering the costs of transporting children home once located. The identification and qualification of families is handled by NCMEC and the Office of Children's Issues.

See comment 3.

The GAO also notes on several occasions that the DOJ has not allocated funds to support the resources necessary to implementing changes and enhancements proposed for international parental abduction cases. However, the DOJ through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), OJP, has made a commitment to move forward to improve the Federal response to international parental abduction cases. In December 1999, OJJDP met with Federal, State, and local law enforcement agencies and the NCMEC to begin the process of developing a guide for law enforcement officials. The initial draft of this document has already been developed and the guide's authors and contributors are reviewing its contents. A final draft of the guide is anticipated in spring of FY 2000. At that same time, the OJJDP also met with left-behind parents of international abduction cases to plan, discuss, and begin the development of a similar guide for parents. These parents are now in the process of writing various sections of the guide. A final version of this guide is anticipated in summer of FY 2000.

See comment 3 and p. 19.

In addition, the OJJDP has examined and revised current training programs to expand and enhance modules that focus on child abductions. These enhancements have been implemented. For example, TEAM HOPE is a support and mentoring program for parents who are the victims of child abduction. Through this initiative trained parent volunteers are teamed with newly victimized parents and families to offer support, advice, encouragement, and suggestions on how to cope with the situation and where to turn for help. TEAM HOPE serves all parents of missing children, including those involved in international abductions. A formal volunteer training program was held at the end of 1999 to increase the number of volunteers, particularly those involved in international parental abductions.

Mr. Benjamin F. Nelson 3

I hope the comments will be beneficial in completing the final report. The Department has forwarded technical comments and corrections under separate cover and expect they will be incorporated as appropriate. If you have any questions concerning the Department's comments, you may contact Vickie L. Sloan, Director, Audit Liaison Office on (202) 514-0469.

Sincerely,

Alan Gershel

Alan Gershel
Deputy Assistant Attorney General

The following are GAO's comments on the Department of Justice's letter dated February 25, 2000.

GAO Comments

1. We have revised our report to reflect the complexities of responding to international parental child abduction cases.

2. In several places, our report recognizes Justice's efforts to enhance its support to left-behind parents.

3. We have revised our report to reflect this information.

GAO Contact and Staff Acknowledgments

GAO Contact

Boris L. Kachura, (202) 512-3161

Acknowledgments

In addition to the contact named above, Michael C. Zola, La Verne G. Tharpes, Mark B. Dowling, and Rona H. Mendelsohn made key contributions to this report.