

HOW TWO GOVERNMENTS FAILED ME AND MY AMERICAN CHILDREN

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Over 9 years ago, my children's mother kidnapped our two sons to Israel. I haven't seen them in 6 years. \$150,000 and several attorneys later, I'm no closer to seeing my two boys, now 9 and 13 years old, than I was nine years ago. Here's the story of how the U.S. State Department and the government of Israel have failed my American children.

In 1998, while working as an expatriate in Israel, I met and married Ranya. We lived in Israel for 2 years and in January, 2000 were transferred back to the U.S. after our first son, Dean, was born. Two years later, Ranya became pregnant with our second son, Adi. She told me that she wanted to be close to her family during her pregnancy. In February, 2003, when she was four months pregnant, she left for Israeli. We agreed that she would return soon after Adi was born. This was planned to occur in September, 2003.

Ranya never returned with our boys.

For about the next year, I made multiple trips to Israel to see my sons and discuss with Ranya their return to Oregon. However, she kept putting me off. At one point, I purchased round trip airline tickets for them to visit me for 2 months but she cancelled the trip at the last minute. At the beginning of 2005, I realized that she wasn't returning and confronted her head on about her plans.

Ranya told me she was not coming back and the boys would not be leaving Israel.

Realizing the magnitude of the situation, I consulted two lawyers in New York and Oregon who specialized in international affairs. The advice from both was to file for divorce in Israel and get joint custody. I took their advice, hired yet another attorney and filed for divorce in Israel.

FIGHTING FOR DIVORCE IN ISRAEL

In May of 2006, I flew to Israel for the first divorce hearing in the Sharia court while the custody hearing took place in an Israeli Family Court. Because Israel is a religious country, I needed to litigate in both a religious court (Sharia) as well as a civil court (Family Court). I won in the Israeli Family Court by getting joint custody for my children in Israel and the United States. The Sharia court, however, scheduled another hearing for July, 2006. I went back home to work for two months and returned for the Sharia court hearing on the divorce. When I returned to Israel, my ex-wife's attorney ambushed me. She handed me three envelopes. The first was

notice that they were taking me back to court to reverse the custody decision in the Family Court. The second envelope was a lawsuit for spousal support of \$12,000 per month. The last envelope was a notice of “No Exit” on my passport. Ranya’s attorney looked at me with a smile and said I would not be able to leave the country unless I paid her client \$300,000 cash and agreed to support payments of \$6,000 per month.

Two hearings, on the issue of the “No Exit” Order, within a five-week span did not deliver a decision and the hotel and rental car bills were mounting.

I had no more money and needed to get back to the U.S.

When I went for help at the U.S. Embassy, they told me it was a local issue and couldn’t help me. The Israeli Family Court said I had to provide a guarantee of continued spousal support in order to let me leave the country. Even though I had been paying faithfully all of this time, they still wanted a \$96,000 cash guarantee. I didn’t have it. I even offered my vacation home in Israel as collateral but that wasn’t good enough. I was trapped.

The Israeli government wouldn’t help me and my own government had turned its back on me.

On August 11, 2006, I was able to sneak out of the country with an expired passport I happened to have with me. While this bold move got me out of the country, it still causes me issues as I will never be able to leave Israel again if I return. I did find out later that Israeli law does not allow for “No Exit” Orders to be issued against a foreigner for purposes of securing alimony or child support. But that is exactly why I was being held in Israel and the U.S. Embassy wouldn’t do anything to help me.

APPLICATION UNDER THE HAGUE CONVENTION

In May, 2007, I contacted the U.S. State Department Office of Children’s Issues (OCI) to find out what my rights were. On their recommendation, I promptly filed a petition for access under the Hague Convention on the Civil Aspects of International Child Abduction. My caseworker also volunteered to arrange for the U.S. Embassy to perform a Welfare and Whereabouts Check on my sons as I had been cut off from any contact for the last 6 months, gifts I had sent were being returned to me and I didn’t know if they were OK.

From June, 2007 until late September, 2007, the Office of Children’s Issues did not return my calls or my emails. It took my attorney in Oregon to get the caseworker to return my call. When she finally did, she apologized and then asked me to fill out more paperwork, which I did. I didn’t hear from the Office of Children’s Issues until four months later in January, 2008 when they told me that my petition had been lost and I would have to start the process over again.

From March, 2008 through May, 2008, the U.S. Embassy, at the request of the OCI tried contacting my sons by phone. They were finally able to talk to my oldest son, Dean, and his grandmother, but were not given permission to visit the home to assess the welfare of my children. The report from the U.S. Embassy indicated that Dean seemed OK, but they were not 100% sure that my sons were even living with their mother.

One month later (June, 2008), I received word from OCI that the U.S. Embassy was going to perform an unannounced Welfare and Whereabouts Check within a week. Two days later, I was awoken by a phone call at

2 o'clock in the morning. The call was from the Office of Children's Issues telling me there was a serious problem and they needed my help to get two U.S. Embassy employees out of jail. I was told to fax a letter stating that I had authorized the school visit along with a signed copy of the Israeli custody agreement to the police station and the U.S. Embassy. I was confused and full of questions.

- Why would they need a letter from me now?
- Why didn't they already have the custody agreement that I was required to submit with my Hague Application?

I reluctantly did as I was asked, but it became very clear to me that someone made a BIG mistake sending these embassy employees to the school without any documentation.

The next day I received a 4-word email from the U.S. Embassy. It stated simply, "**all charges were dropped!**" But that is all any official will fess up to. Neither the OCI nor the U.S. Embassy will tell me what actually happened at the school (though I now have some additional information from a different source). I am not able to talk about the details of the school incident on the advice of my attorney. The OCI actually called to tell me that what happened was not pertinent to my case and my requests to find out what did happen would not be answered by any government agency. The OCI then sent me an email informing me that because their relationship with Ranya was strained, they could no longer help me gain access to my children and advised me to hire an Israeli attorney.

One week later, I received the final report from OCI with their version of the events. Here is a summary of what the official U.S. State Department report says happened during that visit:

Three embassy employees arrived at the school at approximately 10:30 a.m. The Embassy driver waited with the vehicle while the two Embassy employees entered the school grounds. Once inside they stood in the foyer. A group of students walked toward them. One Embassy employee asked the fair-skinned boy with blond hair wearing a baseball hat in Hebrew, "Are you Dean?" The child said he was Dean. The Embassy employee told Dean her name and said she was from the U.S. Embassy. Dean immediately started to cry.

A secretary came out of the school office and asked who they were. The secretary identified herself and suggested the four of them (Dean, the secretary and the two embassy employees) go into the office and call Dean's mother to request permission for us to speak to Dean. The Embassy employees did not see Dean again. After his mother arrived, they were not allowed to speak to, see or photograph Dean.

Due to the current climate between you and your ex-wife, and between Mrs. Myers and the Embassy, The Office of Children's Issues does not foresee requesting the Embassy to make another attempt at visiting Dean or his brother in the near future without either a police escort, a court order or both.

Imagine, through their own incompetence, OCI had complicated my case!

One week after the incident, I received notice from an Israeli Court of a Restraining Order against me, who was not even there, and the U.S. Embassy. Not only will OCI no longer work on my behalf for access to my children, they are covering up whatever happened in Israel at my son's school! At that point, my only option was to hire a high profile attorney, Patricia Apy, who specialized in both Sharia Law and International Family Law.

What she discovered is both stunning and disturbing. The U.S. Embassy made three major mistakes:

1. **THEY DID NOT NOTIFY THE ISRAELI CENTRAL AUTHORITY, AS REQUIRED BY THE HAGUE CONVENTION, THAT THEY WERE PERFORMING A WELFARE CHECK;**
2. **THEY DID NOT NOTIFY THE LOCAL POLICE, AS REQUIRED BY THE HAGUE CONVENTION, THAT THEY WERE PERFORMING A WELFARE CHECK;**
3. **MY 7-YEAR OLD SON BEGAN TO CRY BECAUSE HE WAS TRAUMATIZED WHEN A 3RD PARTY SECURITY GUARD (NOT THE U.S. EMBASSY EMPLOYEE) APPROACHED HIM.**

None of this is was reflected in OCI's final reports to myself, Senator McCain (AZ), Senator Kyle (AZ), Congressman Flake (AZ) or Congressman Mitchell (AZ).

What could have possibly gone so wrong where our closest friend and ally had U.S. Embassy employees arrested? Was Israel simply thumbing their nose at the U.S. and not abiding by the Convention or was it total incompetence by the U.S. Embassy and the OCI? I am sure there is more to this story and I intend to find out.

RANYA ATTEMPTS TO TRICK THE JUDGE IN OREGON

This part of the story has to do with the divorce and alimony maneuvers which are the real reasons my ex-wife won't let me see our children.

After getting out of Israel in August, 2006, with the expired passport, I hired an attorney and filed for divorce in Oregon since clearly the Israeli divorce wasn't working out so well. Ranya hired an attorney as well and in May, 2007 the Oregon divorce was final. We split assets – including my retirement.

Amazingly, Ranya then went back to the Sharia Court in Israel to get a dowry of \$300,000. When this was denied, she decided to use a January, 2007 Israeli Family Court ruling from a support hearing held 6 months

after I left Israel and did not participate in, upheld in Oregon. That ruling says that she is to get 70 percent of my gross salary. It should be noted that in Israel, Ranya has to choose either Sharia Law or Israeli Civil Law, when it comes to the subject of Spousal and Child Support, not both as she was attempting to do here.

After three hearings, the Oregon judge voted in my favor and vacated the order in April, 2008. The judge went even further and ruled that the Israeli courts had failed to provide me due process. This is my favorite part of the judgment:

“In the proceedings in Israel, the Petitioner [Me] was restrained from exiting Israel unless he paid a security deposit of \$96,000 or provided a guarantee for payment deemed acceptable to the court. This order placed the Petitioner in a patently unfair position of having to stay in Israel throughout the proceedings (and perhaps beyond), which would cost him his job located in the United States, then paying out a large sum of money prior to a final hearing regarding support, or the loss of his ability to control the proceedings if he left in violation of the order. Such an order is a violation of public policy, and if ordered by an American court, likely a violation of his constitutional rights.”

ARIZONA GETS IN THE ACT

I'm now a resident of Arizona. In March, 2012, I received a letter from the Arizona Department of Economic Security indicating their intention to pursue enforcement of the 2007 Israeli support order that stated I was to pay almost \$7,000 per month – the same order that the Oregon judge dismissed in April, 2008! Although I provided the Assistant Attorney General in Arizona with a copy of the Oregon ruling, she clearly did not take the time to read it as I now have to hire another attorney to fight the same battle I already fought and won in Oregon.

Now some may think that I am simply a “Deadbeat Dad” trying to avoid my obligations to my children. However, I would like to interject here that since 2003, when Ranya left with my sons for Israel, I have been giving her \$2,500 dollars per month.

FINAL THOUGHTS

The financial costs to fight a legal case such as mine are more than most people can handle. I am fortunate to have been able to keep up with the legal bills until now. The real cost however, is the emotional damage done to my two boys as a result of being alienated from their father.

It is impossible for me to understand the complete lack of empathy and accountability of the people who work in government agencies specifically created to help American children and Left-Behind Parents, such as myself. Additionally, the Hague Convention is a treaty that is signed by many countries, such as Israel and the United States, yet there are still thousands of children who do not have access to their parents. Quite obviously, the State Department has been inept at holding countries like Israel accountable.

In my case, there are several instances of mistakes, ineptitude and a lack of accountability by both the Israeli and United States governments:

- Israel, our strongest ally in the Middle East, illegally issued a “No Exit Order” on my passport;
- The U.S. Embassy refused to get involved to ensure that my civil rights were not violated by Israel;
- The Office of Children’s Issues lost my petition for access under the Hague Convention on the Civil Aspects of International Child Abduction. I found out two years later, through Patricia Apy, that the OCI never even formally filed the second petition for access that I submitted to the OCI;
- A Welfare and Whereabouts Check performed by the U.S. Embassy, at the direction of OCI, was botched and U.S. Embassy officials were arrested due to a total lack of understanding of protocol required under the Hague Convention. This event alone has resulted in further complicating my case. To date, the State Department will not take responsibility for their actions;
- The Arizona Department of Economic Security (Child Support Enforcement Division) has notified me that they will be registering an Israeli Support Order – one which had already been litigated and vacated in Oregon four years prior. By ignoring the Oregon courts ruling, the Arizona Attorney General’s Office plans to start garnishing my wages.

These are all examples of what has happened to me during my fight for access to my sons. I am positive that there are many more examples of various government’s lack of accountability that other Left-Behind Parents deal with every day. I can only hope for myself and other Left-Behind Parents the passage of H.R. 1940 (The Sean and David Goldman International Child Abduction, Prevention and Return Act of 2012) – a bill designed to give more teeth to a treaty already in place.

That being said, it will still take the action of our Congressman, Senators, the OCI and even the President to ensure that the United States and other countries are held accountable for the return of and access to our American children.