

UNTANGLING THE BUREAUCRACY OF INTERNATIONAL CHILD ABDUCTION

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April, 2009

You have probably heard the story of David Goldman and his 5 year battle to bring home his son, Sean, who was abducted to Brazil from the United States.

Browsing the principal website on this case, BringSeanHome.org and the [Forums](#) within will soon show there are over 50 active cases that fall under the [Hague Convention on the Civil Aspects of International Child Abduction](#) involving children taken from the United States to Brazil. Behind this obscene number of cases there are the children and behind them, a bewildering array of acronyms used to describe the multitude of agencies that a left-behind parent must navigate.

The Convention entered into force in the United States on July 1, 1988, and entered into force with Brazil on December 1, 2003. This article is designed to help you untangle this maze so that you will have a more complete understanding as you read through the postings in the Forums on BringSeanHome.org but also of the tortuous bureaucracy that has grown around the Convention.

Our journey starts within the United States.

When a child is first abducted from the United States there are two tasks that a left behind parent must immediately do.

First, they must contact the [Office of Children's Issues \(OCI\)](#), created in 1994 in a consolidation of various departments within the [Bureau of Consular Affairs](#), part of the [United States Department of State \(USDOS\)](#). The Office of Children's Issues currently serves as the [United States Central Authority \(USCA\)](#) for two multilateral treaties:

- The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption;
and
- The Hague Convention on the Civil Aspects of International Child Abduction

By an Executive Order, the State Department's Bureau of Consular Affairs was designated as the United States Central Authority.

From September 1, 1995, to April 1, 2008, however, the [National Center for Missing and Exploited Children \(NCMEC\)](#) a part of the United States Department of Justice, processed incoming cases of children abducted from other Convention countries to the United States. Although it currently does not have any official role in cases where children are abducted to or from another Hague Convention country, a left-behind parent is still likely to utilize their resources if the location of their child(ren) is not known.

The second task a parent must do is contact local law enforcement to file a missing person's report and request that the child's name be entered into the [National Crime Information Center \(NCIC\)](#) database.

The NCIC database is a computerized index of criminal justice information that can be accessed by federal, state, and local law enforcement along with other criminal justice agencies, 24 hours a day, 365 days a year.

Local law enforcement will also notify the [International Criminal Police Organization \(Interpol\)](#) of the abduction. Taken from their website,

“Interpol is the world’s largest international police organization, with 187 member countries. Created in 1923, it facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime.”

Although this process should be without problems, many left-behind parents experience tremendous difficulties in registering their children in the NCIC database and with Interpol. The following quote can be found on the Office of Children’s Issues website:

“If local law enforcement is unaware of the legal requirements for immediate entry into NCIC, please let our office know.”

To read about one parent’s, Carlos Bermudez, experience, please read this posting on his son’s website <http://justiceforsage.blogspot.com/>.

Once the left-behind parent has gathered all of the information required for a petition under the Convention, they then send it to the Office of Children’s Issues which will then forward it to the appropriate Central Authority for the country to which the child was abducted.

In the case of David Goldman and [my own children](#), the country is Brazil but there are almost 90 other countries who have signed the treaty.

And now to Brazil.

Designated in 2001 as the Brazilian Central Authority (BCA), the Office of the Special Secretary for Human Rights (Secretaria Especial dos Direitos Humanos (SEDH)) receives Convention applications submitted by parents seeking the return of or access to their children in Brazil and ensures that the application is filed through the Office of the Solicitor-General (Advocacia-Geral da União (AGU)) with the proper court.

The AGU represents the Brazilian federal government, directly or indirectly, in judicial or non-judicial instances, and provides legal advice to the government. The AGU will then file a civil lawsuit against the abducting parent in which the Brazilian government is the plaintiff. A left-behind parent also has the option of filing through a private attorney, in which case however, the AGU would normally not participate.

In addition, the SEDH (often interchanged with the term, BCA) serves as a point of contact for the left-behind parent and/or their attorney, the foreign Central Authority (in this case, the Office of Children's Issues) and the courts for purposes of obtaining information on the implementation of the Hague Convention in Brazil and the status of pending cases.

As noted before, petitions filed under the Convention are considered civil lawsuits.

What if however, the parent wants to seek remedy under criminal codes?

There are a number of U.S. laws which the left-behind parent can use though ultimately however, the left-behind parent must work with the [Federal Bureau of Investigation \(FBI\)](#), an agency within the [United States Department of Justice \(USDOJ\)](#) to pursue charges of kidnapping against the abducting parent.

I hope this article has served its purpose and that you now have a better understanding of the multitude of agencies with which a left-behind parent must communicate when their child is abducted.