

# **THE SUFFOLK LAWYER**

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## **Preventing Parental Child Abduction**

It's every parent's worst nightmare -- Their child has been abducted. While abduction by a stranger is fairly uncommon, children are more likely to be abducted by their own parent. Fortunately, custodial parents can take action to help prevent their spouse from abducting their child.

Oftentimes during the course of a divorce, children become pawns in their parents' attempt to manipulate their spouse to agree to their terms. In cases where visitation and custody may have never been an issue, they become just another bargaining chip. Sometimes a divorce becomes so acrimonious and child support and custody issues so unbearable, that in an effort to punish the uncooperative spouse, an unstable parent might resort to kidnapping a child and taking them to another state, or even another country.

There are ways to protect children from being wrongfully taken by a parent. The first step is to file for and obtain a valid custody order from a court establishing you as the custodial parent. The custody order should be registered with the FBI and can be legally enforced in any state to which a child has been abducted. Provisions of the custody order should include the following:

Certain restraints prohibiting the non-custodial parent from picking up the children from school, daycare, camp and the like. Such an order should be on file with the various schools and daycare facilities.

The custodial parent who has concerns about prospective child abduction should notify in writing the Department of State, airlines, cruise ships of their concerns and enclose a copy of the court order to each agency. Mailings should be done to ensure that the various agencies received copies of the court order.

The custodial parent should ask the court to direct the non-custodial parent to surrender any passports of the child. They should be concerned if there is a dual nationality because there may be multiple passports.

Require the posting of a bond or other collateral which would be forfeited in the event of an abduction.

When considering the likelihood of a child abduction, one must consider the following:

Whether there have been prior threats both in terms frequency, recency, and nature of the threat.

Any prior attempts to remove a child from the state and/or country.

Where there is dual citizenship of the parent and/or child of another country.

Evaluate the non-custodial parent's ties to New York State as compared to another state or country. When doing so you should consider:

ownership of real estate in New York and other states and/or countries

employment and education and the likelihood of obtaining similar employment and education in another country

whether there are family and/or friends in New York State and/or family and friends in another country

whether the parent has the ability to speak any foreign language in another country

All abduction threats should be taken seriously. If your spouse threatens to take your child, inform the police and have them contact the other parent to advise them that they could be fined or imprisoned or both.

Other steps that can and should be taken are:

Notify schools, daycare centers and babysitters of custody orders. Ask to be alerted immediately if the non-custodial parent makes any unscheduled visits to the school and instruct them to prevent the child from leaving the grounds without your permission.

Teach your child how to use the telephone, including collect calls. Make sure they know your home phone number and cell phone number, including area codes. If he or she is uncomfortable or feels threatened during visitation with your spouse, tell your child to call you immediately.

Keep lists of all the friends and relatives of the non-custodial parent so that if your child does not return from a planned visitation in a timely manner, you can begin making inquiries regarding his or her whereabouts.