



When the kidnapper is a family member...

*How family court
professionals can
protect children
from the crime of
family abduction.*



Does one of your cases involve a child at risk for family abduction?

When parents worry about their children being abducted, they usually fear the stranger lurking in the alley or the man with pockets full of candy luring kids at the playground. In fact, the greatest threat for many families lies far closer to home—a family abduction. According to a U.S. Department of Justice's 1999 comprehensive incidence study on missing children, more than 203,000 children are abducted each year by a parent or family member, over 78 percent of all child abductions.

Many believe that a child is not in grave danger if the abductor is a family member.

Unfortunately, this is not true, and these assumptions continue to endanger our children's lives. Research shows that the most common motive in family abductions was not love for the child but rather an act of anger and revenge against the other parent. More than half of abducting parents have a history of domestic violence, substance abuse, or a criminal record. Physical and sexual abuse can and does occur during these abductions.

The overwhelming majority of family abduction cases involve families undergoing custody disputes—the very families you work with every day.



Millions of children are at risk.

Children remain at risk of family abduction for up to five years following a divorce. Since more than 1 million children have parents going through divorce every year, at any given point there are up to 5 million children at risk of family abduction. A steady increase in divorce rates further makes the case for family court professionals, including custody counselors and evaluators, family therapists, and welfare workers to step in and prevent what is a very preventable tragedy.

Family Abduction is Child Endangerment

“Many of you know me as ‘Katarina’ or ‘Kat Escada,’ ‘Trisha’ or ‘Trish Wilcox’ or ‘Melissa Bleu,’ but my real name is Aja Morse. Five years ago my brother, sister and I were abducted. At the time I didn’t realize how it was going to destroy my life and my brother and sister’s. I was always afraid that the police were going to find us or that I’d mess up on one of my new names. My brother and sister and I never went to a doctor, dentist or to school. I tried to home-school my little brother and sister since we weren’t allowed to go to school. People think parents do this out of love. But they’re only causing their children damage.”

—Aja Morse, 15, victim of family abduction

www.StopFamilyAbductionsNow.org

Resources

NISMART II (National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children) "Children Abducted by Family Members: National Estimates and Characteristics," Office of Juvenile Justice and Delinquency Prevention, Heather Hammer, David Finkelhor, and Andrea J. Sedlak (October 2002).

"When Parents Kidnap: The Families Behind the Headlines," Geoffrey L. Grief and Rebecca L. Hegar (1993).

"Early Identification of Risk Factors for Parental Abduction," Juvenile Justice Bulletin, OJJDP, Janet R. Johnston, Inger Sagatun-Edwards, Martha-Elin Blomquist, and Linda K. Girdner (March 2001).

"Missing, Abducted, Runaway and Thrownaway Children in America. First Report: Numbers and Characteristics National Incidence Studies (NISMART)," U.S. Department of Justice, OJJDP, David Finkelhor, Gerald Hotelling, and Andrea Sedlak (May 1990).

"The Kid is With a Parent, How Bad Can it Be? The Crisis of Family Abduction," (available at www.missingkids.com) Ernie Allen, based on data from NISMART, OJJDP, by David Finkelhor, Gerald Hotelling, and Andrea Sedlak (May 1990).

"Family Abduction: Prevention and Response," NCMEC, OJJDP, and the ABA Center on Children and the Law, Patricia M. Hoff (March 2002).

"The Criminal Justice System's Response to Parental Abduction," Juvenile Justice Bulletin, OJJDP, Katih L. Grasso, Andrea J. Sedlak, Janet L. Chiancone, Frances Gragg, Dana Schultz, and Joseph F. Ryan (December 2001).

Abducted children suffer from the grief of losing all of the loved ones in their lives with the exception of the abducting family member.

To break emotional ties with the left-behind parent and perpetuate their own control, some family abductors will coach a child into "disclosing" abuse by the other parent. Abducted children are often told that the other parent is dead, did not really love them, does not want them, or will harm them.

Abducted children are often forced to adapt to a fugitive lifestyle, learning to fear and deceive those they should trust, such as police, doctors, teachers, and counselors.

Abducted children are often given new identities. This can have profound and sometimes crippling psychological impact during the critical developmental stages of childhood. In extreme cases, the child's gender is also disguised to avoid detection.

Abducting parents often deprive their children of education and much-needed medical attention to avoid the risk of being tracked via school or medical records.

In extreme cases, the abducting parent leaves the child with strangers at an underground "safe house" where health, safety, and other basic needs are extremely compromised, while in others, children are so badly mistreated by their abductors that they desperately want their abductor to leave them. In rare family abduction cases, children are murdered by their abductor.

What experts say about family abduction.

In the over 203,000 cases in which children are abducted by a family member each year, 53 percent of the time the perpetrator was the biological father, 25 percent of the time it was the biological mother, and 14 percent were abducted by a grandparent.

In 63 percent of abductions by a family member, children were with their abductor under lawful circumstances immediately prior to the abduction.

In 76 percent of family abductions, the abducting parent intended to prevent contact between the child and the left-behind parent.

Due to the frequent occurrence of physical abuse and the potential for serious psychological damage, the U.S. Department of Justice considers children abducted by family members to be children at risk.

Why do parents kidnap their own children?

According to family abduction experts, parents frequently abduct their own children for the following reasons:

- To force a reconciliation or continued interaction between themselves and the left-behind parent
- To spite or punish the other parent
- Fear of losing custody or visitation rights
- Frustration with the custody order or other court rulings
- In rare cases, to protect the child from a parent who is perceived to molest, abuse, or neglect the child

How to identify a high-risk family.

A direct threat of abduction should *always* be taken seriously, but often the warning signs are more subtle. Here are the most common signs that a child may be in danger of abduction by a family member:

- The parents' relationship is volatile. They often voice disagreements and argue over visitation
- A parent has a history of abduction threats or has abducted the child in the past
- One parent raises allegations that the other parent has abused the child and his/her friends and family support these allegations
- A parent is paranoid delusional or severely sociopathic.
- A parent is a citizen of another country and is ending a mixed-culture marriage
- A parent feels alienated from the legal system and has family/social support in another community
- A parent has no job, financial ties, or strong connections to the child's home state
- A parent is engaged in planning activities such as quitting a job, selling a home, terminating a lease, closing a bank account or applying for passports, birth certificates, or school and medical records



How family court professionals can prevent family abduction.

The following are some of the best preventive measures you can implement to reduce family abductions among high-risk families. Given that the risk of abduction varies in every case, the extent of prevention measures can play an important role in parents' behavior. Imposing strict custody measures can often prevent child abductions, but measures that are too strict may also lead to abductions if they exacerbate tensions between the disputing parents.

- **Recommend** a court order for both parents to go through counseling. U.S. Justice Department research shows that as little as 10 hours of intervention effectively reduces the likelihood of family abduction.
- **Recommend** inclusion of abduction prevention measures in the custody order.
- **Clearly** state the penalties for violating the custody order. When parents understand that abducting their own child is a crime, they are less likely to consider it an option.
- **Specify** custody and visitation rights so there is no room for confusion or manipulation.
- **Avoid** general terms like "reasonable visitation" and impose restrictions such as supervised visits when necessary.
- **Prohibit** unauthorized pick-up of the child.
- **Require** both parents to post bonds as a deterrent. This also helps with recovery costs if a child is abducted.
- **Require** parents to leave their passports at the county clerk's office during visitations, especially if a parent is a citizen of another country.
- **Detail** the steps police should take in case of abduction, including authorization for law enforcement to recover the child. (Approximately 70 percent of law enforcement agencies do not have written guidelines on how to respond to family abduction.)
- **Regulate** the custodial parent's right to relocate. Require parents to keep each other informed of new addresses and telephone numbers.
- **Institute** restrictions on interstate and/or international removal of the child. For example, recommend confiscating passports and/or prohibiting passport applications.

- **Require** parents to notify foreign consulates of passport restrictions when international travel is necessary; gain mirror-image orders (recognition of the U.S. custody order from a court in the country the child is visiting); and assurances the country will abide by the Hague Convention (the international agreement on the return of missing children). While many countries are not signatories to the Hague Convention and no country is legally bound to comply with U.S. custody orders, countries may do so voluntarily. Find out more at www.PollyKlaas.org.
- **Recommend** joint custody when possible. Awarding sole custody to one parent if the parents are on relatively good terms may alienate the other. Outline where, when, and with whom the child is supposed to be living. However, avoid recommending joint custody in cases at high risk for parental abduction or domestic violence.
- **Ask** the police or prosecutor to intervene, especially when a parent has threatened to abduct the child. They

should explain that abduction leads to psychological trauma for the child and criminal consequences for the abductor.

- **Advise** the court to send a certified copy of the custody order, if applicable, to the other parent's state. This notifies the court that a valid order has been made and must be enforced without modification. It also prevents a non-custodial parent from opening a custody case in another state.
- **Advise** temporary emergency injunctions when the custody process begins in high-risk cases. Move quickly for a permanent custody determination. The short-term injunction will prove custody and authorize law enforcement action in case of abduction.

We strongly encourage you to share this information with the families with whom you work. You can download this fact sheet and other educational materials at www.PollyKlaas.org, or request materials and Child ID kits for families by calling the Polly Klaas Foundation at 1-800-587-4357.

The Polly Klaas Foundation has compassionate and professional caseworkers who can help you prevent family abductions. For general questions on family abduction or to refer a family to our caseworkers, please contact the Polly Klaas Foundation at **800-587-4357**