



When the kidnapper is a family member...

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



Family abduction myths.

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.

Most policymakers still consider family abductions a domestic issue that should be worked out between the parents and their lawyers. 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 is 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.

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You can make a difference.

The families in your state going through divorce or custody disputes are at the highest risk for family abduction. Because victims of family abduction often experience severe emotional trauma and/or physical harm, family abduction is now widely recognized as child endangerment and prosecuted as a felony.

www.StopFamilyAbductionsNow.org

800-587-4357

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

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).

"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 Hotaling, and Andrea Sedlak (May 1990).

"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, threat, force, or a weapon is used in nearly 27,000 cases.

In 76 percent of family abductions, the abducting parent intends 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. Dept. of Justice considers children abducted by family members to be children at risk.

Most local and state law enforcement agencies do not treat family abduction as the serious crime that it is. Approximately 70 percent do not have written guidelines on responding to family abduction and many are not informed about the federal laws available to help in the search and recovery. Sixty-two percent of left-behind parents report being "somewhat" or "very" dissatisfied with the law enforcement response to their child's abduction.

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



What policymakers can do to prevent family abduction and recover missing children.

Family abduction is not only a threat to the health and safety of thousands of children but also a preventable crime. Under the law, family abduction is known as “custodial interference.” While current custodial interference laws largely aid in the recovery of an abducted child, family abduction experts, including the U.S. Department of Justice, recommend several laws to improve recovery and prevent family abduction. By passing these laws, you can protect children and save the state from costly expenses associated with search, recovery and prosecution.

The Polly Klaas Foundation urges you to protect children in your state by implementing the following recommendations:

- **Pass** the Uniform Child Custody Jurisdiction and Enforcement Act. Negotiated by the National Conference of Commissioners on Uniform State Laws, this legislation provides enforcement mechanisms preventing kidnapers from hiding behind divergent state laws and ensures that missing children return home even if they cross state lines.
- **Require** counseling for volatile divorces or custody disputes. Anger and frustration lead to desperation. U.S. Department of Justice research shows that 10 hours of intervention during custody proceedings reduces the risk of abduction.
- **Require** district attorney intervention. Research by the Justice Department shows that the greater the intervention by the district attorney, the more rapid the recovery of the child. District attorneys need the mandates and resources to prosecute every case so children return home immediately and potential abductions are prevented.
- **Require** the establishment of written guidelines for all law enforcement agencies to ensure swift responses to family abduction. Many agencies are unfamiliar with how to respond to a family abduction and do not take family abduction seriously. Many police officers perceive family abduction as a civil dispute, not a criminal act. The lack of guidelines causes confusion for police officers and frustration for the left-behind parent. Failure to respond to the custodial parent’s complaint immediately can also result in placing the child at risk and a long and expensive recovery and legal battle.
- **Classify** family abduction as a felony offense. Family abduction is a form of child endangerment and needs to be treated as a serious crime. Felony classification ensures that children are protected and kidnapers are prosecuted. Classifying family abduction as a felony can also serve as a powerful deterrent to would-be kidnapers. States like Oregon, Georgia, Texas, Iowa and Rhode Island prosecute family abduction as a felony for either the first or second offense.
- **Define** the crime of family abduction broadly. Nearly half of all family abductions occur before the issuance of a final custody order. This legal technicality allows abductors to flee prosecution because the left-behind parent cannot prove custody. Defining family abduction broadly ensures the prosecution of every kidnapper. Many states, including Illinois, Washington and New Mexico, define the crime as “intentionally denying the other parent access to the child.” This broad definition allows police and prosecutors to find and return abducted children.
- **Prohibit** a parent from opening a custody dispute in another state after your state has issued its decision. Several states, including Florida, California and Alaska, have laws that prevent the abducting family member from opening a custody case in a new state after any other state issues a ruling.
- **Pass** legislation that flags a missing child’s school and medical records. The abducting parent usually needs medical and school records for the child. Flagged records represent the best chance to locate missing children. When records are flagged, law enforcement should be notified immediately of requests for a missing child’s records and be provided with the name and contact information of the requestor.
- **Create** custody order options proven to prevent and return missing children. The details matter in custody orders for high-risk families.
- **Clearly** state the penalties for violating the custody order on the first page of the order. When a parent understands that kidnapping his or her own child is a crime, they are less likely to consider abduction an option.
- **Detail** the steps police should take in case of abduction, including authorization for law enforcement to recover the child.
- **Require** both parents to post bonds. If the child is abducted, the money helps the left-behind parent with costs of recovery. It also serves as a deterrent by creating a financial incentive to follow the law.
- **Specify** custody and visitation rights. Avoid vague terms like “reasonable visitation,” and impose restrictions such as supervised visits when necessary.
- **Consider** requiring parents to leave their passports at the county clerk’s office during visitations, especially if the parent is a citizen of another country.
- **Prohibit** unauthorized pick-up of the child.
- **Place** relocation restrictions on the custodial parent to ensure the rights and access of the non-custodial parent.
- **Register** the custody order in both parents’ home states.

Learn more about the Uniform Child Custody Jurisdiction and Enforcement Act.

35 states have adopted this model legislation into law. Find out if your state has this law by visiting www.StopFamilyAbductionsNow.org or the National Conference of Commissioners on Uniform State Laws web site: <http://nccusl.org/nccusl/DesktopDefault.aspx> and search for “Child Custody Jurisdiction and Enforcement Act” in your state.

You can download this fact sheet and other education materials at www.PollyKlaas.org.

For general questions on family abduction contact the Polly Klaas Foundation at 800-587-4357, visit www.PollyKlaas.org or visit www.stopfamilyabductionsnow.org. For information on the legal aspects of family abduction contact the American Bar Association’s Center on Children and the Law at 202-662-1720 or www.abanet.org/child.

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**