



## WHY STATES SHOULD ADOPT THE UNIFORM CHILD ABDUCTION PREVENTION ACT

The Uniform Law Commission, formerly the National Conference of Commissioners on Uniform State Laws (“NCCUSL”), promulgated the **Uniform Child Abduction Prevention Act (“UCAPA”)** in 2006 to provide states with a valuable tool for deterring domestic and international child abduction—both serious and growing problems. The U.S. Department of Justice reports over 200,000 instances yearly of either a child being taken by a family member in violation of a custody agreement or a family member failing to return or release a child at the end of a legal or agreed upon visit.\* In addition, about 1,000 children are abducted annually from the United States and taken to a foreign country.\*\*

While the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”) provides well-established tools for the return of children abducted within the United States, and the Hague Convention on the Civil Aspects of International Child Abduction facilitates the return of children abducted internationally, these laws presume that a child can be located and, in the case of the Hague Convention, that the child is located in a country which is a signatory to the agreement. UCAPA is intended to provide courts and parties with tools to prevent an unlawful abduction from occurring in the first place, and thus is crucial to ensuring the well-being and safety of children.

UCAPA should be adopted in every state for the following reasons:

- **Consistent With UCCJEA** – UCAPA builds on and is consistent with the interstate jurisdiction and enforcement mechanisms in the UCCJEA (the law in 51 U.S. jurisdictions) by providing tools and guidance for preventing abduction, even prior to the issuance of a final custody decree. Nearly half of all abductions occur before the final custody decree.
- **Uniformity to Child Abduction Laws** – Child custody determinations and child abductions frequently take place across state and international lines, making uniformity across the states particularly necessary.
- **Guidance** – The Act provides clear guidance regarding the warning signs of and risk factors for a potential child abduction, including a past history of abduction or abuse and activities in furtherance of abduction, such as abandoning a job, liquidating assets, or obtaining travel documents.
- **International Issues** – The Act addresses some of the unique problems raised by international child abduction, such as differentiating between nations that are signatories to international child abduction conventions and those that are not.

- **Preventive Measures** – Under UCAPA, parents have access to effective measures for preventing child abduction, such as imposing travel restrictions or requiring a parent to obtain a child custody determination in a foreign country that is identical to the original.
- **Protection for Domestic Violence Victims** – The Act includes confidentiality provisions designed to protect domestic violence victims from future harassment and further the best interests of the victimized child and parent.

UCAPA has wide stakeholder support and has been endorsed by the Family Law Section of the American Bar Association. The Act will allow states to more effectively combat the threat of child abduction, and should be enacted in every jurisdiction as quickly as possible.

\*Office of Juvenile Justice and Delinquency Prevention, National Incidence of Studies of Missing, Abused, Runaway and Throwaway Children (NISMAART), Oct. 2002 (abduction defined as the taking or keeping of a child by a family member in violation of a custody order, a decree, or other legitimate custodial rights, where the taking or keeping involved some element of concealment, flight, or intent to deprive a lawful custodian indefinitely of custodial privileges).

\*\*H.R Comm. On Intl. Rel., Federal Response to International Parental Child Abductions: Hearing before the House Comm. On International Relations, 106th Cong. (Oct. 14, 1999) (statement of Jess T. Ford, Associate Director, International Relations and Trade Issues, National Security and International Affairs Division, U.S. General Accounting Office)