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## Time to Get Serious about Child Abduction

*House floor remarks  
During Debate on H.R. 3212,  
The Sean and David Goldman International Child Abduction  
Prevention and Return Act of 2013  
U.S. Rep. Chris Smith (NJ-04)  
Dec. 11, 2013*

Mr. Speaker, David Goldman spent over five agonizing years trying to legally rescue his son Sean from an abduction to Brazil—a signatory nation like the United States to the Hague Abduction Convention.

Despite Mr. Goldman's airtight case that demonstrated an egregious example of both child abduction and wrongful retention, the Hague treaty was unavailing and the outcomes in Brazilian courts largely proved infuriating, infirm and ineffective. David Goldman had extraordinary legal counsel both in Brazil and the United States—Patricia Apy, his American attorney, is a world class expert in child abduction cases. He waged his case by the book and won judgments in the New Jersey courts. Yet both Sean and David were made to suffer emotional pain for over half a decade as one delaying ploy after another was employed by the abducting parties.

In the end, because of a father's abiding love for a son—and an indomitable will—the Goldmans are today united and happy.

But the Goldmans are an exception in an ever worsening injustice that harms thousands of American children and many more kids worldwide. Most cases of parental abduction and wrongful retention have a bad ending—the child or children never return and the left behind parent often never sees them again. Even if left-behind parents are allowed access, the conditions are tightly supervised and of excruciatingly short duration.

Over the years I have had the privilege of meeting many absolutely amazing, dedicated yet heartbroken left-behind parents. Out of deep love and a commitment to justice, they too, like David Goldman refuse to quit.

Tragically, their stories are often the same. In the beginning days and weeks post abduction, they thought the Hague treaty, their government and the rule of law would ensure a swift, just and durable remedy. As the months then years go by however, the journey of the left-behind parent is filled with

unbearable pain. The heartache they endure is severely compounded by the fact that child abductions and wrongful retentions harm children in many ways, especially psychologically.

Mr. Speaker, more than one thousand international child abductions are reported to the State Department's Office on Children's Issues—the Central Authority of the United States—each year. Between 2008 and 2012, 7,000 American children were abducted, according to the State Department.

According to State Department reports, only about half of the children abducted from the U.S. to countries with which our country has reciprocal obligations under the Hague Abduction Convention are ever returned to the U.S. And where no treaty obligation exists, less than 40% of abduction and access cases are resolved. It's an awful record that Congress today can help change.

The purpose of H.R. 3212 as amended, the *Sean and David Goldman International Child Abduction Prevention and Return Act of 2013* is to protect children from the harmful effects of abduction and wrongful retention and to assist left-behind parents to not only have access to their abducted child but significantly enhance the prospects of resolution.

My biggest policy takeaway from working on the Goldman case was the absence of incentives for nations to prioritize resolving parental abduction cases and the complete lack of penalty for callous governmental indifference or complicity.

The Goldman Act is based on two human rights laws—the Trafficking Victims Protection Act (TPVA) which I authored in 2000 and the International Religious Freedom Act (IRFA) authored by our distinguished colleague, Frank Wolf.

The Goldman legislation seeks to hold countries to account by meticulously monitoring their performance in adjudicating parental child abduction and wrongful retention. After a rigorous analysis, if a country at its administrative, judicial or law enforcement levels demonstrates a “pattern of noncooperation”—that is to say, persistent failure to fulfill its Hague Abduction Convention responsibilities or failure of a non-Hague nation to abide by a Memorandum of Understanding (MOU) with the U.S.—the President is empowered to take any number of escalating presidential actions.

Again patterned after both the TPVA and IRFA, the message to all nations—and all past, present, or future abductors—is that the United States is very serious about preventing or resolving child abduction cases. In order to ensure that the administration has maximum flexibility in advancing solutions, the President is given generous waiver authorities.

The bill also encourages the Secretary of State to seek opportunities to enter into an MOU with non-Hague Convention countries and establish protocols to identify, locate and effectuate the return of an abducted child as well as access issues.

Finally, in order to ensure more robust accountability and the potential of successful interventions, the bill significantly beefs up reporting.

I urge passage. Abducted children and left-behind parents need this legislation now.