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Bring Abducted Children Home

*Remarks by Rep. Chris Smith (R-NJ)
May 23, 2023*

Good morning. This hearing of the Subcommittee on Global Health, Global Human Rights and International Organizations will come to order.

This week we will commemorate National Missing Children's Day – and we will remember the families that have been torn apart by the crime of international parental child abduction. This crime affects hundreds of American families every year. I want to thank the left-behind parents that are with us today and send a message to all the left-behind families across our nation – we will never stop working to bring abducted children home.

Today we will hear testimony about the devastating impact of international parental child abduction on families and children, and we will examine what more the U.S. Government can do to prevent and address this terrible crime. We will hear from parents who have personally experienced the heartbreaking pain of being separated from their children. They know all too well the financial, legal, cultural, and linguistic challenges to bringing children home from a foreign country. Mr. Morehouse, Dr. Hunter – thank you for being here today to speak on behalf of American families who have sought, or are still seeking, the return of their children and for sharing your expertise.

And I want to thank Patricia Apy for joining us today, an expert on this issue and the brilliant lawyer who represented David Goldman in the fight to bring back his son Sean from Brazil. Thankfully, Sean came home after five years – but many children are lost for much longer, if they ever come home at all. Ms. Apy testified at the first hearing I held on international parental child abduction back in 2009, and I'm grateful to her for joining us again.

We must remember that child abduction is child abuse, and it has devastating emotional, psychological, and even physical consequences for both abducted children and their families left behind. These are American citizens, looking to their government for help when legal processes are unavailable or have failed.

And so we will also discuss the State Department's progress on implementing the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014, which I authored to provide the executive branch with the necessary tools to address the problem of IPCA. The Goldman Act empowered the State Department to seek the return of American children – yet the Department has never used the full range of tools as Congress intended. I look forward to hearing from the State Department's Special Advisor on Children's Issues, Michelle Bernier-Toth, about how the Department is working to urge other countries to comply with their responsibilities and get American children back home.

Since the Goldman Act was enacted, there has been a decline in the number of American children abducted overseas – which is good news - but sadly the rate of return of children to American parents has worsened. In the State Department's latest annual Report on International Child Abduction, as required by the Act, it states that in 2022 the Office of Children's Issues handled a total of 657 active abduction cases involving 863 children – and 216 of these cases were opened just last year. It also states that 118 cases were resolved in 2022, which resulted in the return of 165 abducted children to the United States. I urge the State Department to use all the tools at its disposal to bring the remaining abducted children home – tools provided by Congress for that purpose.

The State Department's annual report also names specific countries that are found to demonstrate a pattern of noncompliance with their responsibilities to address cases of international parental child abduction under the Hague Convention. The most recent report names 14 countries as demonstrating a pattern of noncompliance – and 6 of them have been on the list since the first report was published in 2015: Argentina, Brazil, Ecuador, India, Jordan, and Peru.

The Goldman Act provides the State Department with powerful tools to advocate for abducted American children and urge countries to comply with their Hague Convention obligations. It specifically lists increasingly escalating actions, from a demarche to a public condemnation to a delay or cancellation of one or more bilateral visits to extradition. Appropriations language since FY21 has authorized the Secretary to withhold certain bilateral assistance funds for the central governments of countries that the Secretary determines are not taking appropriate steps to comply with the Hague Convention – but to date it does not appear that ANY funds have been withheld.

With hundreds of American children - American citizens - still missing, it seems unconscionable that the State Department continues to limit its actions to diplomatic demarches.

The State Department is also authorized under the Goldman Act to pursue bilateral agreements with countries that are unlikely to become Hague Convention parties or that have unresolved pre-Convention abduction cases. I want to ask the Department – why are there not more MOUs with these countries? Why are we not pursuing more supplemental bilateral agreements with countries like Japan?

Japan has a truly disturbing track record on these cases – even though it has not been listed as “noncompliant” in recent State Department reports. There have been more than 500 U.S. children kidnapped to Japan since 1994, which is when the U.S. Government started tracking it. Yet Japan has made very little progress on them, especially the cases that pre-date Japan’s signing of the Hague Convention in 2014.

And there has been slow progress in changing its single-parent custody laws. Parents like Jeffery Morehouse, here with us today, and many others are left waiting for years without action. The State Department must use ALL of the tools at its disposal to finally get this right and push more strongly for returns.

That’s why last year I introduced, and plan to reintroduce this Congress, the Bring Abducted Children Home Amendments Act. This bill will strengthen key aspects of the Goldman Act, such as requiring disaggregated data and increased transparency from the State Department, providing more resources for left-behind families, and increasing federal law enforcement cooperation. Left-behind families have been waiting long enough – as the U.S. Government, we cannot wait any longer to get this right.

I want to thank each of the witnesses again for being here today, and I now recognize Ranking Member Susan Wild for her opening remarks.