

Comment,  
THE MATURATION OF INTERNATIONAL  
CHILD ABDUCTION LAW: FROM THE  
HAGUE CONVENTION TO THE UNIFORM  
CHILD ABDUCTION PREVENTION ACT

*“Child abduction across frontiers is one of the great outrages of our time. Every year thousands of children are forcibly separated from a mother or a father by the other parent, and the numbers are growing. The situation cries out for urgent action.”* – Catherine Meyer<sup>1</sup>

This Comment will discuss the progress towards American implementation of a legal framework designed to both reverse and deter international child abductions. It will present the beginnings of a movement towards legislative solvency aimed at eradicating the scourge of child abductions. The Comment will give specific focus to the creation of the Uniform Child Abduction Prevention Act (UCAPA) and recent attempts at implementation into state laws.<sup>2</sup> The UCAPA will be framed as both an addition to and correction of perceived errors surrounding The Hague Convention on the Civil Aspects of International Child Abduction. As the cornerstone of the anti-child abduction movement, The Hague Convention has received substantial academic coverage since its passage in 1980. The UCAPA and its ratification into various states laws, however remain largely unscrutinized by academics. This Comment places the UCAPA within the larger framework of both The Hague Convention and prior child abduction legislation thereby transforming the literature of the American anti-child abduction legislative movement.

Part I of the Comment will present a synopsis of the historical trends leading to the ratification and adoption of early anti-child abduction legislation, primarily within the boundaries of the United States. Part II will focus on the creation of the Hague Convention on the Civil Aspects of International Child Abduc-

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<sup>1</sup> Catherine Meyer, Speech given at International Forum on Parental Child Abduction (April 1999). By the Center for Missing and Exploited Children (transcript available at [http://www.icmec.org/en\\_X1/icmec\\_publications/International\\_Parental\\_Child\\_Abduction\\_Forum\\_EN.pdf](http://www.icmec.org/en_X1/icmec_publications/International_Parental_Child_Abduction_Forum_EN.pdf))

<sup>2</sup> For the complete act see [https://www.law.upenn.edu/library/archives/ulc/ucapa/2006\\_finalact.html](https://www.law.upenn.edu/library/archives/ulc/ucapa/2006_finalact.html)

tion and American implementation. Part III will discuss the perceived failings of the Hague Convention with the creation of the UCAPA as a response to these criticisms. This will be framed within the larger legal anti-child abduction framework. Also, the Comment will present the UCAPA as an addition to the larger legal anti-child abduction framework. Part IV will consider the current status of state level UCAPA legislation throughout the country. Finally, the Comment will delve into recent criticisms leveled against the UCAPA and their effect upon future legislative passage.

## **I. Historical Trends Behind the Development of International Child Abduction Laws**

### *A. Child Abductions Within the United States*

When one imagines a child abduction scenario, the specter of a stranger snatching the child from the family front yard may be a first impression. As fearsome and vile as stranger based abduction is, it is not representative of a large percentage of abductions. A study by the Department of Justice found that more than three-quarters of all children abductions were at the hands of a family member.<sup>3</sup> Of those children abducted by a family member, only 56,000 were reported to authorities for assistance in recovery.<sup>4</sup> As horrifying as it appears, the truth remains that child abduction is largely the result of domestic, familial tensions.

Creating a workable, healthy relationship between parents regarding the rearing of children is never an effortless undertaking. An infinite numbering of reasons can lead a parent or family member to take the drastic step of abducting a child.<sup>5</sup> Justifications may range from desiring a child to be raised in a certain

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<sup>3</sup> Heather Hammer, David Finkelhor & Andrea Sedlak, U.S. Dept. of Justice Publication *National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children*. October 2002, *Children Abducted by Family Members: National Estimates and Characteristics*. (Of the 262,000 children abducted in 1999, more than 203,000 were abducted by a family member, this equates to 78%).

<sup>4</sup> *Id.*

<sup>5</sup> PAUL R. BEAUMONT & PETER E. MCELEAVY, *THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION* 1 (P.B. Carter ed., 1999).

religious environment to escaping domestic violence.<sup>6</sup> Abducting parties largely claim to be acting in the best interest of the child, regardless of the justifications.<sup>7</sup> However, parties also abduct children solely as a means of revenge or inflicting emotional harm on the 'left behind' parent.<sup>8</sup> The venom and rapacity between parents over the best interests of their children can often lead to negative outcomes. Of these, child abductions are regrettably a not uncommon occurrence when parents fail to reach an accord. With the addition of a divorce settlement and a child custody arrangement, a further strain in the parents' relationship may surface. For many people, maintaining a civil discourse requires more than a modicum of effort.

In response to the prevalence of child family abductions a concerted effort for legislative solvency mechanisms began in the 1960s. In 1968 the first measure seeking to combat the scourge of child family abductions is created in the Uniform Child Custody Jurisdiction Act (UCCJA).<sup>9</sup> The UCCJA sought uniform guidelines for courts to determine initial jurisdiction over a child.<sup>10</sup> "Prior to adoption of the UCCJA, state courts, in the absence of any national standard, had virtually unlimited discretion in refusing to recognize or enforce custody decrees of sister states and foreign nations."<sup>11</sup> The policy of comity is normally held by courts in pre-UCCJA decisions. Namely courts could recognize the judicial acts of another sovereign not as a matter of right or obligation, but as a matter of deference, courtesy, mutual respect, and good will.<sup>12</sup> The UCCJA sought to grant judicial jurisdiction

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<sup>6</sup> See Merle H. Weiner, *Navigating the Road Between Uniformity and Progress: The Need for Purposive Analysis of the Hague Convention on the Civil Aspects of International Child Abduction*, 33 COLUM. HUM. RTS. L. REV. 275, 277 (2002).

<sup>7</sup> Geraldine Van Bueren, *The Best Interests of the Child—International Co-Operation on Child Abduction* 1, 5 (Programme on the Int'l Rights of the Child Series No. 1, 1993).

<sup>8</sup> Beaumont & McElevay, *supra* note 1, at 10.

<sup>9</sup> The complete bill can be read at [http://www.law.upenn.edu/bll/archives/ulc/fnact99/1920\\_69/uccja68.html](http://www.law.upenn.edu/bll/archives/ulc/fnact99/1920_69/uccja68.html).

<sup>10</sup> Brigitte M. Bodenheimer, *Interstate Custody: Initial Jurisdiction and Continuing Jurisdiction Under the UCCJA*, 14 FAM. L.Q. 203, 214 (1981).

<sup>11</sup> Ester Levy Blynn, *In re: International Child Abduction v. Best Interests of the Child: Comity Should Control*, 18 U. MIAMI INTER-AM L. REV. 353 (1986).

<sup>12</sup> *Hilton v. Guyout*, 159 U.S. 113 (1895).

over custody matters to the court within the “home state,” thus preventing multiple custody litigation.<sup>13</sup> Hence the UCCJA attempts to curtail the incentive for a parent to abduct a child and settle elsewhere with the intent of ignoring a pre-existing custody order. The UCCJA was designed to encourage the courts to cooperate with claimants, residents on an equal basis with the best interests of the child always remaining paramount regardless of state boundaries.<sup>14</sup>

While a popular and much needed start,<sup>15</sup> the UCCJA did not prove to be the talisman for solving the epidemic of child abductions.

The UCCJA’s deference “justice” and service to the “best interest of the child” in the circumstances of particular cases opened the door to uncooperative courts and to inconsistencies among jurisdictions in applying the act. Thus the UCCJA has had less deterrent effect on parental kidnapping and forum shopping than it was intended to have.<sup>16</sup>

Modification by some states to the UCCJA created controversial decisions, which left commentators wondering if the UCCJA’s solvency mechanisms failed.<sup>17</sup>

Congressional action was undertaken in 1980 to rectify existing problems with interstate child abductions and jurisdictional problems in the UCCJA (and its various modified forms). The creation of the federal Parental Kidnapping Prevention Act (PKPA) added much needed components to the fight against child abductions.<sup>18</sup> The inclusion of a “full faith and credit” component to any judicial determination of child custody sought to solve the problems of judicial inconsistencies.<sup>19</sup> Namely the provision mandates every state must honor and enforce custody orders from other states. Some commentators wrote this may have

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<sup>13</sup> Thomas W. Tuft & Valerie A. Downing, *Determining Child Custody Across Jurisdictions*, 56 BENCH & BAR 11 (Dec. 1999).

<sup>14</sup> Commissioners’ Prefatory Note, Uniform Child Custody Jurisdiction Act, 9 ULA 111.

<sup>15</sup> By 1983 all fifty states had adopted the UCCJA (with minor changes).

<sup>16</sup> Andrea Lockhart, *California’s Answer to the Problem of Parental Kidnapping*, 11 J. CONTEMP. LEGAL ISSUES 538 (2000).

<sup>17</sup> See *Thompson v. Thompson*, 484 U.S. 174 (1988).

<sup>18</sup> The PKPA is found in three federal codes: 28 U.S.C. § 1738A, 42 U.S.C. § 663, and 18 U.S.C. § 1073.

<sup>19</sup> 28 U.S.C. § 1738A

made the federal judiciary a party in interpretations of law.<sup>20</sup> The Supreme Court eventually answered this query in *Thompson v. Thompson*,<sup>21</sup> declaring that the PKPA was not meant to create a federal venue for cases but merely to promote interstate uniformity.

However federal involvement was not altogether culled with the *Thompson* decision. Of note is access by state authorities to the Federal Parent Locator Service in locating a child or parent when a child custody determination (or state/federal law) needs enforcement.<sup>22</sup> The PKPA was not meant to operate as a sole actor, but rather depended on existing state laws and authorities.<sup>23</sup>

While the Supreme Court removed the federal judiciary from becoming a decision making body in PKPA cases,<sup>24</sup> the passage of the PKPA is best conceptualized through the rubric of an increasing “federalization” of family law issues.

“Since the 1930s, Congress has enacted numerous federal statutes to address serious problems regarding family law matters that states have been either unwilling or unable to resolve, especially when the welfare of children is involved. Today, congressional legislation, decisions of the U.S. Supreme Court, and the participation of the United States in more international treaties have “federalized” more and more areas of family law traditionally left to the states.”<sup>25</sup> The prevalence of conflicting state court decisions under the UCCJA lent ammunition for increased Congressional action in a field which had already been slowly encroaching upon.<sup>26</sup>

An addition to the UCCJA and PKPA was the creation by The National Conference of Commissioners on Uniform State Laws (NCCUSL) of The Uniform Child Custody Jurisdiction

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<sup>20</sup> Gaines H. Cleveland, Note, *The Uniform Child Custody Jurisdiction Act and the Parental Kidnapping Prevention Act: Dual Response to Interstate Child Custody Problems*, 39 WASH. & LEE L. REV. 149 (1982).

<sup>21</sup> *Thompson*, *supra* note 17.

<sup>22</sup> 28 U.S.C. §§ 1738A (a), (f).

<sup>23</sup> Lockhart, *supra* note 16.

<sup>24</sup> See *Thompson*, *supra* note 17.

<sup>25</sup> Linda D. Elrod, *The Federalization of Family Law*, 36 HUMAN RTS. 6 (Summer 2009).

<sup>26</sup> See Nancy Levit, *The Federalization of Matrimonial Law: A Supplemental Annotated Bibliography, 2001-2006*, 20 J. AM. ACAD. MATRIM. LAW. 351 (2007).

And Enforcement Act (UCCJEA) in 1997.<sup>27</sup> The UCCJEA was a direct response to the perceived failings of the older UCCJA, namely multiple states retaining jurisdiction and forum shopping by parents. The UCCJEA means to provide continuing jurisdiction in the state which granted the initial decree.<sup>28</sup> Absent a parent or child no longer maintaining a strong connection to the initial decree state or residing in the state, jurisdiction remains with the original state.<sup>29</sup> Actions involving the UCCJEA have seen heavy litigation in issues ranging from emergency protections<sup>30</sup> to military families.<sup>31</sup>

Behind the creation and passage of the UCCJA, PKPA and UCCJEA is the recognition that child custody orders exist within the framework of a highly mobile, in flux society. Since families are more apt to relocate, ensuring uniformity for jurisdiction and child custody orders is of paramount concern. Actions taken by both the NCCUSL and the U.S. Congress demonstrate clearly the necessity. As the NCCUSL states, uniformity in the laws is “necessary in a time when the mobility of the American public makes it imperative to have laws regarding child custody determinations uniform from state to state.”<sup>32</sup> Ensuring uniformity among the states regarding the stability of existing child custody determinations ensures parents a degree of protection after abduction within the United States. However the antiquated UCCJA, the PKPA, and the UCCJEA are reactionary measures. Their combined mandates are to deter abductions, discourage interstate conflicts, and promote cooperation between states about custody matters by resolving jurisdictional conflicts.<sup>33</sup>

Two critical areas relating to child custody determinations were not explicitly addressed by these laws, namely international child abductions and preemptive measures aimed to stop abduc-

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<sup>27</sup> As of 2011, 49 states had passed the UCCJEA with Massachusetts remaining as the sole holdout.

<sup>28</sup> *Construction and Operation of Uniform Child Custody Jurisdiction and Enforcement Act*, 100 A.L.R. 5TH (2002).

<sup>29</sup> UCCJEA Section 202.

<sup>30</sup> *Davis v. Arkansas Dept. of Health & Human Serv.*, 254 S.W.3d 762 (Ark. Ct. App. 2007).

<sup>31</sup> *In re Marriage of Holder*, No. FO36747, 2002 WL 443397 (Cal. App. 5th Dist. Mar. 20, 2002).

<sup>32</sup> *Id.*

<sup>33</sup> Drafting Report 41 FAM. L.Q. 23 (2007).

tions prior to commencing. Legal measures have been enacted to address child abductions with international components. The American legal system has a long history of addressing international child abductions with a variety of measures. However only recently have preemptive measures become the latest weapon in the legislative and judicial arsenals of stopping child abductions.

### B. *International Child Abductions*

The risk of child abduction is not limited to within the borders of the United States. An increasingly international perspective has seen the milieu behind marriages and parentages in the United States change dramatically from previous decades. A more global integrated society has led to an increasing number of binational marriages within the United States than ever before.<sup>34</sup> The result is children born to couples with potentially divergent ethos when it comes to child rearing and disparate dual citizenships to match. Some scholars contend that when bi-national marriages break down greater problems arise than from more traditional marriages.<sup>35</sup> When binational marriages dissolve, one parent may decide to leave the country with the child in hopes of escaping a child custody decision or to seek a more sympathetic forum. The resulting situation can lead to endless searching and prolonged litigation coupled with emotional trauma that has a devastating effect on children and families.<sup>36</sup>

As such, international child abductions have exploded in recent years.<sup>37</sup> In the United States, there were reports of 1,135 cases of international child abductions in 2010 alone.<sup>38</sup> This however represents a small fraction of the actual number of interna-

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<sup>34</sup> Eric Lesh, *Jurisdiction Friction and the Frustration of the Hague Convention: Why International Child Abduction Cases Should Be Heard Exclusively by Federal Courts*, 49 FAM. CT. REV. 170, 170 (2011).

<sup>35</sup> Anna Sapone, Note, *Children as Pawns in Their Parents' Fight for Control: The Failure of the United States to Protect Against International Child Abduction*, 21 WOMEN'S RTS. L. REP. 129, 129 (2000).

<sup>36</sup> Eric Lesh, *supra* note 3.

<sup>37</sup> Dept. of State, *Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction* (2011), <http://travel.state.gov/pdf/2011HagueComplianceReport.pdf>.

<sup>38</sup> *Id.*

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tional child abductions, estimated at near 20,000 a year.<sup>39</sup> The United States is roundly held as making up the largest percentage of international child abductions. It has been estimated that currently over 10,000 child victims from the United States are abroad as a result of abduction.<sup>40</sup>

The emotional impact that international child abduction takes upon “left behind” parents has been well documented.<sup>41</sup> “The non-abducting parent often experiences fear, pain, bewilderment, helplessness, despair, confusion, and disorientation.”<sup>42</sup> Compounding this is the toll that abduction takes upon the child. Removal of a child from the home and support structure can lead to both short-term and long-term emotional development issues.<sup>43</sup> Some advocates have called for parental abduction to be labeled as child abuse due to the serious resulting effects.<sup>44</sup>

Due to the serious ramifications resulting from international child abductions, there is a protracted history of government action to curtail the practice. The first international response to protecting the rights of children came in 1959 with the United Nations Declaration of the Rights of the Child.<sup>45</sup> While not maintaining the force of law, the declaration did create principles that would guide subsequent international abduction laws. Of note is

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<sup>39</sup> Ernie Allen, President of National Center for Missing and Exploited Children, *Child Abductions: Globally, Nationally and Along the U.S./Mexico Border*. (Aug. 31, 2009) available at [http://www.icmec.org/missingkids/servlet/NewsEventServlet?LanguageCountry=en\\_X1&PageId=4108](http://www.icmec.org/missingkids/servlet/NewsEventServlet?LanguageCountry=en_X1&PageId=4108).

<sup>40</sup> See Lillian Huang, *A World Away: One Father's Search for His Twins*, ABCNEWS.com, Nov. 24, 1998.

<sup>41</sup> See Nigel Lowe, *International Forum on Parental Child Abduction: Hague Convention Action Agenda* (National Center for Missing & Exploited Children, 1999) available at [http://www.icmec.org/en\\_X1/icmec\\_publications/International\\_Parental\\_Child\\_Abduction\\_Forum\\_EN.pdf](http://www.icmec.org/en_X1/icmec_publications/International_Parental_Child_Abduction_Forum_EN.pdf).

<sup>42</sup> Melissa S. Wills, Note, *Interpreting the Hague Convention on International Child Abduction: Why American Courts Need to Reconcile the Rights of Non-Custodial Parents, the Best Interests of Abducted Children, and the Underlying Objectives of the Hague Convention*, 25 REV. LITIG. 423, 429 (2006).

<sup>43</sup> Rebecca L. Hegar & Geoffrey L. Greif, *Parental Assessment of the Adjustment of Children Following Abduction by the Other Parent*, 2 J. CHILD & FAM. STUD. 143, 144 (1993).

<sup>44</sup> Nancy Faulkner, Report Presented to U.N. Convention on Child Rights in Special Session, *Parental Child Abduction is Child Abuse* (June 9, 1999), available at <http://www.prevent-abuse-now.com/unreport.html>.

<sup>45</sup> G.A. Res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354 (1959).



the adoption of the “best interests of the child” standard by the declaration.<sup>46</sup> The declaration states in part “The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.”<sup>47</sup> The declaration set forth the ideals behind eradication of international child abductions. However the teeth needed for actual eradication would follow much later.

## II. The Creation and American Implementation of the Hague Convention

Prior to the creation of the Hague Convention on the Civil Aspects of International Child Abduction in 1980, there was extreme difficulty in parents regaining custody of their internationally abducted child.<sup>48</sup> The international environment pre-Hague adjudication was such that international abductions flourished without much recourse.<sup>49</sup> Abducting parents could utilize a foreign court as a means of skirting an unfavorable custody judgment from the home country. In particular, U.S. citizens remained without effective means for regaining abducted children. “Despite the enactment of the UCCJA and other domestic legislation, there remained, up until the passage of the Hague Convention, the need for international cooperation to address the problem of international child abduction since national legislation had proven itself to be an inadequate remedy.”<sup>50</sup>

Congressional action was first undertaken to combat international child abductions with the passage of The Hague Convention Civil Aspects of International Child Abduction in 1980.<sup>51</sup> This multilateral treaty sought the return of abducted children from one member state to another. The mandate behind the

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<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Lynda R. Herring, *Taking Away the Pawns: International Parental Abduction & the Hague Convention*, 20 N.C. J. INT’L L. & COM. REG. 137, 142-43 (1994).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Convention on the Civil Aspects of International Child Abduction, (1980) available at <http://www.hcch.net/upload/conventions/txt28en.pdf>.

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treaty is to enforce preexisting child custody orders and maintain the status quo before the international abduction occurred.<sup>52</sup> There has been no in-depth investigation into the merits of an abduction case taken under the Convention.<sup>53</sup> While silencing the abducting parent's voice in the new venue, the Convention provides a voice for left behind parents by upholding their rights.<sup>54</sup> Additionally there exists the presumption that a child's best interests are not served by removal to a foreign state.

The Hague Convention does not shoulder the burden of remedying international child abductions alone. There are other multinational treaties in place which also address international abductions.<sup>55</sup> The international legislative fabric of child abduction prevention laws is both broad and diverse. However because the United States is not a party to these treaties it falls outside the rubric of this Comment. The Hague Convention does not require a custody decree to be in place in the home country.<sup>56</sup>

The premise underlying the construction of the Hague Convention is deceptively quite simple. It was designed to reestablish the child's custodial or living arrangements prior to abduction. There is no mandate to revise an existing custody arrangement, nor does it create one if such an arrangement is lacking. Standing apart from the UCCJA<sup>57</sup> and the more recent UCCJEA,<sup>58</sup> the Hague Convention does not work within jurisdictional rules and the recognition of judgments. The drafters intentionally did not want the convention to get bogged down by parents "forum shopping" for more optimal custody arrangements.<sup>59</sup>

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<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Two parallel conventions exist which deal with international child abductions: the European Convention on Recognition and Enforcement of Decisions Concerning Child Custody and on Restoration of Custody of Children, and the Inter-American Convention on the International Return of Children.

<sup>56</sup> Herring *supra* note 48 at 142.

<sup>57</sup> Unif. Child Custody Jurisdiction Act of 1968, 9 (Part IA) U.L.A. 261 (1999 & Supp. 2004) *available at* [http://www.uniformlaws.org/shared/docs/child\\_custody\\_jurisdiction/uccja68.pdf](http://www.uniformlaws.org/shared/docs/child_custody_jurisdiction/uccja68.pdf).

<sup>58</sup> Unif. Child Custody Jurisdiction & Enforcement Act of 1997, 9 (Part IA) U.L.A. 649 (1999 & Supp. 2004) *available at* [http://www.uniformlaws.org/shared/docs/child\\_custody\\_jurisdiction/uccjea\\_final\\_97.pdf](http://www.uniformlaws.org/shared/docs/child_custody_jurisdiction/uccjea_final_97.pdf).

<sup>59</sup> *See* Hague Convention, *supra* note 6, at 15, reprinted in 51 Fed. Reg. 10,498.

Congressional implementation of the Hague Convention was accomplished with the passing of the International Child Abduction Remedies Act (ICARA).<sup>60</sup> Under ICARA Congress expressly granted concurrent federal and state court jurisdiction to hear petitions for a child's return.<sup>61</sup> Of interest is the deferential treatment held by Congress as to the historical role of family law as a state matter. "In allocating this authority, Congress was especially mindful that issues of family law traditionally are placed wholly within the sphere of state competence, and thus was careful expressly to limit federal court jurisdiction to the narrow questions arising under the Hague Convention."<sup>62</sup>

With the passage of The Hague Convention, "left behind" parents now had a weapon in their fights to regain custody of abducted children. However as implementation of the convention came into effect it became apparent there were serious flaws. For example, while intending to respect the historic role played by states in crafting family law, the Congressional grant of concurrent jurisdiction would prove to be extremely problematic for U.S. courts in the practical application of this dual mandate. Additionally, enforcement of Hague petitions both within and outside United States jurisdiction has remained an enigma. The United States represents the largest share of Hague cases caseload and is among the slowest in resolution.<sup>63</sup> With jurisdiction granted to both state and federal courts, over an estimated 30,000 judges can hear and adjudicate cases within the United States.<sup>64</sup> This has created delays and inconsistency throughout

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<sup>60</sup> International Child Abduction Remedies Act of 1988, 42 U.S.C. §§ 11601-11610, at 11603(a) (West).

<sup>61</sup> *Id.* at § 11603(a)-(b).

<sup>62</sup> Ion Hazzikostas, *Federal Court Abstention and the Hague Child Abduction Convention*, 79 N.Y.U. L. Rev. 421, 424 (2004).

<sup>63</sup> Hague Conference on Private International Law, A Statistical Analysis of Applications Made in 2003 Under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, at 21, Prelim. Doc. No. 3, pt. II (2006), available at [http://www.hcch.net/upload/wop/abd\\_pd03efs2006.pdf](http://www.hcch.net/upload/wop/abd_pd03efs2006.pdf); See Nigel Lowe et al., United States Country Report, 2002, [http://www.icmec.org/en\\_X1/icmec\\_publications/NC111.pdf](http://www.icmec.org/en_X1/icmec_publications/NC111.pdf).

<sup>64</sup> National Report International Child Custody September 2000, [http://travel.state.gov/abduction/resources/resources\\_543.html](http://travel.state.gov/abduction/resources/resources_543.html) (noting "The total number of judges in the United States in both Federal and State systems exceeds 30,000.").

the country. There exists the potential for a “left behind” parent to file an ICARA petition in a federal court while the absconding parent may have a custody suit filed in state court.

As a result recent developments have seen federal courts abstaining from exercising their jurisdiction in such cases and remanding the case to a state court.<sup>65</sup> The federal judiciary is clearly swinging in the direction of granting more jurisdiction to state courts. However many scholars have advocated in the alternative, namely for a strictly federal jurisdiction of Hague petitions as a solvency mechanism.<sup>66</sup>

The enforcement by other member states to the Hague Treaty has received mixed results. The U.S. Department of State has labeled several nations as continually being in noncompliance with the treaty.<sup>67</sup> Both the lack of resources and lack of political will have resulted in many international abductions remaining in violation of the Treaty. Of particular note is Mexico which, as the report cites, “continues to be a serious obstacle” towards resolving international abductions.<sup>68</sup> With the vast majority of U.S. based child abduction cases resulting in flight to Mexico,<sup>69</sup> the ability for U.S. parents to protect their children from flight to Mexico remains tenuous at best. The turmoil and uncertainty of adjudication has led many parents to become hostages to an ineffective system which only perpetuates their sense of loss and bewilderment.

Most prevalent among criticisms is the unwillingness of member states to enforce the Hague Treaty on the grounds of article 13(b).<sup>70</sup> The party seeking injunction of enforcement must claim “a grave risk that [the child’s] return would expose the

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<sup>65</sup> *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976) (affirming that the state court had jurisdiction over Indian water rights in view of concurrent state court proceedings).

<sup>66</sup> Lesh, *supra* note 34.

<sup>67</sup> *Id.* at 20.

<sup>68</sup> *Id.* at 21.

<sup>69</sup> Antoinette Sedillo Lopez, *International Law-U.S./Mexico Cross-Border Child Abduction-The Need for Cooperation*, 29 N.M. L. Rev. 289, 290 (1999) (citing a Department of State interview from the Office of Children (Nov. 1998)).

<sup>70</sup> William M. Hilton, *Limitations on Article 13(b) of the Convention on the Civil Aspects of International Child Abduction* AM. J. OF FAM. L. 11: 139-43 (1997).

child to physical or psychological harm or otherwise place the child in an intolerable situation.”<sup>71</sup> In practice local courts have often sided with the party seeking protection under article 13(b).<sup>72</sup>

The passages of the PKPA, the UCCJEA and The Hague Convention dealt only with petitions filed in response to abductions. These legislative mechanisms failed to address situation where a potential “left behind” parent knew of a pending threat of abductions but where no actual actions had been taken. Under the child abduction framework as it existed a potential threat would not trigger judicial protection.

### **III. The Creation of the Uniform Child Abduction Prevention Act**

#### *A. State Preventative Abduction Legislation*

The often bleak prospects for the return of an internationally abducted child led to a shift in legislative activity focusing on preventative safeguards.<sup>73</sup> The impetus for legislation which would stop abduction before it occurred has largely been held as stemming directly from failures of The Hague Treaty in redressing cases of abduction.<sup>74</sup> Yet when viewed within the larger framework of child abduction laws it appears as a natural evolutionary addition. Earliest legislative attempts focused on domestic abductions. With the rise in multinational marriages and an increasingly globalized world the focus shifted towards protection from international abductions. Now the movement has begun to address stopping international abductions rather than trying to deal with their aftermath. Perhaps the more correct means of understanding the UCAPA is as building on the precedent of its antecedents, not as a correction of perceived failures.

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<sup>71</sup> 42 U.S.C.A. § 11603.

<sup>72</sup> 42 U.S.C.A. § 11603(e)(2)(A). *See* Tsarbopoulos v. Tsarbopoulos, 176 F. Supp. 2d 1045 (2001).

<sup>73</sup> Calls for preemption legislative measures predate the UCAPA by several years. *See* Tom Harper, *The Limitations of the Hague Convention and Alternative Remedies For a Parent Including Re-abduction*, 9 EMORY INT'L L. REV. 257 (1995).

<sup>74</sup> Maureen Dabbagh, *Parental Kidnapping in America: An Historical and Cultural Analysis*, 178 (McFarland & Company, Inc. Publishers) (2011).

Previous legislation was never meant to stop child abductions, merely to correct them once they occurred. Any failures leveled would not be solved by the UCAPA but rather by internal changes to their operating structures.

Pressure for pre-international abduction protection began at the state level. California became the first battleground for legislation aimed at pre-abduction measures. In 2002 the California legislature passed the Synclair-Cannon Child Abduction Prevention Act.<sup>75</sup> Legislation in Texas would soon follow with the 2004 passage of the Prevention of International Parental Child Abduction Act.<sup>76</sup> Both legislatures were lobbied by parents whose children were abducted and remained adjudicated by the Hague Treaty.

Both California and Texas laws were similar in structure and intent. Each required courts cognizant of facts which may determine a risk of abduction to address those facts and consider taking measures to prevent abduction. Risk factors were highly factual based and ranged from financial status to a criminal record. If a risk of abduction was found, courts had authority to implement conditions necessary to stymie the risk.<sup>77</sup>

At the time of passage in California and Texas parental advocates approached the National Conference of Commissioners on Uniform State Laws (NCCUSL) of the respective laws to draft a model preventative measure law.<sup>78</sup> The NCCUSL as a non-profit organization of attorneys which “provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law”<sup>79</sup> had abundant experience. For over a hundred years the NCCUSL has drafted model legislation for adoption at the state level. In August 2003 the NCCUSL undertook the process of

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<sup>75</sup> Synclair-Cannon Child Abduction Prevention Act of 2002, available at <http://abductedlarrysynclairjr.weebly.com/uploads/2/8/8/6/2886707/synclaircannonact.pdf>.

<sup>76</sup> Tex. Fam. Code § 153.501-503.

<sup>77</sup> Court allowed measures may include posting a bail, surrendering a passport, and restricting custody.

<sup>78</sup> Dabbagh, *supra* note 74, at 148.

<sup>79</sup> See, <http://www.uniformlaws.org/Narrative.aspx?title=About%20the%20ULC>

drafting a model abduction preventative law.<sup>80</sup> July 2006 witnessed a final reading and approval of the UCAPA.<sup>81</sup>

### B. *The Purpose and Intent of the UCAPA*

The UCAPA was created as an heir to and a supplement of existing child abduction legislation.<sup>82</sup> The act ought not be viewed as trumping existing legislation but rather as addressing a field not previously covered. In tandem with post-abduction legislation the UCAPA increases judicial jurisdiction and the statute serves as a preamble to stop child abductions.

The purpose of the UCAPA retains a broad yet deceptively succinct mandate to prevent child abduction. This is premised on the concept that a child's best interests are met by preventing abduction.<sup>83</sup> However the UCAPA was not meant as a tool to argue or delay a legally binding relocation by a parent. Rather existing state laws regarding the standard of determination for relocation remain untouched.<sup>84</sup> If however a current child-custody determination lacks abduction prevention measures, the UCAPA is meant to act as a supplement.<sup>85</sup>

### C. *Provisions*

The UCAPA is premised on the assumption that both domestic and international child abductions largely do not occur intrastate.<sup>86</sup> Thus the framework is designed from the offset "by building on the interstate jurisdiction and enforcement mechanisms of the UCCJEA, including provisions on temporary emer-

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<sup>80</sup> Patricia Hoff, *UCAPA: Understanding and Using UCAPA to Prevent Child Abduction*, 41 FAM. L.Q. 1 (Spring 2007).

<sup>81</sup> During the UCAPA drafting process Arkansas, Florida, and Oregon all passed versions of child preventative legislation.

<sup>82</sup> Most notably the Hague Convention on the Civil Aspects of International Child Abduction Convention, and the International Child Abduction Remedies Act.

<sup>83</sup> *Id.*

<sup>84</sup> State courts are split as to whether legal relocation is actually in a child's best interest. See Linda D. Elrod, *A Move in the Right Direction? Best Interests of the Child Emerging as the Standard for Relocation Cases*, 3 J. CHILD CUSTODY, 57-61 (2006).

<sup>85</sup> *Id.*

<sup>86</sup> See Child Abduction Prevention Act at 3, available at, [http://www.uniformlaws.org/shared/docs/child\\_abduction\\_prevention/ucapa\\_final\\_oct06.pdf](http://www.uniformlaws.org/shared/docs/child_abduction_prevention/ucapa_final_oct06.pdf).

gency jurisdiction.”<sup>87</sup> Of note is the UCAPA’s advocacy of states either adopting the UCCJEA entirely or including those provisions of the UCCJEA dealing with interstate judicial communication into a UCAPA’s bill.<sup>88</sup>

The authority to take preventative measures to halt potential child abductions is granted to three categories of persons under the UCAPA.<sup>89</sup> A court under its own discretion may take preventative measures if “the evidence establishes a credible risk of abduction of the child.”<sup>90</sup> The standard of proof under “credible risk” is largely in line with the burden established in civil court, namely a preponderance of evidence.<sup>91</sup> It is meant to strike a balance between a lower standard of risk and a more substantial one.<sup>92</sup> “Credible” means that a reasonable person would believe the behaviors outlined indicate the person is planning to abduct the child.<sup>93</sup>

The more likely candidate to utilize the UCAPA to seek preventative measures would fall under Section 4(b), namely a party with a child-custody determination or the legal right to obtain one. This definition goes beyond the mere obvious parental units to include government entities as well.<sup>94</sup>

The final party granted authority to seek preventative measures under the protection of the UCAPA are prosecutors who may, under power of a warrant, take physical custody of the child.<sup>95</sup> This is in keeping with similar authority granted to prosecutors under the UCCJEA.

#### D. *Risk Factors*

In constructing the UCAPA, the NCCUSL referenced the myriad of research undertaken by professionals in assessing the

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<sup>87</sup> ULC, Child Abduction Prevention Summary, *available at*, <http://www.uniformlaws.org/ActSummary.aspx?title=Child%20Abduction%20Prevention>.

<sup>88</sup> Of particular focus are provisions 110, 111, and 112 of the UCCJEA.

<sup>89</sup> *See Act*.

<sup>90</sup> *See Id.*

<sup>91</sup> California and Texas’ pre-UCAPA laws also grant courts the authority to act on its own motion as well.

<sup>92</sup> *See Elrod, supra* note 84.

<sup>93</sup> *Id.*

<sup>94</sup> *See U.C.A.P.A.* § 4 cmt. at 6-7 (2006).

<sup>95</sup> *Id.*



risk factors associated with child abduction by a parent.<sup>96</sup> Because the triggers and warning signs of child abduction in each case differ, the NCCUSL ensured that a wide swath of factors were included. However the UCAPA is apt to note that factors are case specific and may not actually warrant action to be taken under its provisions.

The more of these factors that are present, the more likely the chance of an abduction. However, the mere presence of one or more of these factors does not mean that an abduction will occur just as the absence of these factors does not guarantee that no abduction will occur.<sup>97</sup>

In conjunction with the authority to act once enough risk factors have occurred are the actual steps a court may employ to prevent a parent from abducting a child. Echoing the sentiment behind the risk factor analysis, the NCCUSL provides a multitude of options to ensure abduction does not occur. Underlying all of its provisions is the belief that the least restrictive measures are the most apt. "Ideally the court will choose the least restrictive measures and conditions to maximize opportunities for continued parental contact while minimizing the opportunities for abduction."<sup>98</sup> This may include the judicial authority to revisit or revise an existing child custody determination. Often fear of abduction may just be the progeny of a poorly crafted child custody determination.

This framework also mirrors the assumptions upon which the Hague Treaty is based, namely respect for a previously issued and valid child-custody determination order. Yet again the nexus

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<sup>96</sup> See Janet R. Johnston & Linda K. Girdner, *Family Abductors: Descriptive Profiles and Preventative Interventions* OFF. JUR. JUST. & DELINQ. PREVENTION JUR. JUST. BULL. available at <https://www.ncjrs.gov/pdffiles1/ojjdp/182788.pdf>; see also Janet R. Johnson et al., ABA, Early Identification of Risk Factors for Parental Abduction (NCJ185026) OFF. JUV. JUST. & DELINQ. PREVENTION JUV. JUST. BULL., Mar. 2001, available at <http://www.ncjrs.gov/pdffiles1/ojjdp/185026.pdf>.

<sup>97</sup> The more of these factors that are present, the more likely the chance of an abduction. However the mere presence of one or more of these factors does not mean that an abduction will occur, just as the absence of these factors does not guarantee that no abduction will occur. U.C.A.P.A. § 7 cmt. at 13 (2006).

<sup>98</sup> Ideally the court will choose the least restrictive measures and conditions to maximize opportunities for continued parental contact while minimizing the opportunities for abduction. U.C.A.P.A. § 8 cmt. at 13 (2006).

between the UCAPA and prior child abduction legislation is evident.

If the risk of child abduction is imminent the UCAPA authorizes the issuance of a warrant for the immediate protection of the child.<sup>99</sup> This dispenses with the normally required notice to be given to the parent being served. While the judicial safeguard of notice may be suspended, the magistrate or judge must still find enough evidence present to meet the warrant requirement.<sup>100</sup> Here again the act reflects standards adopted in prior child abduction legislation.<sup>101</sup>

### E. Terminology

Definitions adopted by the UCAPA both align with definitions utilized in prior child abduction legislation<sup>102</sup> and also differ in several meaningful ways. In each case, the phrases utilized represent a concerted effort on the part of the drafters to convey a specific intent. Where possible the UCAPA adopts existing definitions (primarily with the Uniform Child Custody Jurisdiction and Enforcement Act).<sup>103</sup> Departing from the Aristophanes belief that “high thoughts must have high language,”<sup>104</sup> the UCAPA sets forth succinct terminology which masks their complexity. For the sake of brevity only the most apt are discussed below.

“*Abduction*” means the wrongful removal or wrongful retention of a child. The definition of what categorizes abduction within the scope of the UCAPA differs vastly from other abduction legislation.<sup>105</sup> As noted by UCAPA participant Pat Hoff, “[t]he drafting committee struggled over the definition of abduc-

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<sup>99</sup> U.C.A.P.A. § 9(a) (2006).

<sup>100</sup> *Id.*

<sup>101</sup> Namely Section 311 of the Uniform Child Custody Jurisdiction and Enforcement Act. U.C.A.P.A. § 9 cmt. at 21 (2006) (referencing section 311 of the Uniform Child Custody Jurisdiction and Enforcement Act).

<sup>102</sup> Specifically language and definitions adopted by the Hague Convention.

<sup>103</sup> U.C.A.P.A. § 2 cmt. at 5 (2006).

<sup>104</sup> Aristophanes, *The Frogs*.

<sup>105</sup> The Hague Convention fails to include a definition at all.

tion and whether to define it at all.”<sup>106</sup> While a narrow definition was initially proposed limiting action to a parent or person acting on their behalf, this proved too constricting. The final definition was broadened to include any abduction (not just those limited to a parent or a party acting on behalf of a parent). Additionally the NCCUSL included a note that an abduction ought to be construed as a “breach of an existing ‘child-custody determination’ or, if pre-decree, in violation of rights attributed to a person by operation of law.”<sup>107</sup> It may be said that this reflects the complexity surrounding child abductions and the multitude of participants who may be involved. Limiting an abduction to certain actors would remove the teeth from the very intent of the act itself.

“*Wrongful removal*” means the taking of a child that breaches rights of custody or visitation given or recognized under the law of this state.

“*Wrongful retention*” means the keeping or concealing of a child that breaches rights of custody or visitation given or recognized under the law of this state.

As noted the terminology included in the model act was done so with utmost precision behind how the terms would later be utilized in court actions. With additions and corrections later added at the state level (most notably Louisiana) this reflected a move away from the original intent of the drafters.

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<sup>106</sup> Linda D. Elrod, *Uniform Child Abduction Prevention Act (Statutory Text, Comments and Unofficial Annotations by Linda D. Elrod, Reporter)*, 41 FAM. L. Q. 23, 54 (2007).

<sup>107</sup> Commissioners’ Prefatory Notes, Uniform Child Custody Jurisdiction Act, 9 ULA 111. An abduction is wrongful where it is in breach of an existing “child custody determination” or, if predecree, in violation of rights attributed to a person by operation of law. U.C.A.P.A. § 2 cmt. at 5 (2006).

#### **IV. Legislative Attempts at Passage of the UCAPA**

A. *The final version of the UCAPA was ready for submission and passage by state legislatures in July 2006. Out of the gate legislative attempts at getting the model act codified had widespread support. In 2007 (the first time state legislatures had met since the UCAPA was ready), seven states passed the UCAPA into law. Nebraska, Utah, Kansas, South Dakota, and Colorado all passed and enacted the UCAPA into law without much modification of the model act. Five more state legislatures introduced a UCAPA bill without passing it in 2007.*<sup>108</sup>

Controversy surrounding the application of the UCAPA soon became apparent when a bill was submitted in the Louisiana legislature in 2007. While the UCAPA was eventually passed and signed into law, it was done after critical modifications were placed upon the act. Interest groups<sup>109</sup> pushed for changes to the language of the UCAPA to thwart application between states. The term “international” was added into the language, therefore granting judicial authority only to those cases where potential/pending abductions would occur outside American sovereignty. Fear of domestic action appeared to be rooted in potential abuse by spurned spouses using *ex parte* warrants.<sup>110</sup> While theoretically a concern exists that the UCAPA may be utilized in a negative fashion (i.e. to punish the other parent), this is true of all laws. Additionally there appears to be scant empirical evidence that where the UCAPA has become codified abuse of the act has taken place by spouses in interstate actions. As Linda Elrod, reporter for the UCAPA, writes, the original intent of the UCAPA being an act focusing solely on non-Hague countries was too

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<sup>108</sup> *Uniform Family Law Update*, June 2007, [http://www.ncdsv.org/images/NCCUSL\\_Uniform%20Family%20Law%20Update.pdf](http://www.ncdsv.org/images/NCCUSL_Uniform%20Family%20Law%20Update.pdf).

<sup>109</sup> Most notably LaDads, a Louisiana non-profit focusing on paternal rights. See <http://ladads.info/>.

<sup>110</sup> See testimony by LaDads president Nicholas James before the Pennsylvania House. <http://ladads.info/modules/newbb/viewforum.php?forum=32>.

small a mandate.<sup>111</sup> “Since *all* abductions start as domestic abductions, a uniform law should try to prevent all abductions.”<sup>112</sup>

Also of note is the radically different authority granted to a court in reviewing an application to thwart a potential abduction. The UCAPA as written grants courts the ability to consider any risk factors of abduction in granting an application (i.e. a parent buying a ticket abroad or getting a child a passport). Louisiana’s version of the law altered the ability to judges to merely take notice of a single abduction risk factor. Under Louisiana law judges are compelled to weigh all factors before acting under the law.<sup>113</sup> Theoretically this neuters the ability of a “spurned parent” to seek court action based solely on a single action by the other spouse. The amount of evidence required drastically increases under Louisiana’s requirements.

The 2007 Louisiana adoption of a drastically altered UCAPA was the first salvo of resistance to passage of the model act as drafted by the NCCUSL. Indeed future attempts at passage of the UCAPA would alter drastically from earlier successes. In 2008 New Jersey took up the UCAPA during its legislative session. Prior to a vote the New Jersey Law Revision Commission reviewed the UCAPA. Tasked with the responsibility to review New Jersey statutes and potential laws,<sup>114</sup> the NJLRC issued a report on the UCAPA that December.<sup>115</sup> The NJLRC reported that the UCAPA ought not to be adopted basing this conclusion on several grounds. These grounds would later serve as fodder for those interests wishing to stop the passage of the UCAPA elsewhere across the country.

The first concern raised by the New Jersey report was the same issue that led to a drastically altered version being passed in

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<sup>111</sup> Linda D. Elrod 2009 FAMILY LAW UPDATE, 187 (Ron Brown & Laura Morgan, eds. 2009).

<sup>112</sup> *Id.*

<sup>113</sup> LSA-R.S. 13:1857. (year) The actual law reads “In determining whether there is a credible risk of abduction of a child, the court shall consider all of the following factors. . .”

<sup>114</sup> N.J. STAT. ANN. § 1:12A-1 (year).

<sup>115</sup> N.J. LAW REVISION COMM’N, FINAL REPORT RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT, *available at* <http://www.lawrev.state.nj.us/ucapa/ucapaFR122208.pdf>.

Louisiana, namely the act covering domestic abductions.<sup>116</sup> While not fully articulating exactly why domestic abductions warranted different treatment, the report noted it was a troubling part of the UCAPA.

But perhaps the most important arguments set forth in the report centered on constitutional grounds. Indeed this line of reasoning would later be far more compelling in future failures of UCAPA to be codified. The NJCLRC argued that the underlying principle behind the UCAPA ran contrary to core ideas within our republic. Namely the report wrote that passage by New Jersey of the UCAPA would alter the presumption of innocence and other rights, i.e. the right to freely travel. A court could curtail basic freedoms of both the child and parent based on little more than an allegation. Both the Louisiana and New Jersey criticisms failed to grasp that the act also empowers the court to merely clarify and revise a pre-existing custody determination. Critics focused only on the most drastic actions a court could take while largely ignoring the more benign actions available. In any event, eventually the New Jersey General Assembly failed to pass the UCAPA, based on the recommendations of the NJCLRC report.

Post-New Jersey UCAPA failure the model act continues to receive mixed reviews when introduced across the country in legislative sessions. Four states (Mississippi-2009, Alabama-2010, Florida-2010, and Tennessee-2010) and the District of Columbia-2009 have since passed the UCAPA without adopting Louisiana's modifications. However all of the UCAPA bills continue to fail to become laws at each legislative session. From 2009 to 2011 introduced UCAPA bills failed passage fifteen times in various states. Unfortunately the mercurial nature of politics does not lend itself to being able to precisely define why a bill was culled. The inability of the UCAPA to be codified in these instances cannot alone be connected to Louisiana and New Jersey influences. The vast majority of bills introduced fail passage, for one reason or another.<sup>117</sup> There is circumstantial evidence however that con-

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<sup>116</sup> *Id.* at 5; *see also id.* at 2 n.1 (noting Louisiana's passage with only international jurisdiction).

<sup>117</sup> For example, the 2012 Missouri General Assembly session had 1,632 bills introduced in the House and Senate. Of these 216 passed out of committee, 113 were passed by both chambers, and only 96 managed to be signed into law

cern over abuse domestically of a UCAPA law has fueled citizens and interest groups to scuttle UCAPA passage.<sup>118</sup> The extent to which these concerns play a defining role is simply unascertainable. However UCAPA bills continue to be introduced throughout the country each legislative session.<sup>119</sup> As of the 2013 legislative session three states introduced UCAPA bills with New Mexico being the only state to enact the legislation.

## V. Conclusion

The Uniform Child Abduction Prevention Act is an effective tool for eradicating child abductions before they occur. Each year more states are adopting and implementing the act into their legal systems, which bolsters its effectiveness. Several states have adopted the UCAPA with different provisions to suit individual needs.

This note also suggests another mechanism whereby the passage of the UCAPA may be undertaken in remaining states: increased public support for the passage of the act. This includes support by parents who have had their children abducted and had warning signs. Additionally support by legal practitioners would go a long way in supporting the UCAPA. Coinciding with additional support comes the need for increased lobbying of state legislatures. Getting a UCAPA bill introduced into every legislative session and maintaining pressure on state legislatures would go a long way to ensuring increased passage of the UCAPA.

Blake Sherer

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by the governor. This represents 5.8% of introduced bills actually becoming laws.

<sup>118</sup> See *Testimony of the Commission to Promote Uniform Legislation on H.B. No. 2250 Relating to the Uniform Child Abduction Prevention Act Before the H. Comm. on Human Servs.*, 2010 Leg., 25th Sess. (Haw. 2010) available at [http://www.capitol.hawaii.gov/session2010/Testimony/HB2250\\_TESTIMONY\\_HUS\\_01-28-10\\_.pdf](http://www.capitol.hawaii.gov/session2010/Testimony/HB2250_TESTIMONY_HUS_01-28-10_.pdf).

<sup>119</sup> In 2012 four states had UCAPA bills introduced (Michigan, New Mexico, North Carolina, and Pennsylvania). See <http://www.uniformlaws.org/Act.aspx?title=Child%20Abduction%20Prevention%20Unif.%20Law%20Comm'n>, *Child Abduction Prevention*, (July 30, 2013, 11:35 p.m.).

