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INTERNATIONAL PARENTAL KIDNAPPING

“International parental kidnapping can have serious emotional, psychological, and even physical consequences for the abducted child.”

- *A Law Enforcement Guide on International Parental Kidnapping*, U.S. Department of Justice (July 2018), page 3.

International Parental Kidnapping

Every day, children in the United States are wrongfully removed from the United States or retained outside of the United States in violation of parental rights. In 1993, Congress passed the International Parental Kidnapping Crime Act (“IPKCA”), which created a federal international kidnapping offense, codified at Title 18, United States Code, Section 1204. Section 1204 makes it a federal crime for a parent or other individual to remove or attempt to remove a child from the United States or retain a child outside the United States with intent to obstruct another person's custodial rights. For example, consider that a married couple had a son together in the United States. During a marital dispute, the father moves with his son to another country in order to keep him away from the mother with no intent of return. In this situation, the father has committed the federal crime of international parental kidnapping. Convicted offenders of this crime can face up to three years of imprisonment.

Child Victims of International Parental Kidnapping

Every year, situations of international parental kidnapping are reported in the United States. It is common for the removal of a child to occur during a heated or emotional marital dispute, in the early stages of separation or divorce, or in the waiting period for a court custody order or agreement. International parental kidnappings of U.S. children have been reported in countries all over the world, including Australia, Brazil, Canada, Colombia, Germany, India, Japan, Mexico, Philippines, and the United Kingdom.

Child victims of international parental kidnapping are often taken from a familiar environment and suddenly isolated from their community, family, and friends. They may miss months or even years of schooling. The child may be moved to multiple locations in order to stay hidden or out of reach of the parent remaining in the United States. In some cases, the child’s name, birth date, and physical appearance are altered or concealed to hide identity.

In addition, the tense and unfavorable situation between the parents may be emotionally troubling to a child. Kidnapped children are at high risk for long-term psychological problems including anxiety, eating disorders, nightmares, mood swings, sleep disturbances, and aggressive behavior. As adults, child victims of international parental kidnapping may struggle with identity, relationship, and family issues.

Legal Hurdles and the Return of a Kidnapped Child to the United States

Under federal law, prosecutors may investigate and prosecute the parent who kidnapped the child, however, prosecutors generally have no control over the custodial decisions affecting the child or whether foreign authorities will order the return of the child. In fact, the federal IPKCA criminal statute does not include a mechanism to demand the return of the child. Thus, even in cases in which a defendant is successfully prosecuted and sentenced for international parental kidnapping, there is no certain mechanism by which a U.S. criminal court can order the return of a child located overseas. See Jacqueline D. Golub, *The International Parental Kidnapping Crime Act of 1993: The United States’ Attempt to Get Our Children Back – How Is It Working*, 24 *Brook. J. Int’l L.* 797 (1999).

The return of kidnapped children is often settled through negotiation or with the left-behind parent filing a civil petition pursuant to the Hague Convention on the Civil Aspects of International Parental Child Abduction (1980). This Convention was established to facilitate the return of children abducted to foreign countries. However, it only applies if both countries involved in the international parental kidnapping situation are signatories to the Convention. The United States is a signatory state.

The U.S. Department of State handles the coordination of return efforts with foreign officials and law enforcement and serves as the left-behind parent’s point of contact on related requests for the return of the child to the United States. The Department of State can also provide parents and law enforcement with country specific information on diverse topics such as custody and immigration laws, can request that a U.S. embassy or consulate abroad verify entry of the taking parent or child into that country, and can attempt to check on the child’s welfare. Parents whose children have been wrongfully removed or retained from the United States should immediately contact the Department of State, Office of Children’s Issues, which operates 24 hours a day: www.travel.state.gov.

In acts of desperation, some parents may consider using extra-judicial forms of recovery, such as personally traveling to the foreign country to recover a child. Although it may seem easier and faster to use extra-judicial methods, they often violate U.S. federal laws and the laws of the foreign country involved, and may potentially exacerbate the situation. For example, the parent who kidnapped the child may have sought assistance from a foreign court or obtained a foreign custody order. In such circumstances, the other parent’s direct removal of a child from the foreign jurisdiction, without the assistance of the U.S. Department of State, could result in his or her arrest or even imprisonment in that foreign country. Furthermore, any unlawful attempt to recover a child may adversely impact a have a petition for return under the Hague Convention.

CEOS’s Role

The Child Exploitation and Obscenity Section (CEOS) provides advice and litigation support to United States Attorney’s Offices throughout the country regarding international parental kidnapping prosecutions. While CEOS does not have the authority to intervene in the return of children, the section works directly with the U.S. Department of State and the National Center for Missing & Exploited Children (NCMEC) to monitor active international parental kidnapping cases and provide legal assistance.

In addition, CEOS conducts trainings for federal prosecutors and law enforcement personnel on federal international parental kidnapping law and its interplay with the Hague Convention on the Civil Aspects of International Parental Child Abduction (1980).

Child Custody and Visitation Matters

With the exception of international parental kidnapping, child custody and visitation matters are handled by local and states authorities, and not by the federal government. The matters are governed by the relevant state family court system and human services agency. Therefore, child custody or visitation issues should be reported to state or local law enforcement authorities or a state judicial officer.

In addition to contacting the Department of State, Office of Children’s Issues, law enforcement or left-behind parents should also contact the National Center for Missing and Exploited Children (“NCMEC”): www.missingkids.org. NCMEC works closely with the State Department and the U.S. Department of Justice’s Office for Victims of Crime and administers its Victim Reunification Travel Program. Eligible parents can request financial assistance so they can be reunited with a child located in another country or obtain travel support for the child’s return to the United States.

Additional Resources on International Parental Kidnapping

A Law Enforcement Guide on International Parental Kidnapping:
<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/250606.pdf>
State Department: www.travel.state.gov
National Center for Missing and Exploited Children: www.missingkids.org

GENERAL INFORMATION CHILD EXPLOITATION AND OBSCENITY SECTION

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ACTION CENTER

For emergencies that require an immediate law enforcement response, call 911 or contact your local police department.

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[Report International Parental Kidnapping](#)

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[Report Violations \(justice.gov\)](http://ReportViolations.justice.gov)

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