



Senator Feinstein Introduces Legislation to Prevent Kidnapping by Family Members and Bring Abductors to Justice

-- Over 200,000 children taken by relatives each year --

March 11, 2004

Washington, DC – U.S. Senator Dianne Feinstein (D-CA) today introduced legislation to give law enforcement new tools and resources to prevent family members from snatching kids and to bring missing children home. The two bills – the Family Abduction Prevention Act and the Bring Our Children Home Act – will help the thousands of children who are abducted by a family member each year.

Representatives Nick Lampson (D-TX), Lynn Woolsey (D-CA), Steve Chabot (R-OH) and Martin Frost (D-TX) are cosponsoring companion legislation in the House.

“Far too often, family abduction cases are ignored by the media and by law enforcement – casting them aside as merely domestic disputes,” Senator Feinstein said. **“In reality, these cases are tragic – leaving behind devastated custodial parents and confused children.”**

Last year, Senator Feinstein worked with Senator Kay Bailey Hutchison (D-TX) to pass the AMBER Alert law, creating a nationwide AMBER Alert network. The AMBER Alert program is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases. AMBER Alert has been tremendously effective, resulting in the return of 126 children to their parents.

The Family Abduction Prevention Act, which is cosponsored by Senators Hutchison and Russ Feingold (D-WI), makes funding available to states for family abduction prevention and investigation, providing matching grants up to \$500,000 for FY2004 to assist with:

- **Costs associated with the extradition of individuals suspected of committing the crime of family abduction.**
- **Costs borne by state and local law enforcement agencies to investigate cases of missing children.**
- **Training for local law enforcement agencies on responding to family abductions.** The first few hours and days after an abduction are the most important in recovering a child. Yet, many state and local law enforcement agencies are unsure of the best way to respond to a family abduction. Nearly 70 percent of law enforcement agencies lack a written policy on how to respond to this crime.

- **Outreach and media campaigns to educate parents on the dangers of family abductions.**
- **Assistance to public schools to help with costs associated with flagging school records.** Where flagging is mandatory, school districts notify law enforcement authorities when a missing child's school records are requested for transfer to a new school. With the new school address in hand, law enforcement has another vital piece of information to locate the missing child.

The Bring Our Children Home Act, cosponsored by Senator Russ Feingold (D-WI), gives law enforcement new tools to identify and return children who are abducted and illegally taken out of the United States by family members. This bill would:

- **Create a National Registry of Custody Orders.** Providing a national registry would allow law enforcement to quickly determine if there is a pre-existing custody order on a child and stop an abduction in progress.
- **Establish a right of action in Federal court for resolution of child custody disputes.** Parents sometimes present law enforcement with conflicting custody orders, which makes it more difficult to intervene. This would help resolve cases where there are conflicting custody orders in different states.
- **Allow law enforcement to detain any child who was reported to the FBI as missing.** Law enforcement would be able to prevent parents from fleeing the country and escaping punishment.
- **Require countries to report on their efforts to prevent international child abduction.** Countries would be required to provide the U.S. with information on the actions they take to prevent international child abductions and expedite efforts to return children to their custodial parents.
- **Require federally funded supervised visitation centers to provide services in child custody cases wherein a state court finds there is a risk of abduction.**

Every year, over 200,000 children are kidnapped by a parent or family member, in most cases by a non-custodial parent. This represents nearly 80 percent of all abductions in the United States and many people do not realize how common this problem is.

“These bills represent a modest, yet important step forward in the effort to keep our children safe,” Senator Feinstein added. **“An AMBER Alert cannot be issued every time a child is kidnapped by a family member – there are simply too many cases a year.”**

The prepared text of Senator Feinstein's remarks follows:

“Last year, Senator Hutchison and I worked together to pass the AMBER Alert law, which created a nationwide AMBER Alert network. AMBER Alert has been tremendously effective – and resulted in the return of 126 children to their parents. AMBER Alert, however, generally applies only to stranger abductions. There are 200,000 other children a year who are abducted by a family member – in most cases by a non-custodial parent.

In most of these abductions, there is no Amber Alert issued. There is no televised manhunt. There are no stories on the National News.

Far too often, these cases are ignored by the media and by law enforcement – casting them aside as merely domestic disputes. In reality, these cases are tragic – leaving behind devastated custodial parents and confused children.

That is why we are here today – to help the thousands of children who are abducted by a family member each year.

These are children like Elias Flores -Gonzales, a 15 month-old boy who was abducted by his father, Jesus Gonzales. After a dispute with the child's mother, Jesus fled from his apartment in San Marcos, California. Subsequently, Jesus has been spotted in Mexico, but Elias, and his father, are still missing, more than a year later. This case is not unique. Sadly, it is just one of the 559 family abductions that happen each day.

To help children like Elias, we are introducing two pieces of legislation today to confront the epidemic of family abductions:

First, the Family Abduction Prevention Act would provide funding to States for:

- Training, investigations, and extradition of suspects – helping law enforcement give these cases the attention they deserve.
- Increasing awareness of the problem – letting the public know that these are not simply cases of domestic disputes, but are indeed felonies.
- Flagging the school records of children who have been abducted – helping to locate them when they are enrolled in a new school, and that school requests their previous records.

Second, the Bring Our Children Home Act would give law enforcement new tools to identify and bring home children illegally abducted and taken out of the United States by family members. Most importantly, this bill would:

- Create a National Registry of Custody Orders – so that law enforcement can quickly determine if there is a pre-existing custody order on a child.
- Establish a right of action in Federal court for resolution of child custody disputes – helping resolve cases where there are conflicting custody orders in different states.
- Allow law enforcement to detain any child who was reported to the FBI as missing – preventing parents from fleeing the country and escaping punishment.

Together, these bills these bills represent a modest, yet important step forward in the effort to keep our children safe. An AMBER Alert cannot be issued every time a child is kidnapped by a family member – there are simply too many cases a year. But we can pass this legislation and do all that we can to ensure that children are returned to their custodial parents.

I urge my colleagues in the Senate and House to pass this legislation.”