



## **Judicial Options for the Prevention of Parental Child Abduction\***

If the court, after reviewing the evidence and consulting the identifiable risk factors questionnaire, finds that a credible risk of abduction of the child exists, the court may enter appropriate language to support the prevention of abduction. Such language should include the following elements to secure the rights of the child to have continual and safe access to both parties:

### **Toward the prevention of domestic Parental Child Abduction:**

- Specify the exact dates and locations that the non-custodial party may exercise his/her rights of visitation, and require that a party provide proof to the court that the order is registered in any other identified state as a prerequisite to allowing the child to travel to that state;
- Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child, or enforce the custody determination should either party violate the terms of the order. *See attached worksheet on enforceable travel restraint language.*
- Require both parties to obtain education on the potentially harmful effects to the child from abduction.

### **Toward the prevention of International Parental Child Abduction:**

- Identification of the child's country of habitual residence at the time of the issuance of the order.
- Require that the party posing a credible risk of international parental child abduction obtain an order from the relevant foreign country containing terms identical to the child-custody determination issued in the United States (regardless of prohibitions on international travel). *See attached worksheet on enforceable travel restraint language.*

### ***Additionally, the following Parental Child Abduction prevention options are strongly encouraged:***

- Limit visitation or require that visitation with the child by the party posing a credible risk of abduction be supervised until the court finds that supervision is no longer necessary and order that parent to pay the costs of supervision. *See attached questionnaire to determine a credible risk of abduction.*
- As a prerequisite to exercising custody or visitation, a requirement that the party posing a risk of parental child abduction provide:
  - An acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child.
  - To the court any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child.
  - To the United States Department of State Office of Children's Issues and the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child.

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