



Photo by: Bruce Gherbetti "Left Behind in Japan" The other victims of parental abduction and Japanese child custody laws.

LEFT-BEHIND PARENTS HAVE VERY LITTLE CHANCE OF EVER SEEING THEIR CHILDREN AGAIN!



Photo by: Bruce Gherbetti

Why Won't Our Government Return Our Kidnapped Children To Their Native Country?

By Richard Gatt

Every year, tens of thousand of children from around the world are illegally abducted from their native country and forced to live in a foreign land, learn a new language, and call never before seen people family. Most of these children will never see their left behind parents, family, or friends ever again. Due to unreliable statistics, it is extremely difficult if not impossible to find exact numbers of children abducted from most foreign countries worldwide. Peter Thomas Senese, on his website, *The Official Website of Chasing the Cyclone*, reports the difficulties of establishing these numbers.

In 2010 alone, there were 1,194 reported cases of children illegally abducted from the United States to foreign countries, as reported by the US State Department in the *2010 Hague Abduction Convention Compliance Report*. These abduction cases have the following things in common: The children were taken by one of their parents; the left behind parent has legal visitation

or custody rights; the countries the children were taken to are members of the Hague Convention Treaty Act; and the US government knows where these children are and does nothing to enforce their return.

Many times these children are removed from the US in secret. In other words, the taking parent just up and leaves with the child without telling anyone until after h/she are safely outside the borders of the United States. However, all too often the taking parent will deceive the left behind parent into thinking that the child is simply leaving for a short period of time to visit relatives in the foreign country.

Abductions such as these are classified as illegal abductions according Daniel B. Wood, staff writer for *The Christian Science Monitor* who states, "According to the *Hague Convention on the Civil Aspects of International Child Abductions*, an international child abduction occurs when one

parent wrongfully removes a child to a foreign country or retains the child in a foreign country and refuses to permit the child to return to his habitual residence. It's not an abduction if a child is taken with the consent of the left-behind parent. But it is one, if the abducting parent tricks the left behind parent into allowing the child to travel overseas for a short vacation in order to take them away permanently.”

David's Story

People who's children have been abducted by the other parent are referred to as left-behind parents or LBPs. There are thousands of LBPs in the United States, alone. One case in particular is the Sean Goldman case which has brought much needed national and international media attention to this escalating problem. David Goldman is the father of Sean Goldman. Goldman wrote to the press and his local congressman, a letter, describing his plight as a left-parent. In it he detailed the following ordeal.

Goldman married a Brazilian woman and they had one child. When their son was seven years, old Goldman drove his wife and son Sean to the airport for a planned two week vacation in Brazil. When Goldman's wife arrived in Brazil she called and informed him that she was going to file for divorce in Brazil and that he would never see his son again.

Goldman spent eight years and \$350,000 fighting for the return of Sean. It wasn't until after his ex-wife passed away in Brazil that



David Goldman with his son Sean before Sean was abducted to Brazil.

Photographer: Unknown.

his son was returned home. After his son's mother passed away, it still took over two years for the Brazilian courts to order the return of his child (Celizic).

Fortunately for Goldman, he was finally reunited with his son. However, this was after much media attention and the intervention of Secretary of State Hilary Clinton.

Most left behind parents do not have the financial resources or political support that Goldman had to have their children returned.

The Silent Majority

Unfortunately for thousands of left behind parents, they will never attract the media attention Goldman did nor will they ever be reunited with their children without the benefit of our government intervening on the LBP's behalf. For most of the thousands of LBPs cannot afford to hire lawyers to fight the legal battles to force the return of their children. Even if they could, it would take years for foreign courts to comply as evidenced in the Goldman case. The only remedy most LBP's have is to file a case with the Hague Convention

and hope for the best. Which is true in this writer's own experience.

In 2003, I was married to Tatiane Ribeiro, a woman from Sao Paulo, Brazil. We had one child between us, a baby girl whom we named Natasha. After five years, we filed for divorce. At the time of the divorce, my daughter was three years old. From the beginning of our divorce, Natasha's mother made it clear she would do everything in her power to gain sole custody of our daughter. Since I refused to sign over custody she wrongfully filed allegations of physical and sex abuse of a child. Though she did not have any evidence to support the allegations, she succeeded in winning the Utah Third District Court's favor. During final mediation, she gained temporary sole custody. At the end of the 90 day period following our mediation, the court-appointed Guardian ad Litem was supposed to make a recommendation for the court granting me regular child visitation as set forth by Utah statutes. When there is a divorce, in the State of Utah, where allegations of child abuse are filed, an attorney known as a "Guardian ad Litem" will enter the case to represent the child's best interest.

In February, 2010, after our divorce was final, Tatiane convinced me to allow our daughter to travel to Brazil so she could visit her grandparents. She assured me our daughter would be returned to the US after a short visit at which time the Guardian ad Litem would be able to make his recommendations. After more than two years, my daughter still has not been returned to the United States. In February, 2011, Tatiane

permanently moved to Brazil. She has conveyed, in a letter, she will never allow my daughter to be returned to the US.

Unfortunately, I am not the only one who has been affected by Natasha's illegal abduction. Natasha's 19 year old sister, Kimberly Gatt claims she has lost her little sister. During a recent conversation with Ms. Gatt, she stated, as she fought back tears, "The relationship I had with my little sister is ruined." Ms. Gatt explained she doesn't know when or if she will ever see her baby sister again. She believes Natasha has lost her native culture along with any memories of her big sister and the rest of her family. Ms. Gatt also believes the abduction of her sister is the same as child abuse because her mother would have had to tell Natasha many lies about her other family in the United States, in order to explain why she was taken to Brazil.

This problem isn't just about the left-behind parent and their family. This is a problem that should concern anyone who is concerned about child abuse.

According to Nancy Faulkner, Ph.D. in her report titled, *Parental Child Abduction is Child Abuse*, which can be found on the *PANdora's Box's* website, she states, "parental child



Kimberly M. Gatt with a photo of her sister Natasha.
Photo by: Richard Gatt

abduction is a form of child abuse.”

In the introduction of her report she writes the following, “Because of the harmful effects on children, parental kidnapping has been characterized as a form of child abuse” reports Patricia Hoff, Legal Director for the Parental Abduction Training and Dissemination Project, American Bar Association on Children and the Law. Hoff explains:

Abducted children suffer emotionally and sometimes physically at the hands of abductor-parents. Many children are told the other parent is dead or no longer loves them. Uprooted from family and friends, abducted children often are given new names by their abductor-parents and instructed not to reveal their real names or where they lived before, (Hoff, 1997).

Imagine being a left behind parent, a caregiver, or someone who was intimately involved in the child’s life and this happened to a child you loved. Imagine what it would be like living with the heartache of not only living without your child or having that child wrongfully removed from your life, but also wondering what that child is being exposed to both physically and emotionally.

International Child Abduction is Easy in the United States

In the United States, it is very easy for anyone to take a child onto an international flight and abscond with that child to a foreign country. The traveling guardian is not required to present any documentation proving they have permission from any non-traveling parents or guardians that he or

she has the authority to take the child overseas. In contrast, many countries such as Argentina, Brazil, and China require any adult traveling with a child where both parents are not present must have a document called a *Travel Authorization Form for a Minor*. David B. Wood, staff writer for *The Christian Science Monitor* Website reports while quoting Chris Schmidt of the US law firm of Bryan Cave LLP, “One reason international child abductions are on the rise is that it is fairly easy to accomplish in the United States. While exit controls would not have prevented the Brazilian abduction case [of Sean Goldman] as the mother tricked the father into believing she was going back to Brazil for a short vacation, exit controls would be very effective in preventing many other cases.”

The Consulate General of Brazil website clearly explains the following guidelines:

National Justice Council Resolução nr. 74 (April 28, 2009) regulates the departure from Brazil by Brazilian minors.

A Brazilian minor is someone under 18 years old who was born in Brazil, or who was born outside Brazil and has either a Brazilian mother or a Brazilian father (or both).

Authorization is required by the Federal Police when a minor travels abroad in the following situations:

- When not accompanied by both parents (father and mother) or those responsible for the minor’s custody, even when accompanied by another relative;

- When accompanied by just one parent (father or mother) or by one of the adults responsible for the minor's custody (when there is more than one who is legally responsible). When leaving Brazil with both parents (father and mother) or with both legal guardians, travel authorization is not necessary.”

However, the United States does not require any such documentation. The only documents the United States requires for departing minors is they have a valid passport and visa, if necessary, of the destination country. The United States is a signatory on the treaty and yet there are no real safeguards in place preventing the illegal abductions of our children. The United States government, it seems, is more concerned with keeping people from legally immigrating to our country than preventing our children from being illegally abducted to foreign lands.

For example, a Brazilian citizen who wishes to visit the United States has to wait, on average, six months to receive an appointment to get a visa. If they cannot prove they have valid reasons to return to Brazil, they are often denied the visa. And yet, it is extremely easy for Brazilian citizens to illegally take children who were born here in the United States back to Brazil without having to provide any proof that they are authorized to do so without the consent of the non-traveling parent.

Child abductions from the United States have increased at an alarming rate of approximately 50% from 2007 to 2010. The following Data from the *Report on Compliance with the Hague Convention on the Civil Aspects of*

International Child Abduction for 2007 - 2010

illustrates the following cases per year:

- ⇒ 2007 821
- ⇒ 2008 1,615
- ⇒ 2009 1,194
- ⇒ 2010 1,621

If new legislation is not passed making it more difficult for people to take our children to foreign countries these numbers will only increase. Parents will become more emboldened as they realize they can easily solve their disputes with the other parent by illegally taking the child away to foreign land without any repercussions.

It's Not Just About Left-Behind Parents

How difficult would it be for someone to abduct your young child or the child of someone you know and take him or her overseas for any number of other reasons than the scope of this report? For example, sometimes children are taken for international adoption, child slavery, child prostitution, or child pornography.

This problem is not only a threat for Americans married to and/or have children with foreign nationals, but anyone with small children. For example, consider a situation where an au pair who comes from a foreign country to work for an American family. After a short time the nanny gains the trust of the parents. In short order h/she is in a convenient position to obtain passports and other legal documents in order to abscond with the children out of the United States without any questions asked.

As Americans who believe in the rights and liberties of others, we should be asking our selves what can be done to solve these issues. We should demand that our government enforce the return of illegally abducted children. If something is not done soon to prevent the easy transport of children overseas, you or someone you know could lose a child to illegal international child abduction.

• Citation Page

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Proposal - Audience Memo

The following proposal is addressed to the Department of Homeland Security (DHS). The DHS can greatly reduce the number of international child abduction cases by implementing the following proposal. The agency has the power to control who enters and exits our country. The proposition calls for a very simple verification process for adults traveling with minor children. The DHS can accomplish a reduction in child abductions overseas by requiring traveling adults with minors to have travel authorization forms for the children.

This proposal only takes into consideration children who are traveling with only one adult. When both natural parents of the child are traveling together there would be no need for this verification process.

This pleading would be posted on a website for the purpose of gaining support from the general public. It would also be sent to officials of the department of homeland security in the form of a PDF file. The method of delivery would be an attachment via e-mail.



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AMERICA'S VICTIMS OF INTERNATIONAL CHILD ABDUCTION

The Department of Homeland Security can do more to ensure that American children are not abducted to foreign countries.

By Richard Gatt

The citizens of the United States face a problem of children who are abducted to foreign countries. Most people do not know how easy it is for a parent or guardian to unlawfully take a child overseas with only the child's passport as legal documentation. The traveling adult is not required to have any other official paperwork when they travel from any U.S. point of departure. This means there is no verification that the person has the legal authority to remove the child from the country. Furthermore, once a minor is taken from the U.S., the Federal Government has very little recourse to compel courts in foreign countries to return the child. In 2010, the Department of State reported that there were 1194 reported cases of child abductions overseas.

The U.S. Government needs to act quickly to stop the unauthorized transport of children from our country. We need to implement tighter

measures as soon as possible, otherwise more children and their left behind families will become victims to international child abduction. The Department of Homeland Security (DHS) has the power to put into place tighter restrictions at all border crossings and points of exit within the United States. The DHS can restrict who is allowed to enter our country. They also have the power to control who is able to leave the U.S. Children exiting the United States without both parents present should be of the utmost concern for immigration officials.

There is a solution to this problem which is relatively easy and inexpensive to carry out. The key to preventing unauthorized overseas travel of children would require the traveling adult to have an official travel



Photo by: Bruce Gherbetti

document for any minors they are traveling with. This document would provide verification they have the legal authority to travel abroad with the child. The name of this certificate is *Travel Authorization for a Minor Child* or TAMC.

The DHS must require any and all adults who will be traveling with children to foreign lands to obtain a TAMC. If both natural parents are traveling with the child this document should not be required. This form can be made available to the public via the Department of State website for easy download. The document would be designed as a PDF file which can be filled out online and then printed. The traveling and non-traveling parent or legal guardian would simply have their signatures notarized. The documentation would then be sent to the DHS or some other government agency for authentication. Authentication would be in the configuration of a special stamp, a small certificate resembling a passport visa adhered to the document with special tamper-proof tape, and a recent passport style photo of the child attached to the certificate.

The procedure for this new regulation would go as follows: First, the non-traveling and the traveling parent or guardian would fill out the paperwork and have their signatures notarized. Finally, the completed document(s) along with copies of passports and any other relevant documentation including any court ordered custody papers would be sent to the DHS for certification. The federal agency would then validate the identities and notarized signatures of the parties involved and return the TAMC to the non-traveling parent. The purpose of sending the travel authorization form to the non-traveling parent would insure they have full knowledge of their child traveling overseas.

A realistic time frame to have this regulation in place would be a few months at most. The cost to implement this procedure would be minimal as compared to the cost a parent must endure to fight the legal system in a foreign country for the return of their child. David Goldman of the *Bring Sean Home Foundation* claimed in an interview on *The Dr Phil McGraw Show* that he spent over \$350,000 to fight for the return of his son after the child's mother illegally

kept him in Brazil. His efforts lasted more than 7 years. This new system would not require any new agencies to be formed. The infrastructure is already in place to administer this new regulation. Traveling adults with children without the other parent present would be required to verify their authority to remove children from the U.S. before leaving the country. The TAMC would prevent further child abductions from our nation. However, it would not prevent such kidnappings as in the Goldman case or in my situation where we were tricked into giving permission for our children to travel overseas for short vacations.

The purpose of the TAMC initiative is about preventing crises not about fixing them. Preventing kidnappings will save taxpayers money in the long run because politicians and law enforcement personnel will not be spending taxpayers' money in the pursuit of returning children who have been unlawfully taken and held overseas. The cost for taxpayers to implement this initiative would be minimal compared to the savings for the thousands of left behind parents who would each have to spend hundreds of thousands of dollars to bring their children back home.



David Goldman with his son Sean before Sean was abducted to Brazil. Photographer: Unknown.