

110TH CONGRESS  
2D SESSION

# H. R. 6095

To implement certain measures to increase the effectiveness of international child abduction remedies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2008

Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To implement certain measures to increase the effectiveness of international child abduction remedies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International and Pa-  
5 rental Child Abduction Remedies Assistance Act”.

1 **SEC. 2. INVESTIGATIVE ASSISTANCE TO LAW ENFORCE-**  
2 **MENT AGENCIES TO LOCATE ALIEN CHIL-**  
3 **DREN MISSING IN THE UNITED STATES.**

4 The Attorney General shall make available to State  
5 and local law enforcement agencies, information describing  
6 the methods and procedures available to them to institute  
7 or assist an investigative search for an alien child who is  
8 believed to be in the United States and who is the subject  
9 of—

10 (1) an application under the Hague Convention  
11 on the Civil Aspects of International Parental Child  
12 Abduction, or

13 (2) an Interpol yellow notice.

14 **SEC. 3. STATE REQUIREMENTS.**

15 Section 3702 of the Crime Control Act of 1990 (42  
16 U.S.C. 5780) is amended—

17 (1) in paragraph (2) by striking “and” at the  
18 end, and

19 (2) in paragraph (3)—

20 (A) in subparagraph (B) by striking “and”  
21 at the end,

22 (B) in subparagraph (C) by striking the  
23 period at the end and inserting “; and”, and

24 (C) by inserting after subparagraph (C)  
25 the following:

1           “(D) a statement specifying whether the  
2           child is believed to have been taken outside of  
3           the United States;”.

4 **SEC. 4. AMENDMENTS TO INTERNATIONAL CHILD ABDUC-**  
5 **TION REMEDIES ACT.**

6           (a) LEGAL ASSISTANCE, TECHNICAL ASSISTANCE,  
7 AND TRAINING.—Section 7 of the International Child Ab-  
8 duction Remedies Act (42 U.S.C. 11606) is amended by  
9 adding at the end the following new subsections:

10          “(g) LEGAL ASSISTANCE FOR VICTIMS OF PARENTAL  
11 KIDNAPPING GRANTS.—

12           “(1) FUNDING TO LEGAL SERVICES PRO-  
13 VIDERS.—The United States Central Authority shall  
14 establish a program to provide funding to legal serv-  
15 ices providers, including private attorneys, public of-  
16 ficials acting pursuant to the Uniform Child Custody  
17 Jurisdiction and Enforcement Act, legal aid pro-  
18 grams, and law school clinical programs, to provide  
19 direct legal or advocacy services on behalf of persons  
20 seeking remedies under the Convention, or other  
21 civil or criminal remedies in interstate or inter-  
22 national parental kidnapping cases.

23           “(2) TRAINING AND TECHNICAL ASSISTANCE.—  
24 The United States Central Authority, directly or  
25 through grants, shall provide training and technical

1 assistance to recipients of funds under paragraph  
2 (1) to improve their capacity to offer legal assistance  
3 described in paragraph (1).

4 “(h) TECHNICAL ASSISTANCE.—The United States  
5 Central Authority shall encourage the Chief Justice of  
6 every State and the District of Columbia to designate a  
7 single court, or a limited number of courts, in which cases  
8 brought under the Convention may be heard. The United  
9 States Central Authority may provide technical assistance  
10 (including computers and Internet access) as necessary to  
11 foster consolidation of jurisdiction and implementation of  
12 the Convention, consistent with the purposes of the Con-  
13 vention.

14 “(i) TRAINING.—The United States Central Author-  
15 ity shall provide or promote training of State court judges,  
16 lawyers, and law students on the civil and criminal laws  
17 pertaining to interstate and international parental kidnap-  
18 ping. To carry out this subsection, the United States Cen-  
19 tral Authority may make available funds under subsection  
20 (e) to State judicial educators, national, State, and local  
21 bar associations, and law schools. The United States Cen-  
22 tral Authority shall require recipients of such funds to re-  
23 port on the training programs they present, including the  
24 number of participants.”

1 (b) LEGAL SERVICES CORPORATION.—The Legal  
2 Services Corporation may use funds made available to the  
3 Corporation for programs to represent aliens in pro-  
4 ceedings brought in the United States under the Conven-  
5 tion—

6 (1) if the individuals to whom the representa-  
7 tion is provided otherwise meet the criteria of the  
8 Corporation for eligible clients under the Legal Serv-  
9 ices Corporation Act; and

10 (2) whether or not such individuals are resident  
11 in the United States.

12 (c) COURT COSTS.—Section 8(b) of the International  
13 Child Abduction Remedies Act (42 U.S.C. 11607(b)) is  
14 amended to read as follows:

15 “(b) COSTS INCURRED IN CIVIL ACTIONS.—

16 “(1) PAYMENT OF COURT COSTS BY CEN-  
17 TRAL AUTHORITY.—The Central Authority shall  
18 establish a program under which it provides, di-  
19 rectly to the court or to petitioners and re-  
20 spondents, the funds necessary to pay the court  
21 costs of petitioners and respondents in actions  
22 brought under section 4, including court fees  
23 and the cost of translation services, expert wit-  
24 ness testimony, and transcription services.

1           “(2) COSTS OF LEGAL COUNSEL AND  
2 TRAVEL.—Petitioners may be required to bear  
3 the costs of legal counsel or advisors and travel  
4 costs for the return of the child involved and  
5 any accompanying persons, except as provided  
6 in paragraphs (3) and (4).

7           “(3) PAYMENTS FROM OTHER SOURCES.—  
8 Subject to paragraph (4), legal fees incurred in  
9 connection with an action brought under section  
10 4 shall be borne by the petitioner unless they  
11 are covered by payments from Federal, State,  
12 or local legal assistance or other programs.

13           “(4) COSTS BORNE BY PETITIONER.—Any  
14 court ordering the return of a child pursuant to  
15 an action brought under section 4 shall order  
16 the respondent to pay necessary expenses in-  
17 curred by or on behalf of the petitioner (other  
18 than court costs for which the Central Author-  
19 ity pays under paragraph (1)), including legal  
20 fees, foster home or other care during the  
21 course of proceedings in the action, and trans-  
22 portation costs related to the return of the  
23 child, unless the respondent establishes that  
24 such order would be clearly inappropriate.”.

1 (d) FEDERAL JUDICIAL CENTER.—Section 620 of  
2 title 28, United States Code, is amended by adding at the  
3 end the following:

4 “(c) CONTINUING EDUCATION AND TRAINING PRO-  
5 GRAMS.—The Center shall include in its continuing edu-  
6 cation and training programs under subsection (b)(3), in-  
7 cluding the training programs for newly appointed judges,  
8 information on the Hague Convention on the Civil Aspects  
9 of International Child Abduction, the International Child  
10 Abduction Remedies Act, the International Parental Kid-  
11 napping Crime Act of 1993, and other Federal statutes  
12 pertaining to parental kidnapping within the jurisdiction  
13 of the Federal courts, and shall prepare materials nec-  
14 essary to carry out this subsection.”.

15 **SEC. 5. ADDITIONAL FUNDS FOR THE INVESTIGATION AND**  
16 **PROSECUTION OF PARENTAL KIDNAPPING.**

17 In addition to funds otherwise authorized to be ap-  
18 propriated for the activities described in this section, there  
19 are authorized to be appropriated to the Child Exploi-  
20 tation and Obscenity Section of the Department of Justice  
21 for each of the fiscal years 2009 through 2012 such sums  
22 as may be necessary for the investigation and prosecution  
23 of violations of section 1204 of title 18, United States  
24 Code.

1 **SEC. 6. GRANTS FOR TRAVEL COSTS ASSOCIATED WITH**  
2 **THE SAFE RETURN OF ABDUCTED CHILDREN.**

3 (a) PROGRAM AUTHORIZED.—The Director of the  
4 Office of Victims of Crime of the Department of Justice  
5 shall, subject to the availability of appropriations, estab-  
6 lish a Victim Travel in International Reunification Cases  
7 program to award grants to the National Center for Miss-  
8 ing & Exploited Children to reimburse parents, guardians,  
9 law enforcement, and other individuals, as appropriate, for  
10 travel costs related to the safe return of children from the  
11 United States who have been abducted and taken to for-  
12 eign countries.

13 (b) USE OF GRANT FUNDS.—Travel costs under sub-  
14 section (a) that are reimbursed using funds under this sec-  
15 tion may include airfare and daily subsistence costs, in-  
16 cluding lodging, meals, and ground transportation.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$250,000 for each of the fiscal years 2009 through 2012.

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