

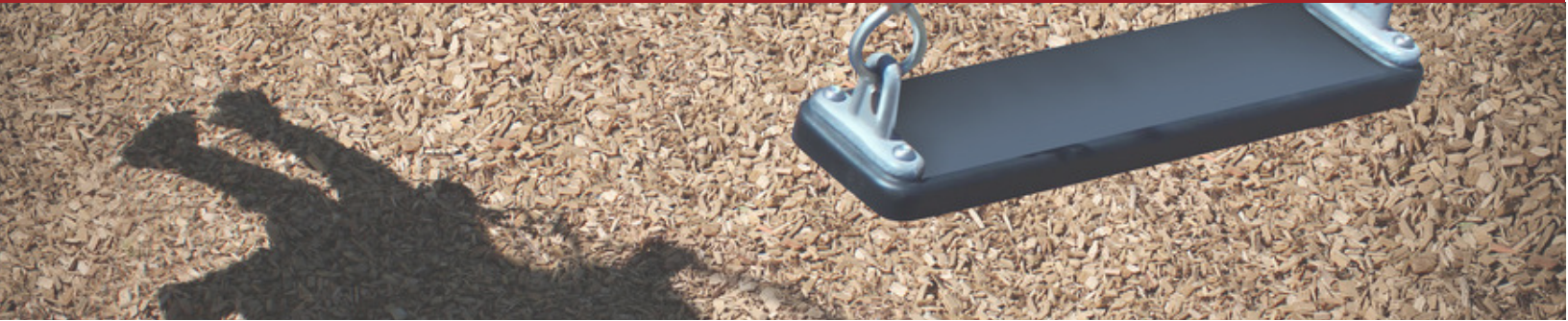


CHILD ABDUCTION T.I.P.S. NEWSLETTER

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International Hague Cases in the Time of COVID-19

by Bridget Billetter

Deputy Attorney General, California Department of Justice, Office of the Attorney General

The Hague Convention on the Civil Aspects of Child Abduction provides for the prompt return of internationally abducted children to their countries of habitual residence. As the world faced a global pandemic in 2020, the many federal, state, and local agencies that handle Hague cases rose to the challenge. Despite ever-changing health guidelines, travel restrictions, and workplace disruptions, those agencies continued to work tirelessly to ensure the return of internationally abducted children to their home countries.

Although almost exclusively teleworking, members of the U.S. State Department and the California Attorney General's office continued to electronically process both incoming and outgoing Hague cases. The deputy district attorneys, investigators, case managers, and paralegals in local Child Abduction Units continued to locate abducted children, assist left-behind parents with outgoing Hague petitions, and work with their local courts to conduct Hague hearings via Zoom. During the past year, several local District Attorney's offices have also successfully navigated COVID-19 testing and travel requirements to facilitate the return of abducted children to their parents in Mexico, Honduras, and South Korea.

Of course, the path through the pandemic has not always been smooth. For example, court closures sometimes delayed prompt case filings and hearings. Teleworking requirements at local agencies have limited the resources each office can provide on a given day. The Central Authorities in some countries were not equipped to send and receive electronic Hague petitions at the start of the pandemic. In fact, the number of incoming Hague petitions were approximately one-third lower in 2020 than prior years, which may result in an attendant increase when backlogs in other countries start to clear. However, regardless of what the future holds, the agencies handling Hague cases will remain dedicated to the protection of internationally abducted children.

www.childabductions.org

Multidisciplinary Cooperation Helps Us Protect Vulnerable Abducted Children

By Deanne Castorena

Deputy-in-Charge, West Covina Office Area

The Hague Convention on the Civil Aspects of International Child Abduction provides a mechanism for returning wrongfully abducted children to their countries of habitual residence where the foreign courts can determine the merits of the underlying child custody cases. The treaty is in effect between the United States and over 80 other countries. In California, Hague hearings are typically attended by the taking parent, a deputy district attorney acting as a friend of the court, and possibly the left-behind parent. But as this case study demonstrates, other governmental agencies can be crucial participants in the Hague proceedings, especially in situations where there is clear and convincing evidence that there would be a grave risk of harm if the child is returned. (Hague Treaty, Article 13(b).)

In May 2011, a mother in Peru filed a Hague petition with the U.S. State Department seeking the return of her son, 7-year-old "George" (not his real name). She claimed that George had been detained in Los Angeles, California, by his father, without her permission. The Los Angeles County District Attorney's Office Child Abduction Section (CAS) received the petition from the State Department and determined that George was in the legal custody of the dependency court, under the care and control of his adult half-sister "Angelica."

Prior to the filing of the Hague petition, in January 2011, Angelica called the police because she was concerned about George. When George was interviewed at a Child Advocacy Center, he alleged physical abuse by his mother and maternal grandmother in Peru, sexual abuse by his mother's boyfriend in Peru, and general neglect by his father in Los Angeles. His father, a medical doctor, was suffering from severe depressions because his girlfriend had recently fatally overdosed on prescription medication in the father's clinic.

During the pendency of the dependency court case, both parents had unmonitored phone access to the child, despite objections by Department of Children and Family Services (DCFS). The dependency court judge expressed a preference to return the child to Peru, which the mother likely told the child. A few days later, George was hospitalized because he tried to cut off his penis, stating if his penis was gone, his mother's boyfriend would stop molesting him. George also exhibited suicidal ideation.

CAS was obligated to file the mother's Hague petition, despite the pending dependency proceedings. Thus, the father, half-sister Angelica, and DCFS were named as respondents in the case. A supervising Deputy County Counsel attended the hearing to represent the interests of DCFS. Although dependency court had jurisdiction over the child, it was required to stay all custody determinations until the Family Court, pursuant to the Hague Treaty, determined whether George was wrongfully removed from Peru. (Hague Treaty, Article 16.) Following a several-day hearing, the Family Court judge denied the Hague petition for return based on grave danger to the child pursuant to Article 13(b) of the Hague Treaty. George remained in California while dependency court determined if he could safely be reunited with either of his parents. These types of cases reinforce the importance of a multidisciplinary response to all types of child abductions, stranger or family, intracounty or international.

COMMITTEE MEMBERS

- **Megan Eschleman**, *Chair, Program Manager*, Department of Justice, Missing & Unidentified Persons Section
- **Erin Runnion**, *Vice-Chair, Founder*, The Joyful Child Foundation
- **Bridget Billeter**, *Deputy Attorney General*, California Department of Justice, Office of the Attorney General
- **Heidi Brennan**, *Deputy District Attorney*, Sacramento Co. District Attorney's Office
- **Joseph Brine II**, *Special Agent*, FBI Squad C-1, Violent Crimes , Major Offenders
- **Deanne Castorena**, *Deputy-in Charge*, Los Angeles Co. District Attorney's Office-Child Abduction Section
- **Marlene Glusing**, *Legal Assistant*, Merced Co. District Attorney's Office
- **Stephen Lagorio**, *Captain*, San Jose Police Department
- **Leslie A. Olson**, *Program Manager*, Sacramento Co. Child Protective Services
- **Ken Roberts**, *Captain*, California Highway Patrol
- **Brian Sullivan**, *Special Agent*, Federal Bureau of Investigation
- **Cari Teran**, *Marriage & Family Therapist*, Private Practice
- **Jannell Violi**, *Program Manager*, Orange Co. Department of Education



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