

tivities and the disposition of cases brought to its attention.

(Pub. L. 100-300, § 9, Apr. 29, 1988, 102 Stat. 440.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), was in the original “this Act” meaning Pub. L. 100-300, Apr. 29, 1988, 102 Stat. 437, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note under section 9001 of this title and Tables.

CODIFICATION

Section was formerly classified to section 11608 of Title 42, The Public Health and Welfare.

§ 9009. Office of Children’s Issues

(a) Director requirements

The Secretary of State shall fill the position of Director of the Office of Children’s Issues of the Department of State (in this section referred to as the “Office”) with an individual of senior rank who can ensure long-term continuity in the management and policy matters of the Office and has a strong background in consular affairs.

(b) Case officer staffing

Effective April 1, 2000, there shall be assigned to the Office of Children’s Issues of the Department of State a sufficient number of case officers to ensure that the average caseload for each officer does not exceed 75.

(c) Embassy contact

The Secretary of State shall designate in each United States diplomatic mission an employee who shall serve as the point of contact for matters relating to international abductions of children by parents. The Director of the Office shall regularly inform the designated employee of children of United States citizens abducted by parents to that country.

(d) Reports to parents

(1) In general

Except as provided in paragraph (2), beginning 6 months after November 29, 1999, and at least once every 6 months thereafter, the Secretary of State shall report to each parent who has requested assistance regarding an abducted child overseas. Each such report shall include information on the current status of the abducted child’s case and the efforts by the Department of State to resolve the case.

(2) Exception

The requirement in paragraph (1) shall not apply in a case of an abducted child if—

(A) the case has been closed and the Secretary of State has reported the reason the case was closed to the parent who requested assistance; or

(B) the parent seeking assistance requests that such reports not be provided.

(Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, § 201], Nov. 29, 1999, 113 Stat. 1536, 1501A-419.)

CODIFICATION

Section was enacted as part of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, and not as part of

the International Child Abduction Remedies Act which comprises this chapter.

Section was formerly classified to section 11608a of Title 42, The Public Health and Welfare.

§ 9010. Interagency coordinating group

The Secretary of State, the Secretary of Health and Human Services, and the Attorney General shall designate Federal employees and may, from time to time, designate private citizens to serve on an interagency coordinating group to monitor the operation of the Convention and to provide advice on its implementation to the United States Central Authority and other Federal agencies. This group shall meet from time to time at the request of the United States Central Authority. The agency in which the United States Central Authority is located is authorized to reimburse such private citizens for travel and other expenses incurred in participating at meetings of the interagency coordinating group at rates not to exceed those authorized under subchapter I of chapter 57 of title 5 for employees of agencies.

(Pub. L. 100-300, § 10, Apr. 29, 1988, 102 Stat. 441.)

CODIFICATION

Section was formerly classified to section 11609 of Title 42, The Public Health and Welfare.

§ 9011. Authorization of appropriations

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the purposes of the Convention and this chapter.

(Pub. L. 100-300, § 12, Apr. 29, 1988, 102 Stat. 442.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” meaning Pub. L. 100-300, Apr. 29, 1988, 102 Stat. 437, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note under section 9001 of this title and Tables.

CODIFICATION

Section was formerly classified to section 11610 of Title 42, The Public Health and Welfare.

CHAPTER 98—INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN

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9141. Authorization for judicial training on international parental child abduction.

§ 9101. Definitions

In this chapter:

(1) Abducted child

The term “abducted child” means a child who is the victim of international child abduction.

(2) Abduction

The term “abduction” means the alleged wrongful removal of a child from the child’s country of habitual residence, or the wrongful retention of a child outside such country, in violation of a left-behind parent’s custodial rights, including the rights of a military parent.

(3) Abduction case

The term “abduction case” means a case that—

(A) has been reported to the Central Authority of the United States by a left-behind parent for the resolution of an abduction; and

(B) meets the criteria for an international child abduction under the Hague Abduction Convention, regardless of whether the country at issue is a Convention country.

(4) Access case

The term “access case” means a case involving an application filed with the Central Authority of the United States by a parent seeking rights of access.

(5) Annual Report

The term “Annual Report” means the Annual Report on International Child Abduction required under section 9111 of this title.

(6) Application

The term “application” means—

(A) in the case of a Convention country, the application required pursuant to article 8 of the Hague Abduction Convention;

(B) in the case of a bilateral procedures country, the formal document required, pursuant to the provisions of the applicable arrangement, to request the return of an abducted child or to request rights of access, as applicable; and

(C) in the case of a non-Convention country, the formal request by the Central Authority of the United States to the Central Authority of such country requesting the return of an abducted child or for rights of contact with an abducted child.

(7) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(8) Bilateral procedures

The term “bilateral procedures” means any procedures established by, or pursuant to, a bilateral arrangement, including a Memorandum of Understanding between the United States and another country, to resolve abduction and access cases, including procedures to address interim contact matters.

(9) Bilateral procedures country

The term “bilateral procedures country” means a country with which the United States has entered into bilateral procedures, including Memoranda of Understanding, with respect to child abductions.

(10) Central Authority

The term “Central Authority” means—

(A) in the case of a Convention country, the meaning given such term in article 6 of the Hague Abduction Convention;

(B) in the case of a bilateral procedures country, the official entity designated by the government of the bilateral procedures country within the applicable memorandum of understanding pursuant to section 9113(b)(1) of this title to discharge the duties imposed on the entity; and

(C) in the case of a non-Convention country, the foreign ministry or other appropriate authority of such country.

(11) Child

The term “child” means an individual who has not attained 16 years of age.

(12) Convention country

The term “Convention country” means a country for which the Hague Abduction Convention has entered into force with respect to the United States.

(13) Hague Abduction Convention

The term “Hague Abduction Convention” means the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980.

(14) Interim contact

The term “interim contact” means the ability of a left-behind parent to communicate with or visit an abducted child during the pendency of an abduction case.

(15) Left-behind parent

The term “left-behind parent” means an individual or legal custodian who alleges that an abduction has occurred that is in breach of rights of custody attributed to such individual.

(16) Non-Convention country

The term “non-Convention country” means a country in which the Hague Abduction Convention has not entered into force with respect to the United States.

(17) Overseas military dependent child

The term “overseas military dependent child” means a child whose habitual residence is the United States according to United States law even though the child is residing outside the United States with a military parent.

(18) Overseas military parent

The term “overseas military parent” means an individual who—

(A) has custodial rights with respect to a child; and

(B) is serving outside the United States as a member of the United States Armed Forces.