

Editorial Notes**CODIFICATION**

Section is comprised of section 101 of Pub. L. 113–150. Subsec. (e) of section 101 of Pub. L. 113–150 repealed section 11611 of Title 42, The Public Health and Welfare.

AMENDMENTS

2021—Subsec. (b)(2)(A). Pub. L. 117–81, § 5702(1)(A), inserted “, respectively,” after “access cases” and “and the number of children involved” before semicolon at end.

Subsec. (b)(2)(D). Pub. L. 117–81, § 5702(1)(B), inserted “respectively, the number of children involved,” after “access cases,”.

Subsec. (b)(7). Pub. L. 117–81, § 5702(2), inserted “, and number of children involved in such cases” before semicolon at end.

Subsec. (b)(10). Pub. L. 117–81, § 5702(3)–(5), added par. (10).

§ 9112. Standards and assistance

The Secretary of State shall—

(1) ensure that United States diplomatic and consular missions abroad—

(A) maintain a consistent reporting standard with respect to abduction and access cases;

(B) designate at least 1 senior official in each such mission, at the discretion of the Chief of Mission, to assist left-behind parents from the United States who are visiting such country or otherwise seeking to resolve abduction or access cases; and

(C) monitor developments in abduction and access cases; and

(2) develop and implement written strategic plans for engagement with any Convention or non-Convention country in which there are 5 or more cases of international child abduction.

(Pub. L. 113–150, title I, § 102, Aug. 8, 2014, 128 Stat. 1815.)

§ 9113. Bilateral procedures, including memoranda of understanding**(a) Development****(1) In general**

Not later than 180 days after August 8, 2014, the Secretary of State shall initiate a process to develop and enter into appropriate bilateral procedures, including memoranda of understanding, as appropriate, with non-Convention countries that are unlikely to become Convention countries in the foreseeable future, or with Convention countries that have unresolved abduction cases that occurred before the Hague Abduction Convention entered into force with respect to the United States or that country.

(2) Prioritization

In carrying out paragraph (1), the Secretary of State shall give priority to countries with significant abduction cases and related issues.

(b) Elements

The bilateral procedures described in subsection (a) should include provisions relating to—

(1) the identification of—
(A) the Central Authority;

(B) the judicial or administrative authority that will promptly adjudicate abduction and access cases;

(C) the law enforcement agencies; and

(D) the implementation of procedures to ensure the immediate enforcement of an order issued by the authority identified pursuant to subparagraph (B) to return an abducted child to a left-behind parent, including by—

(i) conducting an investigation to ascertain the location of the abducted child;

(ii) providing protection to the abducted child after such child is located; and

(iii) retrieving the abducted child and making the appropriate arrangements for such child to be returned to the child’s country of habitual residence;

(2) the implementation of a protocol to effectuate the return of an abducted child identified in an abduction case not later than 6 weeks after the application with respect to the abduction case has been submitted to the judicial or administrative authority, as applicable, of the country in which the abducted child is located;

(3) the implementation of a protocol for the establishment and protection of the rights of interim contact during pendency of abduction cases; and

(4) the implementation of a protocol to establish periodic visits between a United States embassy or consular official and an abducted child, in order to allow the official to ascertain the child’s location and welfare.

(Pub. L. 113–150, title I, § 103, Aug. 8, 2014, 128 Stat. 1815.)

§ 9114. Report to congressional representatives**(a) Notification**

The Secretary of State shall submit written notification to the Member of Congress and Senators, or Resident Commissioner or Delegate, as appropriate, representing the legal residence of a left-behind parent if such parent—

(1) reports an abduction to the Central Authority of the United States; and

(2) consents to such notification.

(b) Timing

At the request of any person who is a left-behind parent, including a left-behind parent who previously reported an abduction to the Central Authority of the United States before August 8, 2014, the notification required under subsection (a) shall be provided as soon as is practicable.

(Pub. L. 113–150, title I, § 104, Aug. 8, 2014, 128 Stat. 1816.)

SUBCHAPTER II—ACTIONS BY THE SECRETARY OF STATE**§ 9121. Response to international child abductions****(a) United States policy**

It is the policy of the United States—

(1) to promote the best interest of children wrongfully abducted from the United States by—