

NEWS

Information & Insights from

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Parental Kidnapping

The Private Investigator Connection

It's a crime that rarely makes the news, but serious enough a crime that there are 18 people, mothers and fathers, on the FBI's *Most Wanted List*.

Not all parental kidnappings rate that stigma, but all are that serious.

The Justice Department estimates that there are 209,000 parental abductions every year in the U.S., and that's considered a conservative estimate. The real number may be closer to 300,000.

The Investigator's Role:

There may be no more important mission for a private investigator than the mission of finding a missing child.

And there is no mission more fraught with significant legal and emotional factors than when a missing child has been kidnapped by a parent.

Questions Before Action:

At the forefront of my concerns are the safety and recovery of the child, but there are important questions:

- Is the child in immediate danger due to the absconding parent's record of domestic violence, criminal record, abuse of alcohol or drugs?
- Is there a legal agreement, decree, or active custody order in place to support a recovery?
- Finally, Is there an attorney involved, not just consulted?

That last question is a key question as to what a private investigator can do.

A mere allegation, even good suspicion may be enough for an investigation of a child's health and safety, but an effort to locate and recover a child must have a legal basis.

Investigative Options:

In many instances, the private investigator's first assignment will be to locate the child to be recovered.

Parental kidnapping may be a criminal act, but the parent often isn't of a criminal mind – that is to say, the parent doesn't have the knowledge or the skill required to hide a trail, even where there is an intention to do so.

Once the location of the child is identified, continuing surveillance is required, around the clock, if necessary, in order to make sure that the child will be present when the recovery effort commences.

The Recovery:

There must be a court order or other legal basis for a recovery and the legal paperwork supporting the recovery must be completed and in hand at the time and place of recovery.

That includes a certified order issued by a court in another state, which must be validated by a Colorado court of appropriate jurisdiction before it can be enforced.

A senior law enforcement official should be contacted and given a solid understanding of what is to happen and what law enforcement's responsibilities are. Even high level law enforcement official may not be equipped to handle these situations.

A representative of my office will be present at the recovery and so should be the custodial parent, so that recovered children can see someone they know as quickly as possible.

Care is Required:

Particularly when very young children are involved, time, place, and circumstances must be carefully considered.

A child may be home-schooled to help avoid discovery, but if a child is attending school or is in daycare, those locations can be the focus of the recovery.

In any case, legal papers need to be served on the offending parent at the time of recovery, so close coordination is required.

There usually is only one chance to make the recovery work. Everything must be in order and ready to go.

Older Children:

When older children are involved, particularly teens, they may have confused loyalties, may even have willingly participated in a parent's wrongful assumption of full custody.

Such situations present special problems. Those problems need to be considered before a recovery is attempted.

Any problems to be encountered aren't going to resolve themselves.

Good Planning Required:

The important point is that any action taken to recover children must be based on good judgment and careful planning.

If forced separation from one parent isn't traumatic enough for

a child, the forced separation from the other under the circumstances of an enforced recovery certainly would be.

Every effort must be made to make the process as unthreatening and considerate of the child as possible.

Crossing State Lines:

It clearly is possible and often is the case that child custody matters and allegations of parental kidnapping cross state lines.

The transportation of a child to another state, sometimes even into the custody of a relative or another third party in order to deny the other parent custody is all too common.

My office has handled such matters, where an out-of-state court order must be enforced via the appropriate Colorado court of jurisdiction.

These so-called, "foreign," court orders must be registered in a Colorado court before they can be enforced and before a child-recovery effort can be undertaken.

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I am a former investigator for the Denver County and Jefferson County District Attorneys Offices.

One of my surveillance specialists is a former Dade County Sheriff's undercover agent.

My research and data expert is a former military analyst.



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4 Former Investigator for the Denver and Jefferson District Attorney's Offices

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