

Cultural Sociology of Divorce: An Encyclopedia

Abduction and Kidnapping of Children

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An infrequently discussed aspect of divorce is child abduction by a parent or family member. With estimates in the United States of 200,000 children abducted annually and with increased attention to the quagmire of international child abduction, kidnapping in the context of divorce is an urgent issue, central to children's safety and well-being. An examination of child abduction offers a lens for viewing effects of divorce on children, legal and custodial issues, gender dynamics, and complexities of international divorce.

Sometimes referred to as child stealing or child snatching, the criminal definition of parental child abduction involves illegal removal or capture of a child by a noncustodial parent or agent from the child's legal or custodial parent or guardian. Such abductions are distinct from and more prevalent than kidnapping of a child by a stranger, although the latter dominates the public imagination. A 1998 study by Eugene M. Lewit and Linda Schuurmann Baker, for example, found that the number of children kidnapped by a family member was 90 times greater than the number kidnapped by a stranger. Popular culture, by contrast, is rife with representations of missing children as a result of kidnappings by strangers. In fact, the whereabouts of children abducted by a parent may be known, but the children are unreachable because of legal, geographic, and economic barriers or threats of violence.

Scholars have linked the rise in child abduction by a parent since the 1970s to escalating divorce rates in the late 20th century. The majority of parental kidnappings are directly connected to divorce and custody disputes; indeed, the criminal definition of child abduction by a parent rests on legal determinations of custody and jurisdiction. Major social shifts, such as increased geographic mobility and relocation, have facilitated increased child abduction. Beginning in the mid-20th century, as Paula Fass has shown, widespread ownership of automobiles allowed abductors to transport children across state lines. Democratization of air travel, accompanied by affordable and accessible flights, has enabled abducting parents to move children between countries. Abducted children tend to be beyond infancy and not yet fully teenagers, thus between the ages of approximately 2 and 13. In a 1994 study by Greif and Hegar, 40 percent of children abducted in the United States were under the age of 5. Younger children have been found to be more vulnerable to abduction and more likely to experience physical and psychological harm. Men are more likely to kidnap their children than are women, reflecting patterned gender behaviors and the predominance

of custodial mothers, especially in the United States. When women kidnap their children, they tend to do so domestically, whereas fathers who abduct are more likely to cross international borders.

Domestic violence is present in many cases of child abduction, although difficult to measure statistically. Some women who abduct their [p. 8 ↓] children claim to do so in order to protect the children from abuse. There is growing literature on child abduction by fathers as a form of psychological and emotional abuse against mothers. In circumstances of violence and abuse, the abduction of children can be a devastating means of harming one's ex-spouse. Psychologists and others who study childhood trauma note the lasting negative impact of abduction on children, even after they are returned to the custodial parent. Child abduction is sometimes thus defined in terms of child abuse, although often children returned to a custodial parent have not been physically harmed.

Legal, Government, and Agency Approaches

Legal remedies exist but are inadequate, especially internationally. In the United States, the Uniform Child Custody Jurisdiction Act of 1968 (UCCJA) compelled state courts to recognize custody determinations from other jurisdictions yet failed to provide a mechanism for locating kidnapers. The Parental Kidnapping Protection Act of 1980 (PKPA), in an effort to strengthen the UCCJA, determined national standards for child custody jurisdiction. The PKPA included provisions to render the Federal Parent Locator Service and the Fugitive Felony Act applicable to child abduction cases. Neither act required that a child's best interest be part of legal remediation. The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJE) of 1997 allowed for uniformity of court custody orders while also prioritizing a child's "home state" jurisdiction.

Internationally, the 1980 Hague Convention on the Civil Aspects of International Child Abduction is the dominant mechanism for pursuing legal remedies. As of 2007, 80 countries had adopted the convention. However, several countries are not signatories, and rates of abduction in these nations are among the highest in the world. Scholars

such as Jennifer Zawid have noted the “purely jurisdictional” aspects of the convention, with enforcement proving to be “unpredictable, expensive, and time-consuming.” The United Nations' Declaration of the Rights of the Child promotes the interests of the child but is of limited value in adjudicating abduction cases. Article 35 of the declaration stipulates that parties must work “to prevent the abduction, sale, or traffic of children for any purpose or in any form” but does not provide legal remediation. Inadequate solutions for adjudicating transnational abductions have led to calls for an international family court.

Nongovernmental organizations have been established to address the issue of child abduction, especially in the United States and Europe. These organizations focus on public education, resource provision, lobbying, and rescue assistance. They have been instrumental in securing measures such as the Amber Alert, an early-warning system deployed when a child is reported abducted. The alerts represent a fruitful partnership between government, the nonprofit sector, and law enforcement. Some advocacy groups partner with paramilitary organizations, which, typically for a fee, will engage in covert search-and-rescue missions, often in other countries. These missions, of questionable legal status, reflect the desperation of custodial parents to retrieve their children.

There are some nonfiction accounts by parents, typically mothers, whose children have been abducted, but there is scant literature by the abductees themselves (as adults reflecting back on childhood experiences), and there is no cultural repository of stories about children abducted by a parent. Such a record would be invaluable, allowing for a fuller understanding of children's experiences. Overall, more comprehensive data of all kinds are needed about the phenomenon of child abduction in the context of divorce.

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See Also:

- [Children's Legal Rights](#)
- [Custody: Shared and Joint](#)
- [Custody: U.S. Law](#)

- [International Divorce](#)
- [Visitation Rights](#)

Further Readings

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