United States Department of State

Washington, D.C. 20520

United States Codes

PUBLIC LAW 103-173 - DEC. 2, 1993

**** CURRENT THROUGH P.L. 108-198, APPROVED 12/19/03 ****

18 USCS § 1204 (2003)

§ 1204. International parental kidnapping

(a) Whoever removes a child from the United States, or attempts to do so, or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

(b) As used in this section--
(1) the term "child" means a person who has not attained the age of 16 years; and
(2) the term "parental rights", with respect to a child, means the right to physical custody of the child--
(A) whether joint or sole (and includes visiting rights); and
(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

(c) It shall be an affirmative defense under this section that--
(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act and was in effect at the time of the offense;
(2) the defendant was fleeing an incidence or pattern of domestic violence; or
(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.

HISTORY: (Added Dec. 2, 1993, P.L. 103-173, § 2(a), 107 Stat. 1998.)
(As amended April 30, 2003, P.L. 108-21, Title I, § 107, 117 Stat. 655.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

The "Hague Convention on the Civil Aspects of International Parental Child Abduction", referred to in this section, appears in the USCS volume containing International Agreements.

Amendments:

2003. Act April 30, 2003, in subsec. (a), inserted ", or attempts to do so,"; and, in subsec. (c), in para. (1), inserted "or the Uniform Child Custody Jurisdiction and Enforcement Act", and, in para. (2), inserted "or" following the concluding semicolon.

Other provisions:

Sense of Congress. Act Dec. 2, 1993, P.L. 103-173, § 2(b), 107 Stat. 1999, provides: "It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent."