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DivorceInKentucky.com

INTERNATIONAL CHILD ABDUCTION DATAPACK (To or From a Hague Convention Country)

Dear Prospective Client:

Child custody disputes are always emotionally charged. But, when one parent takes matters into their own hands and **absconds** with a child, that is generally considered a **parental abduction**, which is defined by the U.S. Department of Justice, as "the taking, retention, or concealment of a child or children by a parent, other family member, or their agent, in derogation of the custody rights, including visitation rights, of another parent or family member".

Abductors may be other family members or their agents (for instance, a girlfriend, boyfriend, grandparent, or even a private investigator), although in most cases the abductor is a child's parent (referred to as the "**Taking Parent**"). Some state criminal statutes use the term "custodial interference" – rather than parental abduction, family abduction or kidnapping – when referring to this crime and may include incidents in which children are detained or enticed away from the custodial parent. Custodial interference can also be defined to include interference with a court order of visitation or access.

The "**Left-Behind Parent**" is the one whose rights are being infringed upon by the actions of the Taking Parent by taking, removing or hiding a child or children.

If your child has been abducted and taken without your consent to another country, you are dealing with a very complex situation which often requires the assistance of legal professionals who are experienced in dealing with the U.S. State Department, the complexities of the *Hague Convention on the Civil Aspects of International Child Abduction*, the Central Authority in various countries, U.S. Embassy personnel, domestic law enforcement personnel and courts in various U.S. jurisdictions.

The Hague Convention on the Civil Aspects of International Child Abduction, ratified by the United States in 1988, is an international treaty currently in effect in dozens of countries. It serves to simplify and expedite the return process when children have been abducted internationally. The Convention's implementing procedures can be found in the International Child Abduction Remedies Act (42 U.S.C. §§ 11601 et seq.). In 1993, the United States also passed the International Parental Kidnapping Crime Act (18 U.S.C. § 1204), making the abduction or retention of a child from the United States a felony. For the most recent list of countries that have ratified the Hague Convention, see http://travel.state.gov/hague_list.html

This is an advertisement.

According to Article 3 of the Hague Convention:

- "The removal or the retention of a child is to be considered wrongful where
- "a) **it is in breach of rights of custody attributed to a person**, an institution or any other body, **either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention;** and
 - "b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention." [Emphasis added.]

Our office has been involved in multiple international parental abduction cases over the last few years. While every single situation is different, they are all highly complex and extremely emotional. They are also expensive to pursue through international legal channels.

If you are the "Left-Behind Parent" and your child or children have been taken outside the United States against your wishes and/or without your consent, let us have an opportunity to listen to the unique facts of your situation and to tell you whether we believe we can help you get your children back.

If you already have an attorney representing you in a divorce or custody action here in Kentucky or elsewhere, we would be honored to work with your primary attorney to handle only the *Hague* aspects of your case and to let your other attorney continue to be in charge of the rest of your case.

Your case will require an initial personal consultation so that we can understand the facts of your case and advise you on your rights and duties. We charge \$200 for an initial consultation, during which we expect to give you a really good idea of what you can expect to happen in your divorce.

Before we can begin representing you, we will require (1) a signed contract which explains our respective obligations and (2) a legal engagement fee, the size of which will be based on our estimation of the amount of time needed to resolve your case. *There is no guarantee, however, that all of your legal expenses will be covered by this Engagement Fee.*

In most *Hague* cases, we am going to require a retainer of at least \$3,000. We know that is a lot of money but international parental abduction is a very specific area of law which requires an enormous amount of time. ***This is not a guarantee that we can get your children returned to you for \$3,000, but it is a fair estimation of the amount of legal services and expenses we expect to incur in an average but not highly complicated case.***

Anything you do to thoroughly complete the attached INTERNATIONAL CHILD ABDUCTION DATAPACK and provide any substantiating documentation will help to reduce the amount of attorney and paralegal time required in this action. Any information you provide will, of course, be kept confidential and you are under no obligation until we each execute a written Engagement Agreement.

Very truly yours,

JAMES K. MURPHY
RUTH J. WILKERSON
WILLIAM L. HOGE, III
Attorneys at Law

Attorneys at Law

Concentrating in Family Law Representation
throughout Greater Metropolitan Louisville

THIS IS AN ADVERTISEMENT.

Email: HogePartners@DivorceInKentucky.com

Website: DivorceInKentucky.com

Hoge Partners, PLLC is the successor to Hoge & Associates, a law practice with a four-decade history of providing legal services throughout Metropolitan Louisville, including Jefferson, Oldham, Hardin and Bullitt Counties.

JAMES K. MURPHY

Jim Murphy is the Managing Partner of **Hoge Partners, PLLC**. He began practicing law in Kentucky in 1993. He graduated *magna cum laude* from Washington & Lee University and *cum laude* from the Lewis School of Law at Washington & Lee University.

Prior to joining Hoge & Associates in 2014, Jim's practice with another Louisville firm focused in commercial transactions, real estate and business. Since then, he has refocused his practice on Family Law matters with a special emphasis on associated business and real estate factors. Jim's caseload includes a variety of Family Law matters including domestic violence actions and criminal defense in child support matters as well as processing divorces, child support, child custody and post-divorce litigation. He also has significant appellate experience.

RUTH J. WILKERSON

Ruth Wilkerson is a Partner of **Hoge Partners, PLLC**. She has been practicing law in Kentucky since 2010. A graduate of Transylvania University in Lexington, Kentucky and the Appalachian School of Law in Grundy, Virginia, Ruth has a varied legal background which included estate planning, workers compensation, personal injury litigation, employment law, civil rights discrimination and sexual harassment.

Ruth has focused on Family Law matters since joining the firm in 2014. She handles both contested and uncontested divorce actions, post-divorce litigation, modifications of child support and maintenance/alimony, disputed parenting matters such as visitation schedules and primary residence, adoption proceedings, child custody and domestic violence proceedings.

WILLIAM L. HOGE, III

Bill Hoge has been practicing law in Louisville since 1972 and focused on Family Law for better than half of that period. He retired from active practice in 2017. Bill remains of counsel to the firm of **Hoge Partners, PLLC**, providing advice and guidance to attorneys Jim Murphy and Ruth Wilkerson and handling a limited number of cases. He is still a Fellow of the American Academy of Matrimonial Lawyers and formerly served as the Chair of the Family Law Sections for both the Kentucky Bar Association and the Louisville Bar Association. The majority of Mr. Hoge's legal career has been dedicated to Family Law and being of service to people going through the divorce process in Kentucky, individuals needing assistance with post-divorce matters (child support, custody, visitation, etc.), victims of domestic violence, international parental abductions and others situations relating to Domestic Relations law.

For use only by potential clients of Hoge Partners, PLLC

INTERNATIONAL CHILD ABDUCTION DATAPACK
 (To or From a Hague Convention Country)

Please Print

Today's Date: _____

YOUR FULL LEGAL NAME: _____

PRESENT ADDRESS: _____
{Street Address or P. O. Box}

{City} {County} {State} {Zip}

TELEPHONE: Home -- _____ Work -- _____

Cell -- _____ Other: _____

Emergency Contact: _____ Phone: _____

Relationship to Emergency Contact: _____

YOUR E-MAIL ADDRESS: _____

THE SPACE BELOW IS FOR OFFICE USE ONLY
Please complete the remaining pages of this form

Date of Initial Interview: _____ Interviewed by: _____

Engagement Agreement signed? _____ Date Signed: _____ Engagement Fee Paid: \$ _____

ATTORNEY NOTES:

Photos obtained of children and taking parent?

Evidence of children's habitual residence gathered?

School records Photos at home

Medical records Other: _____

Certified copy of parents' marriage license requested?

Certified copy of children's birth certificates requested?

Documentation of taking parent's suspected whereabouts?

Communication with taking parent since abduction?

Other: _____

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How did you learn about us?

- Referral from another attorney: _____
- Personal referral from: _____
- Our website at www.DivorceInKentucky.com
- Other: _____

PERSONAL INFORMATION ON CLIENT

CLIENT'S AGE ON LAST BIRTHDAY: _____

YOUR DATE OF BIRTH: _____

YOUR PLACE OF BIRTH: _____

RELATIONSHIP TO TAKEN CHILD/REN: _____

CLIENT'S CITIZENSHIP: U.S. Citizen Other: _____

YOUR SOCIAL SECURITY NUMBER: _____

DO YOU HAVE A PASSPORT? Yes Passport Number: _____

No Issued by what country? _____
If "No", you need to apply for a passport today!

YOUR OCCUPATION: _____

YOUR EMPLOYER: _____

RESIDENT OF KENTUCKY SINCE: _____

PREVIOUS ADDRESS: _____

How long at that address? _____

NUMBER OF TIMES YOU HAVE BEEN MARRIED: _____

ARE YOU PRESENTLY MARRIED? _____ To whom? _____

PERSONAL INFORMATION ON "TAKING PARENT"

TAKING PARENT'S FULL LEGAL NAME: _____

TAKING PARENT'S HABITUAL ADDRESS: _____

{Street Address or P. O. Box}

{City} {County} {State} {Zip}

How long at that address? _____

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TAKING PARENT'S USUAL TELEPHONE NUMBERS:

Home -- _____ Work -- _____

Cell -- _____ Other: _____

ANY OF TAKING PARENT'S FAMILY OR FRIENDS WHO MIGHT HAVE KNOWLEDGE OF HIS OR HER CURRENT WHEREABOUTS:

1st Name: _____

Address: _____

Telephone Numbers: _____

Relationship: _____

2nd Name: _____

Address: _____

Telephone Numbers: _____

Relationship: _____

TAKING PARENT'S E-MAIL ADDRESS:

TAKING PARENT'S DATE OF BIRTH:

_____ CURRENT AGE: _____

TAKING PARENT'S PLACE OF BIRTH:

TAKING PARENT'S LEGAL RELATIONSHIP TO TAKEN CHILD/REN:

Natural Mother Adoptive Mother Stepmother

Natural Father Adoptive Father Stepfather

Other: _____

TAKING PARENT'S CITIZENSHIP:

U.S. Citizen Other: _____

TAKING PARENT'S SOCIAL SECURITY NUMBER:

DOES THE TAKING PARENT HAVE A PASSPORT?

Yes Passport Number: _____

Issued by what country? _____

No

TAKING PARENT'S OCCUPATION:

TAKING PARENT'S EMPLOYER:

HOW LONG HAS THE TAKING PARENT BEEN A RESIDENT OF KENTUCKY?

TAKING PARENT'S PREVIOUS ADDRESS (ES):

How long at each address? _____

NUMBER OF TIMES TAKING PARENT HAS BEEN MARRIED:

IS THE TAKING PARENT PRESENTLY MARRIED? _____ To whom? _____

YOUR RELATIONSHIP WITH TAKING PARENT

CURRENT STATUS: _____

DATE RELATIONSHIP BEGAN: _____

DATE RELATIONSHIP ENDED: _____

CIRCUMSTANCES OF BREAK-UP: _____

TAKEN CHILD OR CHILDREN

Number of children taken: **1** **2** **3** **4** **5** Other: _____

When was the child (or children) taken? _____ By whom: _____

Circumstances of taking: _____

Any witnesses to taking? _____

Was a note left by the Taking Parent? _____

Copy provided to attorney?

Have you had any communication (correspondence, email, faxes, voice mail messages, etc.) with the Child/Children or the Taking Parent since the date he/she/they were taken?

Details of communication: _____

Where do you believe the Taking Parent took the Child or Children? Why?

In whose company do you believe the Taking Parent and/or the Child/Children might be at this time?

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CHILD #1:

Full Legal Name: _____

Child's Nicknames (if any): _____

Date of birth: _____ Place of Birth: _____ Present Age: _____

Child's Social Security Number: _____ - _____ - _____

Child's usual place of residence (until taking): _____

Child lives there with: _____

Child has lived there since: _____

* Previous residence: _____

Child lived there with: _____

Dates child lived at that address: _____

Does Child #1 have a Valid Passport? Yes Passport Number: _____

Issued where? _____

No Unknown

Physical Description of Child #1: Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

Does the child wear or require eyeglasses, contact lenses or hearing aids? _____

Any scars, birthmarks or other distinguishing characteristics? _____

What languages does Child #1 speak? _____

Does Child #1 have any handicaps, special needs, health issues, learning disorders, medication requirements, unusual fears, etc.? If so, describe:

Child #1's School (until taking): _____ Grade: _____

School address: _____

**ATTACH AT LEAST TWO RECENT
COLOR PHOTOGRAPHS OF EACH TAKEN CHILD!**

CHILD #2:

Full Legal Name: _____

Child's Nicknames (if any): _____

Date of birth: _____ Place of Birth: _____ Present Age: _____

Child's Social Security Number: _____ - _____ - _____

Child's usual place of residence (until taking): _____

Child lives there with: _____

Child has lived there since: _____

* Previous residence: _____

Child lived there with: _____

Dates child lived at that address: _____

Does Child #2 have a Valid Passport? Yes Passport Number: _____

Issued where? _____

No Unknown

Physical Description of Child #2: Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

Does the child wear or require eyeglasses, contact lenses or hearing aids? _____

Any scars, birthmarks or other distinguishing characteristics? _____

What languages does Child #2 speak? _____

Does Child #2 have any handicaps, special needs, health issues, learning disorders, medication requirements, unusual fears, etc.? If so, describe:

Child #2's School (until taking): _____ Grade: _____

School address: _____

**IF MORE THAN TWO CHILDREN ARE INVOLVED,
PLEASE COMPLETE A SEPARATE SHEET FOR EACH OF THEM.**

**WE WILL NEED AT LEAST TWO (2) RECENT
COLOR PHOTOGRAPHS OF EACH TAKEN CHILD!**

LITIGATION OF PATERNITY OR CHILD CUSTODY

Has any Taken Child ever been involved in a custody dispute? If so, please give details.

Does anyone besides yourself and Taking Parent have any custody claim on any Taken Child? If so, please identify fully (name, address, contact information, relationship to child, etc.).

Have either of you previously taken any legal action concerning the custody, paternity or possession of any Taken Child? If so, please describe.

Left-Behind Parent has filed for divorce – Attorney is _____

Taking Parent has filed for divorce – Attorney is _____

Where was divorce filed? Jefferson Co. Oldham Co. Other: _____

Status of divorce or custody action?

Date filed: _____ Date served: _____

Response filed: _____

Any pending motions? _____

Hearings or trial scheduled? _____

Any Orders entered regarding custody, paternity, etc.?

If this is a paternity (not divorce) action, has DNA testing been performed? _____

Results: _____

Please provide us with a copy of ALL pleadings, motions, orders, paternity results, etc. in your divorce or custody action!

If you want our office to represent you in an action for divorce from the Taking Parent, ask us for a copy of our **Divorce Datapack**, which will need to be completed in **addition** to this INTERNATIONAL CHILD ABDUCTION DATAPACK.

Return this form to:

HOGUE PARTNERS, PLLC

Suite 400 SOUTH, First Trust Centre
200 South Fifth Street
Louisville, Kentucky 40202
Phone: 502-583-2005
Fax: 502-583-1223

