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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](http://travel.state.gov/hague_list.html)

According to Article 3 of the Hague Convention:

*This is an advertisement.*

- "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 are 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](mailto:HogePartners@DivorceInKentucky.com)

Website: [DivorceInKentucky.com](http://DivorceInKentucky.com)

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*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.

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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](http://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:

1<sup>st</sup> Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: \_\_\_\_\_

Relationship: \_\_\_\_\_

2<sup>nd</sup> 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: \_\_\_\_\_

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

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.

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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.).

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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**

Kentucky Home Life Building, Suite 600

239 South Fifth Street

Louisville, Kentucky 40202-3262

Phone: 502-583-2005

Fax: 502-583-1223

# CHRONOLOGY

Briefly state a chronology of your relationship with the Taking Parent, the birth of any children, the circumstances leading up to the abduction of your child/children, what you've learned about the Taking Parent's whereabouts or other pertinent facts:

<i>Date</i>	<i>Facts or Circumstances</i>

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# ATTORNEY'S NOTES

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