

United States Senate

WASHINGTON, DC 20510

June 23, 2009

The Honorable John Kerry
Chairman
Senate Foreign Relations Committee
Senate Dirksen Office Building
Washington, DC 20510

The Honorable Richard Lugar
Vice Chairman
Senate Foreign Relations Committee
Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Kerry and Ranking Member Lugar:

I am writing to respectfully urge the Senate Foreign Relations Committee to conduct Senate hearings on compliance with the 1980 Hague Convention on the Civil Aspects of International Abduction of Children.

Under the Hague Convention, to which the U.S. became a party in 1988, a child removed from a country in violation of a parent's custodial rights should be promptly returned to the place of his or her habitual residence. The Hague Convention is described by the U.S. State Department as being the most effective worldwide solution available for reuniting children with parents. However, this treaty has not been consistently observed and implemented by governmental, judicial, and enforcement authorities in certain signatory countries. Of the 68 nations that are partner to the U.S. through the convention, one is listed by the U.S. State Department as being completely non-compliant, while an additional seven are evaluated as demonstrating a pattern of non-compliance.

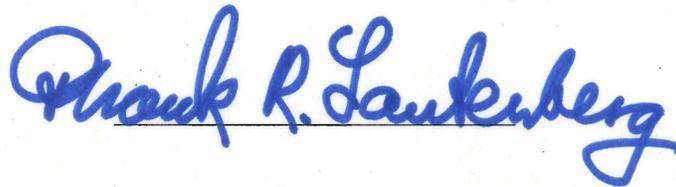
According to a recent U.S. State Department report on Compliance with the Hague Convention, abductions of children from the U.S. to foreign countries have increased dramatically in recent years, from 642 new ongoing cases in 2006, to 1,082 new ongoing cases in 2008. More than 70 percent of the countries to which children were abducted in these cases are signatories of the Hague Convention.

The case of the Goldman family illustrates the gravity of the current problem. In June 2004, David Goldman's wife Bruna Goldman took their son Sean Goldman, a U.S. citizen and New Jersey resident, to Brazil for a two week vacation. Upon her arrival, Mrs. Goldman informed her husband of her intent to stay in Brazil with Sean permanently without his father's consent. In August 2004, the Superior Court of the State of New Jersey issued a ruling ordering that Sean be returned to the U.S. When the child was not returned, Mr. Goldman filed judicial proceedings with the Federal Court of Rio de Janeiro based on the Hague Convention which entered into force between the countries on December 1, 2003. Bruna died in August 2008 leaving Sean in the custody of his stepfather and he remains apart from David, his only living biological parent.

For five years, Mr. Goldman has been working for his son's return. The process has been long and difficult, with court-ordered visitation requests delayed for years, and with continuous rulings in Brazilian lower courts against David and against the spirit of the Hague Convention. Earlier this year, I wrote to Brazilian President Luiz Inácio Lula da Silva urging the Brazilian government to focus on this case and comply with the Hague convention. Both Secretary of State Hillary Clinton and President Obama brought up the Goldman case in meetings with their Brazilian counterparts. In March, the Senate unanimously passed a resolution I authored in support of Sean Goldman's immediate return to the U.S. in compliance with the Hague Convention. This month, a federal Brazilian court issued an order for Sean's return to the U.S., but appeals and further court proceedings continue to separate father and child.

The case involving Sean Goldman is a clear example of the ordeal families face when countries fail to comply with the Hague Convention. If Brazil had complied with its obligations with the treaty in 2004, Sean and his father would have been reunited years ago. In response to this case, and to ensure that no other Americans confront the same tribulations in the future I respectfully urge you to fully examine the failure of some countries to comply with this treaty.

Sincerely,

A handwritten signature in blue ink that reads "Frank R. Lautenberg". The signature is written in a cursive style with a horizontal line underlining the name.