

## Child Snatching

You can use this brochure for:

- General information on safeguarding your children from strangers;
- Specific information which will help you if you fear that your child will be kidnapped by your partner; and
- Information on what to do if your child has been kidnapped.

**NOTE:** In this brochure, the term “*partner*” can include: your spouse, your ex-spouse, your present boyfriend or girlfriend, or your ex-boyfriend or ex-girlfriend.

**For more information, please call Legal Aid’s Intake Hotline at (808) 536-4302 or (800) 499-4302. For seniors, please call the Senior Legal Hotline at (808) 536-0011 or toll free at (888) 536-0011.**

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## If You Fear Kidnapping:

If you are afraid that your children may be kid- napped by someone else, including their other parent, follow these steps:

- Take your children where they need to go (for example, personally walk them to and from school).
- Explain your fears to your children if appropriate. Also tell them not to go with strangers or their other parent, even if the other parent says it is okay.
- Teach your children how to use the tele- phone, including calling the police, area codes, and collect calls. Have them practice.
- Tell your children to contact you or the police before going anywhere with anyone, even if:
  - \* someone tells them you don't love them anymore; or
  - \* someone tells them you are hurt or dead.
- Teach your children their own address.
- Inform the school about your fears. Give the school a picture of your partner taped to a piece of paper which says "DO NOT RELEASE (your child's name) TO THIS PERSON!"
- Tell other people who come into contact with your children not to release your children to any strangers or your partner. Some people you should tell are bus drivers, baby- sitters, neighbors, relatives, and day care centers.
- Get a court order if you fear that your partner will kidnap your child. A court order such as a Divorce Decree, a legal separation, a Temporary Restraining Order, or a Paternity Order, will outline both parents' rights with respect to the children. For more information, see the section on court orders.

## Keep On Hand:

Keep the following items in two separate and safe places:

1. Several *recent* color photos of your children and spouse or boy/girlfriend.
2. A recent list of your child's physical characteristics (height, weight, hair and eye color, scars, etc.).
3. A set of your child's fingerprints (ask the local police department to take prints and give you copies).
4. The names, addresses, and phone numbers of your partner's family members and close friends.
5. Important records relating to you, your partner, or your child(ren), including:
  - Court papers;
  - Passport numbers;

- Driver's license numbers, automobile registrations, serial numbers, and the type and model of vehicles;
- A list of all credit cards, bank accounts, retirement accounts, and social security numbers.

**Keep the above items in at least two separate and safe places such as:**

- ✓ Friends' and relatives' homes.
- ✓ A safety deposit box.

Try to think of at least two places that will be both safe and accessible to you in an emergency (for example, most safety deposit boxes are not accessible on weekends or evenings).

## You Fear Your Partner Will Take Your Child Out of the Country:

To prevent this from happening, you can file a "Denial of Passport." You need to write to:

The Office of Passport and Advisory Services  
111 19th Street, NW; Suite 260  
Washington, D.C. 20524-1705

You can call the office at (202) 736-7000 for more information.

In your letter, write your concerns about your child being taken by your partner.

Include relevant information with your letter; for example, a copy of any court document that is related to this case. If your child has dual nationality, you should also contact that country's embassy or consulate. Ask them if it is possible to deny that country's passport.

## How a Court Order Will Help You:

A court orders will help if you ever need to prove that you legally have custody of your children. Read this section to determine if any of the options below apply to your situation:

### 1. TRO:

If your partner abuses or has abused you and/or your children in the past, or you feel that you and/or your children are unsafe, apply for a Temporary Restraining Order (TRO). This will give you a temporary custody and visitation order which covers your kids.

### 2. Paternity:



If you were not married to your child's other parent at the time of your child's birth, you may want to file for Paternity. Paternity establishes who the legal father of the child is. A father's name on the birth certificate is not enough to establish the father's legal rights to the child. You should know that there can be advantages and disadvantages to filing for Paternity.

### **3. Divorce:**

If you are married and you think your spouse might take your child, you may want to consider a divorce. Getting a divorce can be important because if there is no existing court order such as a Divorce Decree, TRO, Paternity Order, or legal separation, then you and your spouse have equal rights to your children.

For more information on TROs, Paternity, and Divorce, call the Legal Aid Society of Hawai'i.

## **What To Do With Your Court Papers:**

- Keep certified copies of all court documents concerning your children in 2 separate, safe places.
- To get certified copies, call the court which issued the order.
- If your court order was issued by another state, file a certified copy of that order with the Family Court in your County. This tells the court that a valid order has already been issued and must be honored in this state. Call Legal Aid for more information on how to do this.
- Give certified copies of your court order to the local police department, neighbors, health care professionals, your child's school, after-school care, coaches, bus drivers, and anyone else with whom your children come into regular contact.

## **If You Think Your Child Has Been Kidnapped:**

If you think your child is missing or has been kidnapped, do the following:

- 1. Call the police.** File a missing person report.
- 2. Call the Clearinghouse on Missing Children if you have custody of your child and you filed a police report.**
- 2. Call the National Center for Missing and Exploited Children.**

**3. Get a court order establishing custody if you don't already have one. Call Legal Aid for more information.**

**4. If you think your partner kidnapped your child, make contact with your partner's relatives/friends.** Stay calm when dealing with your partner and those close to him/her. Never show anger or threaten revenge. Stress your child's need for contact with both parents.

**\* See last page for phone numbers \***

## **If You Want to Change an Existing Court Order:**

If you already have a Divorce Decree or Paternity Order which you want to change, you may need a private attorney to help you. *Call the Legal Aid Society for more information.*

## **Important Phone Numbers:**

Police: 911 (*Call the police first if your child has been kidnapped.*)

### **Hawai'i State Clearinghouse on Missing Children:**

O`ahu..... 586-1449

Big Island ..... 974-4000, ext. 61449

Kaua`i ..... 274-3141, ext. 61449

Maui ..... 984-2400, ext. 61449

Moloka`i / Lana`i: .....1-800-468-4644, ext. 61449

After Hours Hotline.....(808) 753-9797

Call the Clearinghouse on Missing Children if: (1) your child is missing, (2) you have custody of your child, and (3) you have already filed a police report.

**Legal Aid Society of Hawai'i:** <http://www.legalaidhawaii.org>

Honolulu..... 536-4302

Hilo ..... 934-0678

Kona .....	329-8331
Kaua`i.....	245-7580
Maui .....	242-0734
Moloka`i .....	553-3251
Lana`i.....	565-6089

**National Center for Missing and Exploited Children:** 1-800-843-5678

### **Family Courts in Hawai`i:**

O`ahu.....	539-4200
Hilo.....	934-5700
Kona.....	329-7377
Maui, Moloka`i, Lana`i.....	244-2770
Kaua`i.....	246-3350

## **Legal Terms**

**Custody:** control of the child, either legal or physical (see definitions below)

**File:** to deliver documents to the clerk at the court

**Legal Custody:** the power to make major legal decisions about your child's future (such as religion, health care, and education)

**Non-custodial:** the parent who does not live with the child and/or does not have the authority to make legal decisions for the child

**Physical Custody:** the right to have your child live with you

**Supervised Visitation:** visitation by the non-custodial spouse with some- one else present to ensure the safety of the child

**Visitation:** the right of the non-custodial parent to see the child