



## Senator Feinstein Urges State Department, Philippine Government to Formalize Cooperation on Foreign Child Abduction Cases

August 11, 2005

*Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) is calling on the U.S. State Department and the government of the Philippines to resolve the issue of U.S.-Philippine child abduction cases. According to the National Center for Missing and Exploited Children (NCMEC), there are at least 17 current cases of U.S. children being abducted to the Philippines, a third of which involve children from the State of California.*

*Senator Feinstein believes that, since the Philippines is not a signatory of the Hague Convention on the Civil Aspects of International Child Abduction, the proposed Memorandum of Understanding (MOU) between the United States and the Philippines would be a good first step in the enforcement of the custodial rights of parents involved in cases of foreign child abduction, especially because parental abduction is not a crime in the Philippines.*

In a letter to U.S. Secretary of State Condoleezza Rice, Senator Feinstein implored the State Department to expedite the proposed MOU, citing the case of San Diego resident John Smith whose three children were abducted by their mother and are believed to be in the Philippines. **“According to the information State Department staff have provided my staff, the MOU would provide for greater cooperation in locating abducted American children in the Philippines and establishes rights for American parents to participate in custody hearings in the Philippines,”** Senator Feinstein said. **“This MOU appears to be a good first step in ensuring justice for families like Mr. Smith’s who find themselves in this terrible situation.”**

In a similar letter to the Ambassador of the Philippines to the United States, Albert del Rosario, Senator Feinstein called for the resolution of Mr. Smith’s case and that of other families torn apart by international parental kidnapping. **“I am sure you can appreciate the agony experienced by Mr. Smith and other parents in similar situations,”** Senator Feinstein said. **“I hope that you will do all you can to seek the return of his children and work as quickly as possible to complete an agreement with the Philippine government to help resolve other child abduction cases.”**

*Following is the text of the letters sent to Secretary Rice and Ambassador del Rosario:*

Dr. Condoleezza Rice  
Secretary of State  
United States Department of State  
2201 C Street Northwest  
Washington, DC 20520

Dear Secretary Rice:

I am writing to bring to your attention a child abduction case involving one of my constituents, Mr. John Smith, and his three children, Keoni, Lance and Mason Fernandez, and to seek your assistance in gaining the cooperation of the Philippine government in this and other similar cases.

Mr. Smith's ex-wife, Francine Fernandez, flew from Los Angeles to Manila on November 8, 2004 in violation of a court order to surrender the children's passports. Though her current whereabouts are unknown, she is believed to be in the Philippines, where she has dual U.S.-Philippine citizenship and close family ties. Consequently, Mr. Smith has been awarded full custody by the state and the FBI has issued an international fugitive warrant for Ms. Fernandez.

However, the matter has become complicated because the Philippines is not a signatory to the Hague Convention on the Civil Aspects of International Child Abduction, which stipulates that children must be returned to the country of the custodial parent, even if the parent only has partial custody rights. Furthermore, I understand that according to Philippine law, parental abduction is not a crime and mothers are given preferential custody rights for children under 7 years of age.

Sadly, this case is only one of many. According to the National Center for Missing and Exploited Children (NCMEC), there are at least 17 current cases of U.S. children being abducted to the Philippines, a third of which involve children from California.

It is my understanding that the State Department and the Philippine Embassy have discussed a proposed Memorandum of Understanding to address child abductions. According to the information State Department staff have provided my staff, the MOU would provide for greater cooperation from the Philippine government in locating abducted children and establishes rights for U.S. custodial parents to participate in a custody hearings in the Philippines. Given that the Philippines is not a member of the Hague Treaty, this MOU appears to be a good first step in ensuring justice for families like Mr. Smith's who find themselves in this terrible situation.

As you may know, I have been involved in several efforts to prevent and help recover abducted children, including the national Amber Alert law and a recently introduced bill focused on kidnappings by family members. While these pieces of legislation have and will continue to help return children to their parents, their jurisdiction is limited to domestic abductions. Foreign abductions are even more challenging because of the limited ability for parents, law enforcement, and even members of Congress to take action to assist in the recovery of missing children. Tragically, the NCMEC reports they are aware of and involved in 697 cases of foreign abductions, though I fear there may be many more.

I am sure you can appreciate the agony experienced by Mr. Smith and other parents in similar situations. I hope that you will do all you can to seek the return of his children and work as quickly as possible to complete an agreement with the Philippine government to help resolve other child abduction cases.

I would greatly appreciate receiving any further information you might have regarding this case and updates on your discussions with the Philippine government. Thank you for your attention to this important matter. I am writing to bring to your attention a child abduction case involving one of my constituents, Mr. John Smith, and his three children, Keoni, Lance and Mason Fernandez, and to seek your assistance in resolving this and other similar cases.

Mr. Smith's ex-wife, Francine Fernandez, flew from Los Angeles to Manila on November 8, 2004 in violation of a state court order to surrender the children's passports. Though her current whereabouts are unknown, she is believed to be in the Philippines, where she has dual U.S.-Philippine citizenship and close family ties. Consequently, Mr. Smith has been awarded full custody by the state and the FBI has issued an international fugitive warrant for Ms. Fernandez.

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It is my understanding that United States Department of State and your staff have discussed a proposed Memorandum of Understanding to address child abductions. According to the information State Department staff have provided my staff, the MOU would provide for greater cooperation in locating abducted American children in the Philippines and establishes rights for American parents to participate in custody hearings in the Philippines. This MOU appears to be a good first step in ensuring justice for families like Mr. Smith's who find themselves in this terrible situation.

I am sure you can appreciate the agony experienced by Mr. Smith and other parents in similar situations. I hope that you will do all you can to seek the return of his children and work as quickly as possible to complete an agreement with the State Department to help resolve other child abduction cases.

I would greatly appreciate receiving any further information you might have regarding this case and updates on your discussions with the State Department. Thank you for your attention to this important matter.

His Excellency Albert F. del Rosario  
Ambassador  
Embassy of the Republic of the Philippines  
1600 Massachusetts Avenue NW  
Washington, D.C. 20036

Dear Ambassador del Rosario:

I am writing to bring to your attention a child abduction case involving one of my constituents, Mr. John Smith, and his three children, Keoni, Lance and Mason Fernandez, and to seek your assistance in resolving this and other similar cases.

Mr. Smith's ex-wife, Francine Fernandez, flew from Los Angeles to Manila on November 8, 2004 in violation of a state court order to surrender the children's passports. Though her current whereabouts are unknown, she is believed to be in the Philippines, where she has dual U.S.-Philippine citizenship and close family ties. Consequently, Mr. Smith has been awarded full custody by the state and the FBI has issued an international fugitive warrant for Ms. Fernandez.

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