

Introduction

Children are often caught in the middle in a divorce, but the issue becomes particularly difficult when the parents are citizens of two different countries. International custody disputes can be a devastating problem for service members in Japan because US citizens are disadvantaged in the Japanese system. This brochure will provide basic information on the issue and resources for further assistance.

Effective 1 Apr 2014, Japan became a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. The convention offers significant benefits to foreign parents. Japanese civil law stresses that in cases where custody cannot be reached by agreement between the parents, Japanese Family Court will resolve the issue in the best interests of the child. However, foreign parents in the Japanese Family Court are usually not favored.

To bring a custody issue before the Japanese Family Court, a U.S. citizen must obtain a Japanese Family Attorney for assistance. These cases can be timely and expensive. The legal office can help provide a list of family law attorneys that speak English.

OTHER WEBSITES:

- Overseas Citizen Services in the Bureau of Consular Affairs: 1-202-501-4444
- Office of Children's Issues: 1-202-501-4444
- National Center for Missing and Exploited Children: www.missingkids.com
- A Family Resource Guide on Parental International Kidnapping:
<http://www.ncjrs.gov/pdffiles1/ojdp/215476.pdf>
- Japan Related Issues:
<http://travel.state.gov/content/childabduction/english/country/japan.html>

Legal Assistance Hours:

By Appointment Only

Notary Hours:

Monday-Thursday 0900-150



374th Airlift Wing
Office of the Staff Judge Advocate
Building 315, Airlift Avenue
Yokota Air Base, Japan

DSN Phone: 315-225-8069
DSN Fax: 315-225-7180
Commercial Phone: 011-813-1175-58069
Commercial Fax: 011-813-1175-57180



374th Airlift Wing
Office of the Staff Judge Advocate
Building 315, Airlift Avenue

INTERNATIONAL CUSTODY ISSUES

This Brochure Includes:

- Preventive Steps to Avoid International Parental Abduction
- Child's Passport Issuance Alert Program
- Obtain a Custody Order
- Custody Issues in Japan
- Other Resources



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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Preventing International Abduction

Many cases of international child abduction occur when the child travels to another country with the consent of both parents.

Preventive measures are the best line of defense to avoid kidnapping:

- Have all family members enroll in the State Department's Smart Traveler Enrollment Program (STEP) and download the STEP Application to their phones.
- Keep a list of addresses and phone numbers of the other parent's relatives, friends, and business associates.
- Keep a record of important information about the other parent, including: physical description, passport number, social security, drivers license, and vehicle plates
- Keep a written description of your child and copies of his or her fingerprints.
- Teach your child how to use the phone, make collect calls from abroad, and ensure that they know international emergency phone numbers.
- Notify schools, daycares, and babysitters of potential abduction by the non-custodial parent, and place a copy of the custody decree on file. If possible give them a photograph of the potential abductor.

Information about the Hague Abduction Convention and its impact on International Abduction can be found at:

<http://travel.state.gov/content/childabduction/english/legal/law-and-regulations/hague.html>

Child's Passport Issuance Alert Program

On July 2, 2001 Congress passed a new law requiring parental consent from each parent, or that the applying parent has sole authority, to obtain a passport for a child under 14 years of age.

The Child's Passport Issuance Alert Program enables the Department of State's Office of Children's Issues to notify a parent or guardian, when requested, before issuing a passport for his or her child. The Department of State is authorized to refuse issuance of a passport if you have a court order granting you sole custody. For more information visit:

<https://travel.state.gov/content/passports/en/passports/under-16/Custody-Dispute-Denial.html>

Or call 1-202-501-4444.

This resource does not protect against embassies or consulates of foreign countries from issuing passports to children who are also nationals of that country. Seek legal advice from an international family law attorney if attempting to prevent issuance of a foreign passport. Though foreign countries are not required to comply with requests to deny issuance of a passport, they may do so voluntarily.

If a child already has a valid passport, the US government does not have exit controls to prevent the child's exit at the border and there is no way to stop someone with valid travel document. If your child has a passport, try to control its possession.

Obtaining a Custody Order

Obtaining a valid custody order is essential to preventing the abduction of your child. You will want to obtain the assistance of a family law attorney to help in this matter. Ask your attorney about the Federal Parental Kidnapping Prevention Act (18 U.S.C. §1738A) if they are unfamiliar with it.

Avoid "joint custody" if your spouse is a foreign parent. If joint custody is awarded, ensure that a primary residential custodian is named. You may want to request that the court restrict visitation until guarantees are established to avoid abduction, or request that visitation be supervised.

Custody Issues in Japan

If your custody case is in Japan, you will want to get a Japanese family law attorney as soon as possible. Foreign parents are greatly disadvantaged in Japanese courts.

A list of English-speaking Japanese attorneys can be found at:

<https://japan2.usembassy.gov/e/acs/tacs-lawyers.html>