

FILED

JUN 10 2020

AFFIDAVIT OF PRESTON A. FINDLAY

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

COMMONWEALTH OF VIRGINIA)

SS

CITY OF ALEXANDRIA)

17-3-01817-0

NOW COMES THE AFFIANT, PRESTON A. FINDLAY, having been duly sworn according to law, deposes and states the following:

1. I am currently employed as Counsel for the Missing Children Division of the National Center for Missing and Exploited Children (NCMEC) and have been employed by NCMEC since April 2009.
2. NCMEC is a private, nonprofit corporation, incorporated under the laws of the District of Columbia. NCMEC is not an agency or instrumentality of the United States government and neither NCMEC nor its employees are agents of the United States government.
3. NCMEC, through a grant from the U.S. Department of Justice, handles cases of missing children, including those abducted by a parent or family member.
4. NCMEC has entered into a Cooperative Agreement with the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform certain tasks specified by Congress in the Missing Children's Assistance Act, 34 U.S.C. § 11291 et seq., including that of providing "technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children." 34 U.S.C. § 11293(b). Information contained in this document is provided under the above technical-assistance provisions of the Missing Children's Assistance Act. NCMEC does not provide legal advice. NCMEC does not represent or endorse any party. This information in no way constitutes legal advice.
5. NCMEC and the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention in cooperation with the American Bar Association (ABA) Center on Children and the Law produce a publication titled Family Abduction, Prevention and Response, Sixth Ed., copyright 2009. The Chapter titled *Preventing Abductions* enumerates steps parents can take to safeguard their children from abduction, and includes the following prevention tips:
 - A. Obtain a custody/visitation determination that clearly specifies the rights of each parent with respect to the child. Avoid using vague language, such as "reasonable visitation," and avoid joint custody orders in parental abduction and family violence cases. Specify residential arrangements. Consider supervised visitation, bonds and other guarantees, prohibitions on unauthorized pick-up of the child, restrictions on interstate and/or international removal of the child (i.e.: surrender passports, prohibit passport applications, notify foreign consulate of passport restrictions). Authorize law enforcement assistance to recover the abducted child.

- B. Be certain that the custody determination clearly states the basis for the court's jurisdiction and the manner in which notice and opportunity to be heard were given to the parties.
- C. When considering which prevention provisions to include in the custody determination, evaluate the risk of abduction, the obstacles you may encounter trying to recover your child, and the potential harm the child is likely to suffer if abducted. More restrictive preventive measures will be needed when the risk of abduction is high, obstacles to recovering the child would be difficult to overcome, and abduction is likely to be harmful to the child.
- D. Consider "red flag" indicators of abduction risk (below). There may be an increased likelihood of an abduction if a parent has:
- a. Previously abducted the child;
 - b. Threatened to abduct the child;
 - c. No strong ties to the child's home state;
 - d. Friends or family living out of state or in another country;
 - e. A strong support network;
 - f. No job, is able to work anywhere, or is financially independent—in other words is not tied to the area for financial reasons;
 - g. Engaged in planning activities such as quitting a job; selling a home; terminating a lease; closing a bank account or liquidating other assets; hiding or destroying documents; applying for a passport, birth certificates, school or medical records; or undergoing plastic surgery;
 - h. A history of marital instability, lack of cooperation with the other parent, domestic violence or child abuse; or
 - i. A criminal record.
- E. Six personality profiles of abductors (below) may indicate an increased likelihood of an abduction:
- Profile 1: Parents who have threatened to abduct or have abducted previously.
- Profile 2: Parents who are suspicious or distrustful because of their belief that abuse has occurred and who have social support for their belief.
- Profile 3: Parents who are paranoid delusional.
- Profile 4: Parents who are severely sociopathic.

Profile 5: Parents who have strong ties to another country and are ending a mixed-culture marriage.

Profile 6: Parents who feel disenfranchised from the legal system (e.g., those who are poor, a minority, or victims of abuse) and have family and social support in another community.

[For additional information see the following OJJDP Reports:
Early Identification of Risk Factors for Parental Abduction (NCJ 185026), available at: http://www.ncjrs.gov/html/ojjdp/2001_3_1/contents.html
and *Family Abductors: Descriptive Profiles and Preventive Interventions* (NCJ 182788), available at: http://www.ncjrs.gov/html/ojjdp/jjbul2001_1_2/contents.html].

- F. When a court has decided to allow a child to visit or relocate to another country, it is recommended that the U.S. court require that the party seeking to remove the child ensure that the U.S. order is registered/domesticated (where possible) in the court of the country to which the child will travel. In order to prevent violations, it is recommended that the domesticated order be put in place *prior* to the child's travel to the foreign country.
6. The third National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children (NISMAART – 3), prepared by the Office of Juvenile Justice and Delinquency Prevention, estimated more than 200,000 family abduction cases occurred in the United States during the studied year 2013. [Report including National Estimates available at: <https://www.ojjdp.gov/pubs/250089.pdf>].
 7. In 2019, NCMEC assisted with more than 29,000 newly reported cases of missing children. Four (4) percent of those cases involved a family abduction. [Annual and cumulative NCMEC statistics available at: <https://www.missingkids.org/keyfacts>].
 8. The Hague Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”) provides a civil remedy for signatory countries to seek the return of internationally abducted children to their home country for custody proceedings.
 9. NCMEC’s missing child case database contains cases of international family abduction. NCMEC records each missing child as an individual case.
 10. Thailand acceded to the Hague Convention on the Civil Aspects of International Child Abduction in August of 2002. The Hague Convention entered into force between the U.S. and Thailand on April 1, 2016.
 11. NCMEC’s database reflects that there is currently one (1) active (unresolved) case involving a child taken from the U.S. to Thailand. In this case we have been seeking the return of the child for longer than one (1) year.
 12. NCMEC’s database reflects that, out of all of our closed cases involving children taken from the U.S. to Thailand, fifteen percent (14%) of the children were never recovered.

13. NCMEC's database reflects that in fifty percent (50%) of our closed cases involving children taken from the U.S to Thailand, the children were returned or allowed access to the left-behind parent solely because of voluntary action on the part of the taking parent.
14. NCMEC relies on public information available from the U.S. Department of State's website, among other resources, to assess country-specific risks that could exacerbate an international family abduction, including the International Parental Child Abduction Country Specific Information Sheet (Information Sheet), the U.S. Department of State's annual *Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction* (Compliance Report), and any applicable Travel Advisories.
15. The U.S. Department of State's Information Sheet on Thailand notes that the "The TCA [Thai Central Authority] does not represent left-behind parents in court or assign a private attorney to represent left-behind parents. The role of the TCA is administrative and neutral. Left-behind parents should consider retaining an attorney to file the Hague application with the Central Juvenile and Family Court." Other general information relevant to child abduction issues in Thailand is also included.
[Full Information Sheet available at:
<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/International-Parental-Child-Abduction-Country-Information/Thailand.html>].
16. I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Preston A. Findlay

Signed on 2020/04/14 10:06:24 -0000

04/14/2020

Preston A. Findlay
Counsel, Missing Children Division
The National Center for Missing and Exploited Children (NCMEC)
333 John Carlyle Street, Alexandria, VA 22314

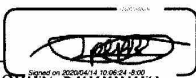
DATE

NOTARIZED
City of Alexandria
Commonwealth of Virginia

The foregoing instrument was subscribed and sworn before me on
by Preston A. Findlay
(name of person seeking acknowledgement)

04/14/2020

DATE


Notary Signature

04/14/2020

Notary Stamp



NCMEC International Affidavit - Thailand - April 2020 PFINDLAY.docx

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E-Signature Summary

E-Signature 1: Preston A. Findlay (PAF)

April 14, 2020 10:06:24 -8:00 [EC249FB1851A] [10.0.0.5]
PFindlay@NCMEC.ORG (Principal) (Personally Known)

E-Signature Notary: Henry Spears (HMS)

April 14, 2020 10:06:24 -8:00 [5063995636AB] [10.0.0.5]
hspears@ncmec.org
I, Henry Spears, did witness the participants named above electronically sign this document.



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