

William L. Hoge, III
Ext. 101

*Fellow of the
American Academy
of Matrimonial Lawyers*

*Mediator and
Collaborative Law Professional*

Law Offices of
William L. Hoge, III

200 South Seventh Street, Suite 506
Republic Plaza (formerly the Legal Arts Building)
Louisville, Kentucky 40202-2721

Facsimile: 502-583-1223

Mobile: 502-419-6316

Telephone: 502-583-2005

Paralegals:

Lois M. Mauk,
Ext. 104

Carolyn Coburn,
Ext. 106

DivorceInKentucky.com

INTERNATIONAL CHILD ABDUCTION DATAPACK (To or From a Hague Convention Country)

Dear Prospective Client:

Child custody disputes are always emotionally charged. But, when one parent takes matters into their own hands and **absconds** with a child, that is generally considered a **parental abduction**.

According to the U.S. Department of Justice, **parental abduction** is defined as "the taking, retention, or concealment of a child or children by a parent, other family member, or their agent, in derogation of the custody rights, including visitation rights, of another parent or family member".

Abductors may be other family members or their agents (for instance, a girlfriend, boyfriend, grandparent, or even a private investigator), although in most cases the abductor is a child's parent (referred to as the "**Taking Parent**"). Some state criminal statutes use the term "custodial interference" – rather than parental abduction, family abduction or kidnapping – when referring to this crime and may include incidents in which children are detained or enticed away from the custodial parent. Custodial interference can also be defined to include interference with a court order of visitation or access.

The "**Left-Behind Parent**" is the one whose rights are being infringed upon by the actions of the Taking Parent by taking, removing or hiding a child or children.

If your child has been abducted and taken without your consent to another country, you are dealing with a very complex situation which often requires the assistance of legal professionals who are experienced in dealing with the U.S. State Department, the complexities of the *Hague Convention on the Civil Aspects of International Child Abduction*, the Central Authority in various countries, U.S. Embassy personnel, domestic law enforcement personnel and courts in various U.S. jurisdictions.

The Hague Convention on the Civil Aspects of International Child Abduction, ratified by the United States in 1988, is an international treaty currently in effect in dozens of countries. It serves to simplify and expedite the return process when children have been abducted internationally. The Convention's implementing procedures can be found in the International Child Abduction Remedies Act (42 U.S.C. §§ 11601 et seq.). In 1993, the United States also passed the International Parental Kidnapping Crime Act (18 U.S.C. § 1204), making the abduction or retention of a child from the United States a felony. For the most recent list of countries that have ratified the Hague Convention, see http://travel.state.gov/hague_list.html

According to Article 3 of the Hague Convention:

- "The removal or the retention of a child is to be considered wrongful where
- "a) **it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention;** and
 - "b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention." [Emphasis added.]

My office has been involved in multiple international parental abduction cases over the last few years. I can tell you that, while every single situation is different, they are all highly complex and extremely emotional. They are also expensive to pursue through international legal channels.

If you are the "Left-Behind Parent" and your child or children have been taken outside the United States against your wishes and/or without your consent, let me have an opportunity to listen to the unique facts of your situation and to tell you whether I believe we can help you get your children back.

If you already have an attorney representing you in a divorce or custody action here in Kentucky or elsewhere, I would be honored to work with your primary attorney to handle only the *Hague* aspects of your case and to let your other attorney continue to be in charge of the rest of your case.

I charge \$300 for any initial consultation, during which I expect to give you a really good idea of what you can expect to happen in your situation.

Before we can begin representing you, the Bar Association and this firm require (1) a signed Engagement Agreement which explains our respective obligations and (2) receipt of an engagement fee prior to instituting any action beyond the initial consultation. The size of the engagement fee required will be determined after our initial consultation and will be based on my estimation of the amount of my time needed to resolve your case. My hourly rate in most cases is \$300 per hour. In most *Hague* cases, I am going to require at least a **20-hour retainer**. I know that is a lot of money but international parental abduction is a very specific area of law which requires an enormous amount of time from me and my staff. This is not a guarantee that we can get your children returned to you for \$6,000, but it is a fair estimation of the amount of legal services and expenses we expect to incur in an average but not highly complicated case.

Anything and everything you do to complete the attached questionnaire and provide any substantiating documentation will help to reduce the amount of attorney and paralegal time required in this action. Please help us contain your legal expense.

If you need more space for any answers, please continue your response on the back of this form or on a separate sheet. If any questions do not apply to your situation, please indicate "(N/A)" or "Not Applicable". All of this information will, of course, be kept confidential.

Very truly yours,



William L. Hoge, III

William Lacy Hoge, III

Attorney at Law
200 South 7th Street
Republic Plaza, Suite 506
Louisville, Kentucky 40202

E-mail: BillHoge@usa.net
Website: www.DivorceInKentucky.com
Fax: (502) 583-1223
Phone: (502) 583-2005

Concentrating in Complex Family Law Representation
Dedicated to providing honest, caring, affordable, quality legal services

Education

University of Louisville
Bachelor of Science Degree (1969)
Juris Doctorate (1972)

Divorce Mediation Training with Zena Zumeta, J.D.
Mediator Certification (2002)

American Academy of Matrimonial Lawyers' Arbitration Training
Arbitrator Certification (2004)

Extensive Continuing Legal Education Awards and Teaching:

- Family Law
- Collaborative Family Law
- Alcohol and Drug Abuse
- Mediation Training
- Arbitration Training
- Domestic Violence
- Ethics
- Psychology
- Trial Technique & Demonstrative Evidence

Organizations

American Academy of Matrimonial Lawyers:
President, Kentucky Chapter (2003-2004)
Continuing Education Chair (1999-2005)

Family Law Solutions, PLLC:
Founding Member

Kentucky Bar Association:
Lawyers Helping Lawyers Committee (1981)
Family Law Section Chair (1997-1998)
Child Protection & Domestic Violence Committee (2000-2003)

Kentucky Collaborative Family Law Network, Inc.:
Founding Member and past President

International Academy of Collaborative Professionals:
Member

International Alliance of Holistic Lawyers:
Member

Louisville Bar Association:

Family Law Section Chair (1999)
Family Law Section Member
ADR Section Member

American Bar Association:

Commission on Lawyer Assistance Programs
Family Law Section Member

Jefferson County Family Court:

Family Support Center Advisory Committee
Family Court Advisory Committee (Divorce Rules Committee Chair)
Family Court Mediator Review Committee

Kentucky Academy of Trial Attorneys:

KATA Member
Family Law Editor for *KATA Advocate*

Special Recognition

Recipient of the LBA's 1999 Judge Richard A. Revell Family Law Practitioner of the Year Award
Kentucky Bar Association Continuing Legal Education Award (annually 1990-2006)
Recipient of AAML's 2007 Raising the Bar Award
Kentucky Super Lawyer 2007

Publications and Public Speaking

Co-author and publisher of
Divorce in Kentucky – The Dissolution Resolution System, an Interactive Organizer and Video, 1997
Numerous Continuing Legal Education and motivational speaking engagements including ABA, AAML, KBA and LBA
Author, UK/CLE, *Kentucky Domestic Relations Practice*, 1st Ed., Chapter 14 (2006)

Legal Experience

Assistant Jefferson County Attorney (1972-1976)
Chief Prosecutor for Jefferson County Attorney (1976-1982)
General Counsel to International Union of Electrical Workers, Local 761 at General Electric (1975-1988)
General Counsel to Kentucky State District Council of Carpenters, AFL-CIO (UBCJA) (1988-1991)
General Private Legal Practice (1972 to Present)

Admitted and Practiced before:

Kentucky Supreme Court	1972	U.S. District Court, Eastern District of Ky.	1975
Sixth Circuit Court of Appeals	1974	U.S. Supreme Court	1975
U.S. District Court, Western District of Ky.	1973		

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INTERNATIONAL CHILD ABDUCTION DATAPACK (To or From a Hague Convention Country)

Please Print

Today's Date: _____

YOUR FULL LEGAL NAME: _____

PRESENT ADDRESS: _____

{Street Address or P. O. Box}

{City} {County} {State} {Zip}

TELEPHONE: Home -- _____ Work -- _____

Cell -- _____ Other: _____

Emergency Contact: _____ Phone: _____

Relationship to Emergency Contact: _____

YOUR E-MAIL ADDRESS: _____

*THE SPACE BELOW IS FOR OFFICE USE ONLY
Please complete the remaining pages of this form*

Date of Initial Interview: _____ Interviewed by: _____

Engagement Agreement signed? _____ Date Signed: _____ Engagement Fee Paid: \$ _____

ATTORNEY NOTES:

Photos obtained of children and taking parent?

Evidence of children's habitual residence gathered?

School records Photos at home

Medical records Other: _____

Certified copy of parents' marriage license requested?

Certified copy of children's birth certificates requested?

Documentation of taking parent's suspected whereabouts?

Communication with taking parent since abduction?

Other: _____

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How did you learn about us?

- Referral from another attorney: _____
- Personal referral from: _____
- Our website at www.DivorceInKentucky.com
- Other: _____

PERSONAL INFORMATION ON CLIENT

CLIENT'S AGE ON LAST BIRTHDAY: _____

YOUR DATE OF BIRTH: _____

YOUR PLACE OF BIRTH: _____

RELATIONSHIP TO TAKEN CHILD/REN: _____

CLIENT'S CITIZENSHIP: U.S. Citizen Other: _____

YOUR SOCIAL SECURITY NUMBER: _____

DO YOU HAVE A PASSPORT? Yes Passport Number: _____

Issued by what country? _____

No **If "No", you need to apply for a passport today!**

YOUR OCCUPATION: _____

YOUR EMPLOYER: _____

RESIDENT OF KENTUCKY SINCE: _____

PREVIOUS ADDRESS: _____

How long at that address? _____

NUMBER OF TIMES YOU HAVE BEEN MARRIED: _____

ARE YOU PRESENTLY MARRIED? _____ To whom? _____

PERSONAL INFORMATION ON "TAKING PARENT"

TAKING PARENT'S FULL LEGAL NAME: _____

TAKING PARENT'S HABITUAL ADDRESS: _____

{Street Address or P. O. Box}

{City} {County} {State} {Zip}

How long at that address? _____

TAKING PARENT'S
USUAL TELEPHONE NUMBERS: Home -- _____ Work -- _____

Cell -- _____ Other: _____

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ANY OF TAKING PARENT'S FAMILY
OR FRIENDS WHO MIGHT HAVE
KNOWLEDGE OF HIS OR HER
CURRENT WHEREABOUTS:

1st Name: _____

Address: _____

Telephone Numbers: _____

Relationship: _____

2nd Name: _____

Address: _____

Telephone Numbers: _____

Relationship: _____

TAKING PARENT'S E-MAIL ADDRESS: _____

TAKING PARENT'S DATE OF BIRTH: _____ CURRENT AGE: _____

TAKING PARENT'S PLACE OF BIRTH: _____

TAKING PARENT'S LEGAL
RELATIONSHIP TO TAKEN CHILD/REN:

Natural Mother Adoptive Mother Stepmother

Natural Father Adoptive Father Stepfather

Other: _____

TAKING PARENT'S CITIZENSHIP: U.S. Citizen Other: _____

TAKING PARENT'S
SOCIAL SECURITY NUMBER: _____

DOES THE TAKING PARENT
HAVE A PASSPORT? Yes Passport Number: _____

Issued by what country? _____

No

TAKING PARENT'S OCCUPATION: _____

TAKING PARENT'S EMPLOYER: _____

HOW LONG HAS THE TAKING PARENT
BEEN A RESIDENT OF KENTUCKY? _____

TAKING PARENT'S
PREVIOUS ADDRESS (ES): _____

How long at each address? _____

NUMBER OF TIMES TAKING PARENT HAS BEEN MARRIED: _____

IS THE TAKING PARENT PRESENTLY MARRIED? _____ To whom? _____

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YOUR RELATIONSHIP WITH TAKING PARENT

CURRENT STATUS: _____

DATE RELATIONSHIP BEGAN: _____

DATE RELATIONSHIP ENDED: _____

CIRCUMSTANCES OF BREAK-UP: _____

TAKEN CHILD OR CHILDREN

Number of children taken: 1 2 3 4 5 Other: _____

When was the child (or children) taken? _____ By whom: _____

Circumstances of taking: _____

Any witnesses to taking? _____

Was a note left by the Taking Parent? _____

[___] Copy provided to attorney?

Have you had any communication (correspondence, email, faxes, voice mail messages, etc.) with the Child/Children or the Taking Parent since the date he/she/they were taken?

Details of communication: _____

Where do you believe the Taking Parent took the Child or Children? Why?

In whose company do you believe the Taking Parent and/or the Child/Children might be at this time?

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CHILD #1:

Full Legal Name: _____

Child's Nicknames (if any): _____

Date of birth: _____ Place of Birth: _____ Present Age: _____

Child's Social Security Number: _____ - _____ - _____

Child's usual place of residence (until taking): _____

Child lives there with: _____

Child has lived there since: _____

* Previous residence: _____

Child lived there with: _____

Dates child lived at that address: _____

Does Child #1 have a Valid Passport? Yes Passport Number: _____

Issued where? _____

No Unknown

Physical Description of Child #1: Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

Does the child wear or require eyeglasses, contact lenses or hearing aids? _____

Any scars, birthmarks or other distinguishing characteristics? _____

What languages does Child #1 speak? _____

Does Child #1 have any handicaps, special needs, health issues, learning disorders, medication requirements, unusual fears, etc.? If so, describe:

Child #1's School (until taking): _____ Grade: _____

School address: _____

ATTACH AT LEAST TWO RECENT COLOR PHOTOGRAPHS OF EACH TAKEN CHILD!

CHILD #2:

Full Legal Name: _____

Child's Nicknames (if any): _____

Date of birth: _____ Place of Birth: _____ Present Age: _____

Child's Social Security Number: _____ - _____ - _____

Child's usual place of residence (until taking): _____

Child lives there with: _____

Child has lived there since: _____

* Previous residence: _____

Child lived there with: _____

Dates child lived at that address: _____

Does Child #2 have a Valid Passport? Yes Passport Number: _____

Issued where? _____

No Unknown

Physical Description of Child #2: Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

Does the child wear or require eyeglasses, contact lenses or hearing aids? _____

Any scars, birthmarks or other distinguishing characteristics? _____

What languages does Child #2 speak? _____

Does Child #2 have any handicaps, special needs, health issues, learning disorders, medication requirements, unusual fears, etc.? If so, describe:

Child #2's School (until taking): _____ Grade: _____

School address: _____

*IF MORE THAN TWO CHILDREN ARE INVOLVED,
PLEASE COMPLETE A SEPARATE SHEET FOR EACH OF THEM.*

**ATTACH AT LEAST TWO RECENT COLOR
PHOTOGRAPHS OF EACH TAKEN CHILD!**

LITIGATION OF PATERNITY OR CHILD CUSTODY

Has any Taken Child ever been involved in a custody dispute? If so, please give details.

Does anyone besides yourself and Taking Parent have any custody claim on any Taken Child? If so, please identify fully (name, address, contact information, relationship to child, etc.).

Have either of you previously taken any legal action concerning the custody, paternity or possession of any Taken Child? If so, please describe.

Left-Behind Parent has filed for divorce – Attorney is _____

Taking Parent has filed for divorce – Attorney is _____

Where was divorce filed? Jefferson Co. Oldham Co. Other: _____

Status of divorce or custody action?

Date filed: _____ Date served: _____

Response filed: _____

Any pending motions? _____

Hearings or trial scheduled? _____

Any Orders entered regarding custody, paternity, etc.?

If this is a paternity (not divorce) action, has DNA testing been performed? _____

Results: _____

Please provide us with a copy of ALL pleadings, motions, orders, paternity results, etc. in your divorce or custody action!

If you want The Law Offices of William L. Hoge, III to represent you in an action for divorce from the Taking Parent, ask us for a copy of our ***Divorce Datapack***, which will need to be completed in addition to this INTERNATIONAL CHILD ABDUCTION DATAPACK.

Return this form to:

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