

March 11, 2009

The resolution calls on the Government of Brazil to live up to its obligations under the Hague Convention on the Civil Aspects of International Child Abduction by releasing Sean Goldman to the custody of his father, David Goldman of Tinton Falls, New Jersey, my constituent. This bill shines a bright light on the problem of international parental kidnapping, and it is an issue that deserves congressional attention.

Let me recount some of the recent background on this issue and why this resolution is before the House today. It is heartrending, as you have heard from my colleague from New Jersey.

Nearly 5 years ago in June, 2004, Mr. David Goldman began a long and painful odyssey to rescue his son from an international parental kidnapping. He had driven his wife, Bruna, and their 4-year-old son, Sean, to the Newark airport for a scheduled trip to visit her parents in Brazil. Mr. Goldman was to join them a few days later. Shortly after arriving in Brazil, Mrs. Goldman called her husband to say two things: their marriage was over, and if he ever wanted to see Sean again, he would have to sign over custody of the boy to her. To his credit, Mr. Goldman refused to be blackmailed. Instead, he began a campaign, a relentless campaign, to secure his son's release.

There is no question that Mr. Goldman has the law both here in the United States and internationally on his side. It is sad and unfortunate that this father and this little boy must have their personal lives dragged through the public forum.

For any of us who have children or grandchildren, we can imagine but not fully comprehend the pain that Mr. Goldman and similar parents have gone through when a spouse kidnaps a child and whisks them away somewhere around the world. Tragically, Sean Goldman's case is just one of over 50 reported cases involving Brazil. Many countries, including key U.S. allies such as Japan, are not even signatories to this Hague Convention. For parents of children kidnapped by a spouse and taken to one of these non-Hague signatory nations, their battle to recover kidnapped children is even more difficult. The resolution before us highlights also the plight of these parents and their children. And it should be viewed as one step toward increasing the tools available to parents to help them recover children.

In October, 1980, the Hague Convention on the Civil Aspects of International Child Abduction entered into force. The United States and Brazil are both signatories. Under article 3 of the

Convention, the removal of a child shall be considered wrongful if "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 at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been exercised." Well, Sean Goldman had been habitually resident in New Jersey until his mother kidnapped him and took him to Brazil.

Shortly after that, Mr. Goldman filed a Hague Convention application in Brazil's federal courts seeking the return of his son under the Convention.

Despite the clear legitimacy of Mr. Goldman's claim, the case has crawled along in Brazil's courts, bouncing back and forth and back and forth. Mr. Goldman's wife secured a divorce in Brazil and began a new relationship with a prominent lawyer. In August of last year, his former wife died during childbirth, a fact that Mr. Goldman learned only some time later and a fact that was concealed from the Brazilian courts by Mr. Lins e Silva, her then husband, and Mr. Goldman's late wife's parents.

After our individual intercession and with the help of the State Department and my colleague from New Jersey, and I particularly want to note his actions, Brazilian authorities moved to have the case once again sent to Brazil's federal courts to secure visitation rights for Mr. Goldman. Finally just last month, Mr. Goldman was able to see his son for the first time in more than 4 years. It is clear that Sean still loves his father and wants to be with him. It appears that the only thing standing in the way of that is the illegal conduct of Mr. Lins e Silva.

I applaud Secretary of State Clinton for raising this issue with Brazil's foreign minister and through other channels. If Sean is not released by the end of this week, I hope that President Obama will continue to bring the issue to the attention of Brazilian President Lula Da Silva and that Sean and his father will be united as they should be.