

UNITED STATES

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	16 Feb 1995		
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	5 Jul 2000	23 Dec 2002 ¹	23 Jan 2003
Protocol to Prevent, Suppress and Punish Trafficking in Persons	13 Dec 2000	3 Nov 2005 ²	3 Dec 2005
UN Optional Protocol on the Involvement of Children in Armed Conflict	5 Jul 2000	23 Dec 2002 ³	23 Jan 2003
International Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction	23 Dec 1981	29 Apr 1988 ⁴	1 Jul 1988

In the United States, there are 13 laws that refer directly or indirectly to missing children:

1. The Federal Kidnapping Act (the Lindbergh Law) of 1932;
2. The Protection of Children Against Sexual Exploitation Act of 1977;
3. The Missing Children Act of 1982;
4. The Missing Children's Assistance Act of 1984;
5. International Child Abduction Remedies Act of 1988
6. The National Child Search Assistance Act of 1990;
7. The International Parental Kidnapping Crime Act of 1993;
8. Trafficking Victims Protection Act of 2000 reauthorized by Trafficking Victims Protection Reauthorization Acts of 2003, 2005, and 2008;
9. Suzanne's Law of 2003;

¹ See Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, G.A. Res. 54/263, Annex II, U.N. Doc. A/54/49, Vol. III, art. 2, para. c, Declarations and Reservations, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&lang=en#EndDec (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

² See United Nations Convention Against Transnational Organized Crime, U.N. Doc. A/RES/55/25 (2001), Declarations and Reservations, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en#EndDec (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

³ See Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, G.A. Res. A/RES/54/263 (May 25, 2000), entered into force Feb. 12, 2002, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴ See 1980 Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670, 1343 U.N.T.S. 98 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=652&disp=resdn> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

10. The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003;
11. The Child Abuse Prevention and Treatment Act (CAPTA) of 2003 reauthorized by CAPTA Reauthorization Act of 2010;
12. The Adam Walsh Child Protection and Safety Act of 2006; and
13. Preventing Sex Trafficking and Strengthening Families Act of 2014.

General Child Protection

There are numerous initiatives at both the federal and state levels to address child protection issues. For example, at the federal level, the Children's Bureau, an Office of the Administration for Children and Families of the U.S. Department of Health and Human Services, was established in 1912. The Children's Bureau focuses exclusively on improving the lives of children and families when it comes to issues such as adoption, child abuse and neglect, child welfare services, foster care, and guardianship.⁵

The U.S. Department of State runs the Office to Monitor and Combat Trafficking in Persons,⁶ which leads the U.S. global engagement against human trafficking. It annually publishes the Trafficking in Persons Report to show the various activities countries around the world have undertaken to combat the issue of human trafficking.

In addition, the U.S. Department of State Office of Children's Issues (OCI) is responsible for coordinating responses in cases of international parental abductions and intercountry adoption.⁷

At the state level, in 2015 at least 438 bills related to child welfare were passed in 50 states (including the District of Columbia and/or territories).⁸ These bills covered such issues as child protection, child sex trafficking, foster care, adoption, health and mental/behavioral health, and oversight and administration of child welfare services.⁹ In addition to legislative initiatives, nearly 22 states have established a Children's Ombudsman Office to assist in providing oversight of children's services.¹⁰

General Missing Children's Issues

The MCAA¹¹ designates the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as the agency that oversees the funding and overall support for missing children's organizations.¹² The MCAA also created NCMEC as the national resource center and national clearinghouse of information on missing and exploited children in the United States.¹³

⁵ Children's Bureau, *History*, at <http://www.acf.hhs.gov/programs/cb/about/history>; See also Children's Bureau, *Focus Areas*, at <http://www.acf.hhs.gov/programs/cb/focus-areas> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, at <http://www.state.gov/j/tip/index.htm> (last visited August 9, 2016).

⁷ U.S. Department of State Office of Children's Issue, *About Us*, at <https://travel.state.gov/content/childabduction/en/about.html> (last visited August 9, 2016).

⁸ National Conference of State Legislatures, *2015 Child Welfare Legislative Enactments*, April 25, 2016, at <http://www.ncsl.org/research/human-services/2015-child-welfare-legislative-enactments.aspx> (last visited August 9, 2016).

⁹ *Id.*

¹⁰ National Conference of State Legislatures, *Children's Ombudsmen Offices, Office of the Child Advocate*, at <http://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

¹¹ The Missing Children's Assistance Act of 1984, *supra* note 19.

¹² *Id.*

¹³ *Id.*

In May 1995, the Federal Agency Task Force on Missing and Sexually Exploited Children was created to coordinate federal resources and services to effectively address the needs of missing and exploited children and their families, and to provide support to local and state law enforcement on various missing and exploited children's issues.¹⁴ The Task Force is comprised of 16 federal agencies and 2 non-federal agencies working directly with cases involving missing and exploited children.¹⁵ The Task Force meets on a quarterly basis to help coordinate each agency's response and minimize any duplication of efforts or gaps.¹⁶

Code Adam is the United States' largest child safety program designed to search for children who go missing within an establishment (e.g., store, mall).¹⁷ Participating establishments provide training for employees about Code Adam procedures.¹⁸ When a store manager initiates a Code Adam alert, employees stop working, lock the front doors, look for the child, and monitor entrances to ensure that the child does not leave or is not taken from the premises.¹⁹ If the child is not found within 10 minutes of issuing the alert, law enforcement is notified.²⁰

Definition of "Missing Child"

The Missing Children Act of 1982 (MCA) and the MCAA help define the term "missing child" in the United States.²¹ A "missing child" is defined as "any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian."²² In addition to the MCA and MCAA, multiple federal statutes provide categories of missing children such as non-family kidnapping and abduction, international parental abduction, and unaccompanied homeless youth.²³ The most recent

¹⁴ U.S. Department of Justice - Office of Justice Programs, *Federal Resources on Missing and Exploited Children: A Directory for Federal Law Enforcement and Other Public and Private Agencies*, Federal Agency Task Force for Missing and Exploited Children 6th Edition (2011), at <https://www.ncjrs.gov/pdffiles1/ojdp/231619.pdf> (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁵ The 16 members of the Federal Agency Task Force on Missing and Exploited Children are: U.S. Department of Defense – Family Advocacy Program and DOD Representative to the National Center for Missing & Exploited Children; U.S. Department of Education – Office of Safe and Drug Free Schools; U.S. Department of Health and Human Services – Administration on Children, Youth and Families; U.S. Department of Homeland Security – U.S. Immigration and Custom Enforcement and U.S. Secret Service; U.S. Department of Justice – Federal Bureau of Investigations, INTERPOL Washington D.C., Child Exploitation and Obscenity Section; Office for Victims of Crime, Office of Juvenile Justice and Delinquency Prevention; U.S. Department of State; U.S. Postal Service; Association of Missing and Exploited Children's Organizations; and National Center for Missing & Exploited Children, at <https://www.ncjrs.gov/pdffiles1/ojdp/231619.pdf> (last visited August 11, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁶ Federal Agency Task Force for Missing and Exploited Children. *Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies 1* (2004), at <https://www.ncjrs.gov/pdffiles1/ojdp/206555.pdf>; See also Missing and Exploited Children's Programs, *Federal Agency Task Force for Missing and Exploited Children*, at <http://mecptraining.org/collaborate/federal-agency-task-force-on-missing-and-exploited-children/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁷ National Center for Missing & Exploited Children, *Code Adam*, at <http://www.missingkids.com/CodeAdam> (last visited August 9, 2016).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ USA.gov, *Crimes Involving Children: Missing Children*, at <https://www.usa.gov/crimes-against-children#item-37602>; See also National Center for Missing & Exploited Children, *Code Adam*, *supra* note 497.

²¹ National Center for Missing and Exploited Children, *Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management 7*, (2011), at http://www.missingkids.com/en_US/publications/NC74.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²² The Missing Children's Assistance Act of 1984, *supra* note 19. See also 42 USC §§ 5772, at <https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/pdf/USCODE-2010-title42-chap72-subchapIV-sec5772.pdf> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²³ 18 U.S. Code 1201 – Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1201>; 18 U.S. Code 1204 – International parental Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1201>; 42 U.S. Code 11434a – Definitions on homeless children and youth, at <https://www.law.cornell.edu/uscode/text/42/11434a> (last visited August 9, 2016).

federal law, Preventing Sex Trafficking and Strengthening Families Act of 2014, addresses the importance of reporting and responding to children who run away from foster care.²⁴

The Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC), the national law enforcement database, provides general categories for missing persons.²⁵ Children fall within the category of “juveniles” and are described as persons under the age of 21.²⁶ Law enforcement can input additional information into NCIC regarding the nature of the disappearance such as “Runaway,” “Abducted by Non-Custodial Parent,” and “Abducted by Stranger,” as well as additional case information such as whether an AMBER Alert was issued.²⁷

NCMEC’s *Model Law Enforcement Policy and Procedures for Reports of Missing and Abducted Children* identifies five different categories of missing children: (1) nonfamily abduction; (2) family abduction; (3) runaway; (4) throwaway; and (5) lost, injured, or otherwise missing.²⁸ A “runaway” is defined as “a child, often a teenager, who leaves home voluntarily for a variety of reasons. This would include any child 17 years of age or younger.” While a “throwaway” is described as a “child whose caretaker makes no effort to recover the child after running away, who has been abandoned or deserted, or who has been asked to leave his or her home and not allowed to return. While not necessarily reported to authorities as missing, children in this category frequently come to the attention of law enforcement.”²⁹ In terms of “endangered runaways,” the NCIC category “endangered” includes a person of any age who is missing under circumstances indicating his or her physical safety may be in danger.³⁰ NCMEC defines “lost, injured, or otherwise missing” as:

a child who has disappeared under unknown circumstances. The incident may range from the child wandering away and becoming lost to the child being abducted, wherein no one witnessed the act. These circumstances sometimes involve “foul play,” where those reporting the incident are attempting to cover-up a crime involving the child.³¹

Kidnapping and Abduction

²⁴ Preventing Sex Trafficking and Strengthening Families Act of 2014, §104, Public Law No: 113-183 (09/29/2014), at <https://www.congress.gov/bill/113th-congress/house-bill/4980/text> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁵ Federal Bureau of Investigation, *2015 NCIC Missing Person and Unidentified Person Statistics Pursuant to Public Law 101-647, 104 Statute 4967, Crime Control Act of 1990 Requirements: 2015 NCIC Missing and Unidentified Person*, at <https://www.fbi.gov/services/cjis/ncic> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

Categories include: Have a proven physical or mental disability; are missing under circumstances indicating that they may be in physical danger; are missing after a catastrophe; are missing under circumstances indicating their disappearance may not have been voluntary; are under the age of 21 and do not meet the above criteria; are 21 and older and do not meet any of the above criteria but for whom there is a reasonable concern for their safety.

²⁶ *Id.*

²⁷ *Id.* at 2.

²⁸ National Center for Missing and Exploited Children, *Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model 1*, Oct. 2011, at http://www.missingkids.com/en_US/documents/Model_Policy_Child.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁹ *Id.*

³⁰ National Center for Missing and Exploited Children, *Effective Use of the National Crime Information Center Database With Missing-Child Incidents A Reference Guide for Public-Safety Telecommunications Personnel 6*, at http://www.missingkids.org/en_US/archive/documents/NCICGuide.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

³¹ *Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model*, *supra* note 508, at i.

At the federal level, the U.S. Congress passed the Lindbergh Act in 1932 to prohibit interstate kidnapping.³² This law prohibits non-family child abduction or kidnapping and applies to situations when a victim is under the age of 18, and the offender has attained the age of 18 and is not a parent, grandparent, brother, sister, aunt, uncle, or individual having legal custody over the victim.³³ The term “parent” does not include a person whose parental rights with respect to the abducted or kidnapped child have been terminated by a final court order.³⁴

Parental Abduction

Interstate family abduction is criminalized in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. It may be referred to as custodial interference, custody deprivation, child stealing, or parental kidnapping and often involves the “wrongful taking or retention of a child in violation of a court order or other law, without a valid defense to make the conduct legal.”³⁵ Depending on the circumstances of the case, the sentence for family abduction can exceed one year of incarceration.³⁶

The United States is a party to the Hague Convention on International Child Abduction and passed the International Child Abduction Remedies Act of 1988 (ICRA) as implementing legislation of its obligations under the Convention.³⁷ The U.S. Department of State’s OCI is the Central Authority and primary contact in cases of international parental child abduction.³⁸ OCI coordinates with law enforcement agencies and NCMEC on a case-by-case basis.

The International Parental Kidnapping Crime Act of 1993 criminalizes international parental child abduction on the federal level.³⁹ While criminal proceedings allow for the arrest of the abducting parent, they do not account for the return of the child.⁴⁰ If the two countries involved in the abduction are signatories of the Hague Convention on International Child Abduction, and have a working treaty in place, then a civil process may be pursued that facilitates the return of abducted children under age 16 to their home countries.⁴¹ Criminal proceedings may not be initiated against the abducting parent if such may jeopardize the successful return of the child under the Convention’s civil process.⁴²

³² 18 USC Chapter 55, Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/part-I/chapter-55> (last visited August 9, 2016) (on file with the International Centre for Missing & Exploited Children).

³³ *Id.*

³⁴ 18 USC §1201 (2006), Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1201> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁵ National Center for Missing and Exploited Children, *Domestic Family Abductions*, at <http://www.missingkids.com/LegalResources/Domestic> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁶ International Parental Kidnapping Act, IPKA, §18 USC 1204 (1993), at <http://www.justice.gov/usam/criminal-resource-manual-1957-international-parental-kidnapping> (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁷ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47; See also Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management, *supra* note 501. *And see National Center for Missing and Exploited Children, Litigating International Child Abduction Cases Under the Hague Convention 2*, at http://www.missingkids.com/en_US/HagueLitigationGuide/hague-litigation-guide.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

³⁸ HCCH, *United States of America – Central Authority*, at <https://www.hcch.net/en/states/authorities/details3/?aid=133> (last visited August 8, 2016).

³⁹ 18 USC §1204 (2006), International Parental Kidnapping, at <https://www.law.cornell.edu/uscode/text/18/1204> (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁰ Federal Bureau of Investigation, *Violent Crimes Against Children; Family Child Abductions*, at <https://www.fbi.gov/investigate/violent-crime/cac> (last visited August 10, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴¹ *Id.*

⁴² *Id.*

With regard to entry controls, all children arriving to the United States from countries outside the Western Hemisphere must present a valid passport to enter. However, when entering the United States by land or sea for contiguous territory or adjacent islands (other than Cuba), in lieu of a passport:

- U.S. citizen children under the age of 16 can present an original or copy of their birth certificate (issued by the Vital Records Department in the state where he or she was born), a Consular Report of Birth Abroad, or a Naturalization Certificate;
- Groups of U.S. citizen children under the age of 19 who are traveling with an adult-supervised school group, religious group, social or cultural organization, or sports team can present an original or copy of their birth certificate, a Consular Report of Birth Abroad, or a Naturalization Certificate.⁴³

All U.S. citizens must apply for a passport through the U.S. Department of State – Bureau of Consular Affairs.⁴⁴ U.S. children under the age of 16 must apply in-person at an authorized passport application facility for a passport and must be accompanied by their parent(s)/guardian(s). The adult(s) with the child must show their relationship to the child, provide evidence of U.S. citizenship and photo identification, and if possible both parents/guardians must be present.⁴⁵ If a child is 16 or 17 years of age and has their own identification document, he/she may apply for a passport without parental consent, however the Bureau of Consular Affairs recommends that one parent does accompany the child.⁴⁶

While the United States does not have mandatory requirements when exiting the country with a minor, U.S. Customs and Border Protection recommends that if a child is not traveling with both parents, the adult traveling with the child should have a note from the child's other parent, stating, "I acknowledge that my wife/husband/etc. is traveling out of the country with my son/daughter/group. He/She/They has/have my permission to do so."⁴⁷

In addition, a parent who is concerned that their child may be taken out of the U.S. without their consent can reach out to OCI and ask for their child to be enrolled in the Children's Passport Issuance Alert Program.⁴⁸ The program allows OCI to contact the parents to verify whether the aforementioned parental consent requirements for issuing a passport to minors has been met.

Reporting Mechanism

In the United States, it is recommended that children be reported missing by calling 911 or by contacting local law enforcement directly.⁴⁹ NCMEC's national toll-free telephone hotline (1 800 THE

⁴³ U.S. Customs and Border Protection, *Customs Bulletin and Decisions, Vol. 42, No. 44, Oct. 23, 2008: CBP Decisions 92*, at <https://www.cbp.gov/bulletins/42genno44.pdf> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁴ U.S. Department of State, Bureau of Consular Affairs, *U.S. Passports & International Travel*, at <https://travel.state.gov/content/passports/en/about-us.html> (last visited August 9, 2016).

⁴⁵ U.S. Department of State, Bureau of Consular Affairs, *U.S. Passports & International Travel – Children Under 16*, at <https://travel.state.gov/content/passports/en/passports/under-16.html> (last visited August 9, 2016).

⁴⁶ U.S. Department of State, Bureau of Consular Affairs, *U.S. Passports & International Travel – Applicants Age 16 and 17*, at <https://travel.state.gov/content/passports/en/passports/16-and-17.html> (last visited August 9, 2016).

⁴⁷ U.S. Customs and Border Protection, *Children - Child traveling with one parent or someone who is not a parent or legal guardian or a group*, at https://help.cbp.gov/app/answers/detail/a_id/268/~/-children--child-traveling-with-one-parent-or-someone-who-is-not-a-parent-or (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children). See also U.S. Department of Homeland Security, *Travel Overseas*, at <https://www.dhs.gov/how-do-i/travel-overseas> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁴⁸ U.S. Department of State, Bureau of Consular Affairs, *International Parental Child Abduction, Child's Passport Issuance Alert Program*, at <https://travel.state.gov/content/childabduction/en/preventing/passport-issuance-alert-program.html> (last visited August 9, 2016).

⁴⁹ If Your Child Is Missing, *supra* note 20.

LOST/1 800 843 5678) operates 24 hours a day, seven days a week, and is specifically designed to receive calls about missing children or suspected child sexual exploitation.⁵⁰ Along with the phone hotline, NCMEC's CyberTipline® (<https://report.cybertip.org/>) is an online reporting mechanism for suspected child sexual exploitation.⁵¹

Investigation of Missing Child Cases

The National Child Search Assistance Act of 1990 advises that missing children cases be reported immediately to local law enforcement agencies and that close contact be maintained with NCMEC.⁵² Before NCMEC can intake a missing child report, the child must first be reported to law enforcement.⁵³ Upon receiving a report of a missing child, law enforcement is legally mandated to enter the missing child's information within two hours of receiving the case into the state law enforcement system and NCIC.⁵⁴ Information on the missing child should also be made available to either the missing children clearinghouse within the state (*i.e.*, organizations providing resources for missing children, their families, and the professionals who serve them) or to other agencies in the state designated to receive such reports.⁵⁵ The law requires that any additional information on the missing child case, including medical and dental records, be updated within 60 days of the original entry of the case into NCIC and the state law enforcement system.⁵⁶

The supervisor of the law enforcement agency is the main agent at the public enforcement level responsible for managing the entire investigation and appointing a search operation coordinator to coordinate police search efforts.⁵⁷ Law enforcement and the family of the missing child can contact NCMEC for resources such as geographical search maps, additional search personnel, poster distribution, and emotional support.⁵⁸

In addition to the local or state law enforcement resources needed during an investigation, the FBI Violent Crimes against Children program established Child Abduction Rapid Deployment Teams in October 2005.⁵⁹ The Teams are made up of experienced professionals from a variety of disciplines who can provide on-the-ground investigative, technical, and resource assistance to state and local law

⁵⁰ *Id.*

⁵¹ National Center for Missing and Exploited Children, *CyberTipline*, at <http://www.missingkids.org/cybertipline> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵² The National Child Search Assistance Act of 1990, at <https://www.congress.gov/bill/101st-congress/senate-bill/2317/text> (last visited August 9, 2016).

⁵³ National Center for Missing and Exploited Children, *FAQs: Missing Children*, at <http://www.missingkids.com/Missing/FAQ> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁴ Adam Walsh Child Protection and Safety Act, 42 USC §16901 (2006), Sec. 154, at <https://www.gpo.gov/fdsys/pkg/PLAW-109publ248/html/PLAW-109publ248.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁵ National Child Search Assistance Act of 1990, at <https://www.congress.gov/bill/101st-congress/senate-bill/2317/text> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁶ 42 USC §5780 (2012), at <http://codes.lp.findlaw.com/uscode/42/72/IV/5780> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁷ Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model, *supra* note 511.

⁵⁸ National Center for Missing and Exploited Children, *Resources for Law Enforcement*, at <http://www.missingkids.com/LawEnforcement> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵⁹ Federal Bureau of Investigation, *Violent Crimes Against Children; Child Abduction Rapid Deployment Teams (CARD)*, at https://www.fbi.gov/about-us/investigate/vc_majorthefts/cac/card/card (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

enforcement.⁶⁰ The Teams are primarily involved with cases of non-family abductions, ransom child abductions, and mysterious disappearances of children.⁶¹

National Database

The FBI launched NCIC, an “electronic clearinghouse of crime data,”⁶² on 27 January 1967. All federal, state, and local law enforcement agencies, and other criminal justice agencies, have access to NCIC year-round, 24 hours a day.⁶³ NCIC may contain information on adults who have been missing since they were children, current missing children, and unidentified living and deceased persons.⁶⁴ The FBI instituted the Missing Persons File within the NCIC in 1975 to consolidate information on missing persons.⁶⁵

The U.S. Department of Justice’s National Institute of Justice manages the National Unidentified Persons System (NamUs) Missing Persons database, which contains information on missing persons and unidentified human remains records.⁶⁶ Unlike NCIC, law enforcement officials, investigators, medical examiners, and the general public have access to the free online missing persons database within NamUs and can search and enter new missing persons cases, and add photographs and other physical and circumstantial details about the missing individual.⁶⁷ The information is verified before it appears as a case in NamUs.⁶⁸

Case Management System

In addition to the national database NCIC, law enforcement agencies (local, state, and federal agencies) and NCMEC have individual stand-alone case management systems, providing the agencies with oversight of the various investigative leads into the disappearance of a child.

Alert Mechanism

The U.S. AMBER (America’s Missing: Broadcast Emergency Response) Alert Program originated in 1996, and is named in honor of Amber Hagerman, a 9-year-old girl who was kidnapped and brutally murdered.⁶⁹ The AMBER Alert Program acts as an early warning system to find abducted children and to galvanize the community to help recover the missing child quickly.⁷⁰ In 2003, the PROTECT Act⁷¹ was passed, and mandated all 50 states and the District of Columbia to develop individual alert programs, with the Department of Justice serving as the National Coordinator.⁷² The Department of Justice is responsible for minimizing gaps in the system, encouraging regional collaboration, and

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Federal Bureau of Investigation, *National Crime Information Center*, at <https://www.fbi.gov/about-us/cjis/ncic> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶³ *Id.*; See also, *Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children: A Model*, *supra* note 508, at 148.

⁶⁴ Federation of American Scientists, *National Crime Information Center*, at <http://fas.org/irp/agency/doj/fbi/is/ncic.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶⁵ 2015 NCIC Missing and Unidentified Person, *supra* note 16.

⁶⁶ U.S. Department of Justice, OJJDP, *National Missing and Unidentified Persons System*, at <http://www.namus.gov/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ U.S. Department of Justice, OJJDP, *AMBER Alert*, at www.amberalert.gov (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷⁰ U.S. Department of Justice, OJJDP, *AMBER Alert: Frequently Asked Questions*, at <http://www.amberalert.gov/faqs.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷¹ Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act), [Pub.L. 108-21](#), 117 Stat. 650, S. 151 (2003), §301, at <https://www.gpo.gov/fdsys/pkg/PLAW-108publ21/html/PLAW-108publ21.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷² U.S. Department of Justice, OJJDP, *AMBER Alert*, *supra* note 549.

developing new distribution mechanisms.⁷³ The Department of Justice established recommended criteria⁷⁴ for initiating an AMBER Alert, which many states have implemented with minimal variations.⁷⁵

When a child abduction case meets the AMBER Alert criteria,⁷⁶ information about the child and possible abductor is sent to state transportation officials and the media outlets/broadcasters designated as primary stations through the Emergency Alert System.⁷⁷ These media outlets send case information to area radio, television, and cable systems. If law enforcement needs to distribute the Alert further, they can contact NCMEC to share the Alert message with their distribution partners including mobile phone companies, the Outdoor Advertising Association, and trucker associations.⁷⁸

As not all reported missing children cases qualify for an AMBER Alert, U.S. law enforcement encourages parents/guardians to distribute recent pictures and information about their missing child within the first 48 hours of the child going missing.⁷⁹ NCMEC plays a central role in distributing the missing child's information and pictures to the media.⁸⁰ NCMEC displays photos of missing children on its website; shares the photos with corporate photo partners (companies and organizations that distribute pictures of missing children); helps to get pictures of missing children posted on bulletin boards at national and regional chain stores, electronic kiosks in shopping malls, and areas with high pedestrian traffic; and assists with placing photos of and information about missing children in national direct-mail advertising fliers, national and regional large circulation magazines and newsletters, and network and syndicated television shows.⁸¹ NCMEC also can broadcast fax posters and other case-related information to law enforcement agencies, FBI field offices, state missing children clearinghouses, U.S. Customs and Border Patrol, and medical examiners' offices all over the country.⁸²

Awareness-Raising Initiatives

All 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have missing children clearinghouses. These clearinghouses are agencies that provide resources for missing children, their families, and professionals working on missing children's issues. The services provided include networking, information dissemination, training development and delivery, data collection, and

⁷³ *Id.* at § 301.

⁷⁴ U.S. Department of Justice, OJJDP, *AMBER Alert: Guidelines for Issuing AMBER Alerts*, at <http://amberalert.gov/guidelines.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷⁵ U.S. Department of Justice, OJJDP, *AMBER Alert: National Strategy*, at http://amberalert.gov/ntl_strategy.htm (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷⁶ The U.S. Department of Justice recommended criteria for issuing an AMBER Alert are: Law Enforcement Confirms an Abduction; Risk of Serious Bodily Injury or Death; Sufficient Descriptive Information; Age of Child; and NCIC Data Entry, at <http://amberalert.gov/guidelines.htm> (last visited August 9, 2016).

⁷⁷ AMBER Alert, *supra* note 549. The Emergency Alert System (EAS) is a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service (SDARS) providers, and direct broadcast satellite (DBS) providers to provide the communications capability to the President to address the American public during a national emergency. The system also may be used by state and local authorities to deliver important emergency information, at <https://www.fcc.gov/general/emergency-alert-system-eas> (last visited August 9, 2016).

⁷⁸ National Center for Missing and Exploited Children, *AMBER Alert Program*, at <http://www.missingkids.com/amber> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁷⁹ U.S. Department of Justice, OJJDP, *Photo and Flier Distribution*, at <http://www.ojjdp.gov/pubs/childmissing/ch4.html> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸⁰ U.S. Department of Justice, OJJDP, *When Your Child is Missing: A Family Survival Guide* 40, at http://www.missingkids.org/en_US/publications/PDF6A.pdf (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸¹ National Center for Missing and Exploited Children, *Corporate Photo Partner Program*, at <http://us.missingkids.com/PhotoPartners> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸² OJJDP, *When Your Child is Missing: A Family Survival Guide*, *supra* note 560.

technical assistance for missing and sexually exploited children cases.⁸³ As the national clearinghouse for missing children, NCMEC maintains a liaison with each individual clearinghouse.⁸⁴

NCMEC has an array of resources to educate children, parents, and the public generally on child safety, and ways to prevent abduction and exploitation through their NetSmartz program. These resources include, for example, a checklist on steps to take when a child goes missing; child safety and prevention workshops on child abduction, child sexual exploitation, and Internet safety; and awareness campaigns on child sexual exploitation and recognizing child victims of exploitation.⁸⁵

Trafficking

Division A of the Victims of Trafficking and Violence Protection Act of 2000 is known as the Trafficking Victims Protection Act of 2000 (TVPA).⁸⁶ The TVPA criminalizes “severe forms of trafficking” such as sex trafficking and labor trafficking.⁸⁷ Sex trafficking means “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”⁸⁸

The TVPA and its reauthorization Acts⁸⁹ created the President's Interagency Task Force to Monitor and Combat Trafficking in Persons to coordinate anti-trafficking efforts and the Department of State's Office to Monitor and Combat Trafficking in Persons (TIP Office).⁹⁰ The TIP Office is responsible for publishing the Trafficking in Persons Report each year, which describes the efforts of governments worldwide to fight human trafficking in three areas: prevention, protection, and prosecution.⁹¹ The TIP Office also provides grant funding to international anti-human trafficking programs.⁹²

In addition to the above federal anti-trafficking initiatives, local human trafficking task forces were created by the U.S. Department of Justice, often with the help of Department of Justice funding, to train law enforcement agencies in the methods of investigating and identifying victims of trafficking.⁹³ These task forces may be eligible to receive funding from the Department of Justice's Bureau of Justice

⁸³ Missing and Abducted Children: A Law-Enforcement Guide to Case Investigation and Program Management, *supra* note 501, at 26.

⁸⁴ National Center for Missing and Exploited Children, *Missing Child Clearinghouses*, at <http://www.missingkids.com/clearinghouses> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children). See also 42 USC §5771, *supra* note 19.

⁸⁵ National Center for Missing and Exploited Children resources, *supra* note 20.

⁸⁶ U.S. Department of State, Victims of Trafficking and Violence Protection Act of 2000, at <http://www.state.gov/j/tip/laws/61124.htm> (last visited August 9, 2016).

⁸⁷ U.S. Department of State, Victims of Trafficking and Violence Protection Act of 2000, §16, at <http://www.state.gov/j/tip/laws/61124.htm> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁸⁸ *Id.* at §8.

⁸⁹ The TVPA has been reauthorized four times since its initial enactment through The Trafficking Victims Protection Reauthorization Act of 2003, 2005, 2008, and 2013. U.S. Department of State, *U.S. Laws on Trafficking in Humans*, at <http://www.state.gov/j/tip/laws/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹⁰ U.S. Laws on Trafficking in Humans, *supra* note 569.

⁹¹ U.S. Department of State, *2015 Trafficking in Persons Report*, at <http://www.state.gov/j/tip/rls/tiprpt/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹² U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, *About Us*, at <http://www.state.gov/j/tip/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹³ U.S. Department of State, Office of Justice Programs – National Institute of Justice, *DOJ-Funded Human Trafficking Task Forces*, at <http://www.nij.gov/journals/262/Pages/human-trafficking-task-forces.aspx> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

Assistance so long as they partner with local victim service providers.⁹⁴ Examples of such task forces include the New Jersey Human Trafficking Task Force and the Maryland Human Trafficking Task Force.⁹⁵

⁹⁴ U.S. Department of Justice, Bureau of Justice Assistance, *Anti-Human Trafficking Task Force Initiative*, at https://www.bja.gov/ProgramDetails.aspx?Program_ID=51 (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

⁹⁵ State of New Jersey, Department of Law & Public Safety, Office of the Attorney General, *New Jersey Human Trafficking Task Force*, at <http://www.nj.gov/oag/dcj/humantrafficking/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children). See also Maryland Human Trafficking Task Force, at <http://www.mdhumantrafficking.org/> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).