

**SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT SUBMISSION**

**APPLICATION UNDER THE HAGUE CONVENTION ON THE
CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION**

**OMB Number 1405-0076
DS-3013 and DS 3013-s**

A. JUSTIFICATION

1. The Hague Convention on the Civil Aspects of International Child Abduction (Convention), which entered into force for the United States on July 1, 1988, requires each party to designate a “Central Authority” responsible for discharging the contracting states’ duties as set forth in the Convention. Executive Order 12648, 53 F.R. 30637, designated the U.S. Department of State as the U.S. Central Authority. Within the Department of State, the Office of Children’s Issues in the Bureau of Consular Affairs (CA/OCS/CI) discharges the functions of the U.S. Central Authority.
2. Article 8 of the Convention and the Convention’s implementing legislation, the International Child Abduction Remedies Act (ICARA), Public Law 100-300 (see especially 42 U.S.C. § 11608), authorize the information collection herein proposed. Under the Convention, persons may apply to a state party’s Central Authority for assistance in obtaining the prompt return of a child wrongfully removed from or retained outside of the child’s country of habitual residence and currently located in another state party. In addition, persons may apply to the Central Authority for assistance in securing their access or visitation rights to the child.

Article 8 of the Convention contains a list of items such an application must contain: (a) “information concerning the identity of the applicant, of the child and of the person alleged to have removed or retained the child”; (b) the child’s birth date; (c) “the grounds on which the applicant’s claim for return of the child is based”; and (d) “all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.” Article 8 additionally provides that copies of pertinent decisions or agreements, a certified statement from a competent authority regarding the relevant law of the country of the child’s habitual residence, and any other relevant documents may accompany the application. 42 U.S.C. § 11608(a), in turn, states that the U.S. Central Authority can “receive from or transmit to any applicant, petitioner, or respondent, information necessary to locate a child or for the purpose of otherwise implementing the Convention with respect to a child”

3. The form may be downloaded, completed electronically and then printed, or printed and filled out by hand. While the applicant may print out and sign the form, scan it, and then submit the scan by e-mail, the form may not be fully filled out and electronically submitted

because some foreign Central Authorities may require the applicant's original signature to appear on the form. In addition, abduction officers at CA/OCS/CI include the paper form in an informational package they distribute to potential applicants via traditional mail. Typically, the applicant will complete the application and forward it, by mail, e-mail attachment or other means, along with supporting documentation, to CA/OCS/CI. CI staff will review the form and enter the necessary information into the International Parental Child Abduction (IPCA) database. Original documents received from the applicant are then attached to the CI paper file as a permanent record. At this time, the IPCA database is not capable of linking to information directly from an online electronic submission.

An application under the Convention is the formal document which enables the applicant to request a state party's Central Authority's assistance in securing the return of an abducted child or access to that child. Filing the application is a key step in initiating what is a time-sensitive process. Where a petition for the return of, or access to, a child has been made to the competent judicial or administrative authority of the country where the child is located within one year from the child's abduction or retention, Article 12 of the Convention obliges that authority to order the return of the child to his or her country of habitual residence; for petitions filed after one year, the judicial or administrative authority must still order the child's return unless it is demonstrated that the child has become "settled" in the new environment.

In accordance with Article 8 of the Convention, DS-3013 requests information from applicants regarding the identities of the applicant, the child or children who are alleged to have been wrongfully removed or retained, and the person alleged to have effected the removal or retention. In addition, it requests the details surrounding the wrongful removal or retention, as well as the legal justification for return of or access to the child.

The U.S. Central Authority will use DS-3013 to facilitate applicants' claims under the Convention, advise applicants about available remedies under the Convention, and facilitate the relevant foreign Central Authority's efforts in locating an abducted child and effecting the return of the child to the United States or access to the child. In accordance with Article 9 of the Convention, the U.S. Central Authority will transmit the application and supporting documents to a foreign Central Authority if it has reason to believe the child is in that country. (The U.S. Central Authority may also be the recipient of information from a foreign Central Authority where such Authority believes an unlawfully removed or retained child is present in the United States.)

DS 3013 is available in electronic form at the following website:

<http://www.state.gov/documents/organization/80021.pdf>.

4. The collection of information requested in DS-3013 is not duplicative of information maintained elsewhere or otherwise available.
5. The collection of information requested in DS-3013 does not involve small businesses or other small entities.
6. The information gathered through the submission of DS-3013 is essential for the U.S. Central Authority to be able to comply with the Convention. In accordance with Articles 8 and 9 and 42 U.S.C. § 11608, the U.S. Department of State needs this information in order to transmit it to the relevant foreign Central Authority. Without such information, the

Central Authority of the foreign country where the child is located may find it difficult or impossible to carry out its Convention duties; and the United States would be likewise hindered in fulfilling its own obligations to assist individuals seeking the return of or access to such a child, and to assist foreign Central Authorities in locating children and facilitating their return or access to them.

The information requested in DS-3013 will be collected only one time for each applicant. In this manner, the frequency of collection will be kept at an absolute minimum.

7. Not applicable. No such circumstances exist.
8. The 60-day notice for the current OMB approval for this information collection was published in the Federal Register in Vol. 74, No. 108/Monday, June 8, 2009, page 27,229. The purpose of the FR publishing was to solicit comments from the public. No comments were received.
9. No payments or gifts are provided to respondents.
10. No promises of confidentiality are given to respondents.
11. No questions of a sensitive nature are asked.
12. In Fiscal Year (FY) 2007 the estimated number of respondents was 2,355. CA/OCS/CI calculates that it takes an average of one hour to fill out the DS-3013. The hour burden of 2,355 hours is based on 2,355 respondents completing and sending in the application.
The estimated number of respondents was calculated from the number of respondents to incoming abduction cases and outgoing abduction cases from FY 2007 (735 (incoming) + 1,620 (outgoing) = 2,355 respondents).
13. There is no fee for this application. The only cost associated with the completion of DS-3013 is the mailing of the form with supporting documents to the Office of Children's Issues. Such costs are negligible.
14. The cost to the U.S. Government per year of receiving and processing these applications is estimated to be approximately \$45,900. A recordkeeper's average salary in the Office of Children's Issues is \$19.50/hour. The Office of Children's Issues estimates that it will take on average one hour for the recordkeeper to process a given application. Thus, \$19.50/hour multiplied by 2,355 hours per year equals roughly \$45,900 in salary for such a recordkeeper.
15. The burden change indicated is due to the annual number of respondents to this information collection (i.e., the number of DS-3013 applicants) steadily increasing since this office began accepting applications.
16. This collection of information will not be published for statistical purposes.
17. The U.S. Department of State will display the OMB expiration date.
18. No exceptions are requested.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

