

**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 3013s**

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 (22 U.S.C. § 9006(c)). 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 Department), 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) 22 U.S.C. § 9008, authorize this information collection. 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 date of birth; (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. ICARA, 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” 22 U.S.C. § 9008(a).

3. The form may be downloaded and 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 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 or forwarded to a foreign central authority as appropriate. 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 that 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 with the central authority is a key step in initiating what is a time-sensitive process.

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 with whom the child is alleged to be. 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, inform 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:
<https://eforms.state.gov/Forms/ds3013.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 of the Convention and 22 U.S.C. § 9008, the Department 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. No special circumstances exist.
8. The Department of State published a 60 day *Federal Register* notice for public comments, see 83 FR 64424, dated December 14, 2018. The Department of State did not receive any public comments.
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. The Department estimates approximately 565 respondents will complete the DS-3013 annually. The hour burden of 565 hours is based on an estimate of the 565 respondents taking one hour to complete and send in the application.

The annualized cost to all respondents for the hour burden for collections of information, based on appropriate wage rate categories, is \$13,752.10. The annualized cost to respondents for the hour burdens for collections of information, based on appropriate wage rate categories, was determined by figuring out the average hourly wage; \$24.34 is the average mean hourly civilian wage for 565 respondents (¹Source: www.bls.gov). \$24.34/hr. was then multiplied by 565 burden hours. The final calculation equals \$13,752.10.

13. All 565 respondents that complete the DS-3013 submit the form by mail to the Office of Children's Issues. The total average cost for courier delivery of the DS-3013 is \$30. The total average cost for courier delivery is based on average costs for domestic courier delivery. The overall delivery cost burden was computed by multiplying 565 respondents by \$30, which equals \$16,950.
14. The average annual cost to the federal government related to this service is based on the time required for Civil Service personnel in the Office of Children's Issues to process the form. The Office of Children's Issues believes this takes approximately 60 minutes. Recurring costs from the Bureau of Budget and Planning's internal New Position Cost Model (NPCM), are the basis for calculating the cost to the federal government for processing the form. The NPCM for FY 2018, FY 2019, and FY 2020 is \$73.23 per hour. This cost rate includes fringe and overhead costs. With 565 forms used for budget and cost, the grand total is $\$73.23 \times 565 = \$41,374.95$.

¹ Source: Bureau of Labor Statistics, www.bls.gov

15. The estimated annual number of respondents to this information collection has stayed the same.

Below are the following changes made to the DS-3013 information collection:

“(Select only one)” was added after “the child/children listed below” above the I. section.

In “Section I First Child Subject of Application” the following changes were made:

- The “Address (At Time of Removal)” box was changed to “Address (Habitual Residence At Time of Removal or Retention)”.
- The “Address and Telephone Number of Child’s Current Location (If Known)” box was changed to “Address of Child’s Current Location (If Known)”.
- A “Telephone Number of Child’s Current Location (If Known) box was added.

In “Section II Applicant (Person Seeking Return of/Access to Child/Children” the following changes were made:

- The “Current Address, Telephone Number, and Email Address” box was removed.
- The “Occupation” box was moved next to the “Preferred Language” box.
- A “Current Address” box was added.
- A “Telephone Number” box was added.
- An “E-mail Address” box was added.
- A “Preferred Language” box was added.
- An “Occupation” box was added.

In “Section IV Additional Child/Children Subject of Application” the following changes were made:

- All of the boxes that say “Address (At Time of Removal)” were changed to say “Address (Habitual Residence at Time of Removal or Retention)”.
- Parentheses were put around the words “if not Listed in Section II or III” in all the boxes that say “Name of Child's Father if not Listed in Section II or III”.

In Section V, the title “Time, Place, Date and Circumstances of the Wrongful Removal or Retention” was changed to “Circumstances of the Wrongful Removal or Retention”. Also in Section V the following changes were made:

- A “A Date of Wrongful Removal or Retention (mm-dd-yyyy) Use approximate date if exact date unknown” box was added.
- A “Place of Wrongful Removal or Retention” box was added.
- The words “Circumstances of Abduction” were added before “Additional sheets may be attached”.
- A parenthesis was added after the word “attached”.

In Section VI. “Factual and Legal Justification for the Request” the following changes were made:

- The Habitual Residence title was made bigger and bolded.
- The words “Please provide details related to the child’s place of habitual residence” was placed on the row below the “Habitual Residence” field title.
- The “Basis of Applicants’ Custody Rights” title was made bigger and bolded.
- “Required documentation, please select at least one” text was added below the Basis of Applicants’ Custody Rights title.

- “Relating to Custody for” text was added between “Law/Statute” and “Child’s Residence at Time of Alleged Removal or Retention”
- “Marriage Certificate, If Applicable” text was removed along with the check box associated with it.
- “Child’s Birth Certificate, Required” text was removed along with the check box associated with it.

In Section VII, “Proposed Arrangements for Return Travel of Child/Children” the following changes were made:

- “How will child return (i.e. flight)? Will you or someone you designate as a power of attorney accompany the child? Please provide as many details as possible.” text was added.

In Section VIII, “Other Persons with Additional Information Relating to the Whereabouts of the Child/Children” the following changes were made:

- The words “relationship to child/parent” was added between “Please include, name, and address,”.
- The words “and contact information” was added after “address,”.
- The words “telephone number, and/or email address” was removed.

In Section IX, the title now reads “Supporting Documentation and Other Relevant Information”. The following changes were made in this section:

- Words were added that say “Parents married?” along with “Yes/No” check boxes. After the check boxes, the words, “If so, date:” were added along with a date field. Then the words, “If yes, marriage certificate must be attached” were added.
- Words were added that say “Parents divorced?” along with “Yes/No” check boxes. After the check boxes, the words, “If so, date:” were added along with a date field. Then the words “If yes, divorce decree must be attached” were added.
- Words were added that say “Custody Order existing at time of removal or retention? If so, please provide a copy of the order”.

In the Privacy Act Statement the following changes were made:

- The word “advise” in the “PURPOSE” section was changed to “inform”.
- In the “ROUTINE USES” section, the word “attorneys”, was added between “agencies”, and “parents”.
- In the “ROUTINE USES” section, the words “and the Department’s Prefatory Statement of Routine Uses” text was added after the words “Overseas Citizens Services Records”

In the Paperwork Reduction Act Statement the following changes were made:

- “SA-29” was removed and “2201 C. St., NW, SA-17; 10th Floor” was added.
- “4th Floor” was removed and “-522-1710” was added to the zip code.
- “-037-3202” was removed from the zip code.

16. This collection of information will not be published for statistical purposes.

17. The Department 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.