

# Japanese held in U.S. over child custody

ALEX MARTIN, The Japan Times, October 29, 2011

A Japanese woman was arrested in the United States earlier this year for allegedly violating parental custody laws and is currently undergoing judicial proceedings, the government said Friday.

In an unusual case highlighting the complications in parental rights laws in international marriages, Japanese media reported that the 43-year-old woman had been wanted after taking her 9-year-old daughter to Japan without prior consent from her ex-husband, a Nicaraguan residing in the U.S.

An official at the Foreign Ministry's Japanese Nationals Overseas Safety Division said the woman was arrested April 7 in Honolulu — apparently while on a visit to renew her green card — and was transferred to Wisconsin on April 30, where she is currently being held.

The official declined to reveal further information, saying the woman's family asked that her private information not be disclosed.

Citing the woman's lawyer, media reports said the woman's 39-year-old husband filed for divorce in Wisconsin in 2008 and won sole custody of the child in 2009, the same year the divorce became final.

However, the woman brought the girl to Japan amid the divorce proceedings in 2008 and has been wanted in the U.S. for contempt of court and violation of parental custody laws.

After returning to Japan, she filed for custody of the child at the Kobe District Court and was granted custody this March. The court also allowed the child's father the right to see his daughter in the U.S. However, both parties immediately appealed the ruling and the case is before the Osaka High Court, according to reports.

Japan has been under pressure from other countries to join the 1980 Hague Convention on the Civil Aspects of International Child Abduction, a treaty that sets procedures for settling cross-border child custody disputes as a result of failed international marriages.

The government decided in May to sign the treaty but has yet to officially endorse the international pact which so far has been joined by 86 nations.

An official at the Foreign Ministry's Humanitarian Affairs Division said the woman's arrest may have been prevented if Japan had already ratified the Hague treaty.

U.S. authorities would probably have advised the man against reporting the woman to the police — a move that could hurt his chances of retrieving his child — and ask him to proceed with the case based on the provisions of the treaty.