



January 3, 2011

Child Abduction and the IRS

About 200,000 children are abducted by one or both of their parents in the US every year. These are cases where the parent who has not been granted custody of the child illegally takes the child away from the custodial parent or guardian. And these abductors file tax returns to the IRS claiming tax relief for child support. This gives the IRS valuable information on the whereabouts of these abducted children.

However the dilemma for the IRS is in disclosing this information and its repercussions. The law on taxpayer privacy safeguards the information from the investigating authorities. Thus even though the IRS has information that could lead investigators to the whereabouts of the missing children, it is bound by law not to disclose it.

One clear example is in 2007 where a Treasury Department study that compared data for 1,731 family abduction cases with tax return data found that in 520 of these cases the Social Security numbers of the missing children could be matched with that on tax returns. In about half of these 520 cases, there was a new address provided in the returns where the missing children were residing. The abductors willingly revealed their addresses for claims purposes. Yet not one of those cases was used to

locate the missing children. A federal court judge in Virginia prohibited the IRS from releasing the information to investigators.

The only means the IRS has been using to help families find missing children is their 'Picture Them Home' program where pictures of missing children are printed on tax returns. This program has only helped find about 80 children since 2001. Incidentally, with the increase of electronic filings, this program itself will die an eventual death.

But the IRS could do so much more if given the authority under the law.

The taxpayer privacy laws seek to protect the taxpayers from having their financial information used against them. Everyone is presumed innocent until proven guilty and has a right not to give information that may incriminate themselves. If taxpayer privacy laws are abolished wholesale, there would be nothing stopping someone from filing his tax returns with nothing more than a name, Social Security number and a statement that he is invoking his Fifth Amendment rights not to incriminate himself.

In 2004, Dennis DeConcini who is a former Democrat senator from Arizona tried to propose changes in the legislation. But the proposal never saw the light of day because other lawmakers were fearful of what the abolishment of taxpayer privacy rights would lead to.

Yet on the other hand there are the cost and agony to all concerned parties when children are abducted. These children are forcibly separated from the person the court has determined should be their legal guardian. The affected parents lose their once in a lifetime chance to see their children

grow up.

This is the IRS dilemma on abducted children.