



November 17, 2015

Houston Doctor's Son Taken to Brazil; Legal Limbo Ties Up Return Two Years Later

By Dylan Baddour

In 2012, Dr. Chris Brann was married with a toddler in a home near Houston's Medical Center. A year later he was alone.

His now ex-wife took their son to her native Brazil and never returned.

Today, legal appeals through international treaties have failed to return Brann's son, leaving the 36-year-old physician with little hope in an international dispute experts say is becoming more common in the U.S.

"At some point there is nothing left to do but to ask for help," Brann said, choking with emotion, en route from Houston to Washington D.C. for a press conference staged with hope of trying his case in the media. "That's what I'm doing."

Federal authorities who mediate international family disputes have noted an uptick in demand, said Laura Dale, a board certified family law attorney with a practice in Houston.

Houston, Dale said, is a hotbed for alleged international child abductions by a parent, given that a larger portion of Houstonians also have homes abroad than residents of any other major American city.

In the Bayou City, Brann suffered a dream turned nightmare. He met Marcelle Guimarães, now 35, in a graduate Health Care Finance study group at Rice University in 2004, and they started dating in 2005. In 2008 they married, and delivered Nico at Memorial Hermann Hospital in 2009.

Brann said he had always wanted a son, and fondly recounted the late nights he spent attending to his crying infant, cradling the boy and gazing at him. He was finely attuned to address the baby, he said, as hospital residency had trained him to wake at any hour by the sound of a pager.

But the romance went sour. Different ideologies drove the couple apart, Brann said; Guimaraes cited "irreconcilable differences" when she filed for divorce in 2012.

They shared equal custody of Nico until Guimarões asked permission to take him to visit her parents near Salvador, Brazil, and signed a legal pledge to return on schedule. Days before her return, she asked for more time, while she secretly sought full custody of Nico in Brazil.

Then Brann's attorney called to tell him, "They're going to run with the child." Guimarões wouldn't be returning; Brann felt shocked and helplessly robbed of his son.

In his quest to protest, he discovered only the State Department could mediate with a foreign government. They do so under the 1980 Hague Abduction Convention, a treaty signed by 73 nations, including the U.S. and Brazil.

"If a parent abducts a child in a country that is a Hague Abduction Convention partner, we work with that country to return the child to his or her place of habitual residence," a State Department official said in an email Monday. "A court in the country of habitual residence can then resolve the question of custody."

But international law has so far done little for Brann. Two years of appeals in Brazilian courts show little hope of resolution, meanwhile he fears his now-juvenile son is growing into a life and language in which Brann cannot take part. He said he felt Guimarões and her family treated him like a "sperm donor."

Rumblings of Brann's story reached the ear of Jared Genser, a Washington D.C.-based attorney and managing director at Perseus Strategies, a public interest law firm with a focus on international human rights. He reached out and took the case.

Genser alleged Guimaraes fraudulently won custody of Nico using forged documents to prove he had attended Brazilian school for months longer than he had been in the country in 2013. After Brann's plea for extradition of his son, a judge ruled that the boy was well settled in his new life.

Genser also noted Guimarões had financial security from her wealthy father, Carlos Guimarões, president of commodities trader ED&F Man Brasil and former Vice President of Dow Chemical Company in Houston, who bought his daughter's round-trip tickets from Houston to Brazil in 2013.

Guimarões and family members did not respond to queries emailed Monday.

Court documents show the Brazilian executive branch ruled against Nico's retention in Brazil, but a judiciary appealed.

"If the court rules against the family," the state department official said, "the family can file a case for access—visitation and contact—to the child."

That's what Brann has now. The Brazilian court granted him a half day of visitation under armed supervision every other day while he visits the country. In the last two years, he's normalized working constant overtime to earn capital for his 15 trips to Brazil.

"I go down there and have my heart broken every time," he said. "Nico always cries."

Ample research has linked child relocation resulting from custody disputes to decreased senses of stability and security in affected kids, as well as stunted social development.

Brann has remarried and plans to have more children. But he hasn't moved on. At his home near Reliant Park, his son's blankets, toys and clothes sit exactly as they did the day Nico left his baby blue, ocean-themed bedroom.

The only things missing are Nico's photographs and a drawings, which Guimarães took with her, Brann said with a whimper.