

THE HUFFINGTON POST

June 30, 2016

Three Years Later: Still Fighting to Bring Nico Home

Texas father's ongoing struggle to secure return of son from Brazil, where he was abducted by ex-wife in 2013

By Christopher Brann



This weekend, as families around the country gather to celebrate July 4th, I am commemorating the day my world was destroyed — the anniversary of my son Nico's abduction to Brazil by my ex-wife Marcelle Guimarães.

On July 1, 2013, Nico, who was almost four-years-old, left with Marcelle to visit her family in Brazil. He never came back. Unknown to me, and in defiance of a court-approved travel agreement to return, Marcelle had been planning to abduct Nico for months. With the help of her family, she enrolled Nico in school and accepted a job offer in Brazil. As soon as she arrived, she immediately filed for and was awarded sole custody by a Brazilian court, failing to disclose that a Texas court awarded us joint custody based

on our mutual agreement.

So began my living nightmare. When I can afford to travel to Brazil, I am only allowed to see Nico every other day for a few hours at a time during supervised visits. Meanwhile, I've been close to bankrupted pursuing every legal avenue available, both in the US and Brazil, to bring Nico home. But my case has still moved at a glacial pace.

There have been some positive steps forward. After I told my story publicly in November 2015, it attracted widespread attention. US Assistant Secretary of State Michele Thoren Bond and Congressman Christopher Smith joined me at a [press conference](#) at the National Press Club. In January, INTERPOL issued a [Yellow Notice](#) for Nico at the request of the FBI. This notice, designed to help locate missing persons, means that the FBI will be notified if Nico crosses an international border. Last month, a Brazil federal prosecutor opened two proceedings against Marcelle. One is for lying to the court; the other is for submitting forged documents in an attempt to cover up the evidence of my son's premeditated abduction.

Although these are important developments, nothing will substitute for the one thing I want: to have Nico home. Each morning, I wake from dreams of being with my son only to be jolted back to the terrible reality of his absence as I walk by his empty bedroom – which hasn't changed since the day he left.

It's incredible to me how hard this has been even though there is a treaty that is supposed to secure the return of children abducted by a parent, called the [Hague Convention on the Civil Aspects of International Child Abduction](#). In my case, everyone agrees that Nico should be returned: the Texas Court, the US State Department, and the Brazil Attorney General's Office, which appeared on my side in the case in the Brazil court. Even the judge in Brazil acknowledged in July 2015 that Marcelle "illicitly" took Nico, but despite this conclusion, and numerous independent assessments that I am a loving father, she refused to send Nico home. The judge justified her decision by citing to a single case precedent that misinterpreted the treaty. She apparently had no idea this was early decision in the famous Sean and David Goldman case, which was then overruled by the Brazil Supreme Court. At the time of the judge's decision in my case, Sean Goldman had actually been home in New Jersey for more than five years. Close to a year that decision, the appeals court in Brazil still hasn't even scheduled a hearing. And there are two more levels of appeals after that. According to the treaty, abducted children are supposed to be sent home within six weeks after a complaint is filed.

Under the Sean and David Goldman Act, Secretary of State John Kerry has a range of tools at his disposal, including sanctions, to ensure countries comply with the Hague Convention. Yet over three years, the State Department has repeatedly urged the Government of Brazil to comply with the Hague Convention. This obviously just isn't enough for me or the more than 800 other left-behind parents in the US. Some 23 of these unresolved cases involve children abducted to Brazil, and not a single child has been returned to the US from Brazil since Sean Goldman was returned in 2009. By comparison, US judges have ordered the return of three children to Brazil in the past year

alone because of our obligations under the Hague Convention.

As I reflect on the three most painful years of my life – years in which I’ve only had less than one percent physical custody of Nico, where he has been alienated from me by my wife and her family, and where he has lost his ability to speak English – I urge President Obama and Secretary Kerry to act in my case and every other case as if it was their own children who had been abducted. I will not give up on my son. But I just cannot do this alone. I need my government to take urgent action to end my living nightmare.

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