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## **My Former Wife Took Our Son to Brazil Two Years Ago. He's Still Not Back.**

By Christopher Brann

On July 1, 2013, my almost 4-year-old son, Nico, boarded a plane in Texas bound for Brazil, traveling with my then-wife Marcelle Guimarães to visit her family. Since that day, my son has not set foot in his bedroom, attended classes at our local elementary school or been able to return to see his 11 cousins or six aunts and uncles who live in Texas.

My wife had filed for divorce, and we had agreed to joint custody of our son. She asked if she could travel with him to Brazil for her brother's wedding. I could not bear the thought of losing Nico, but I also didn't want to cut him off from his mother's family. I let them leave, but only after making sure we had a travel agreement, signed by our lawyers and filed with the Texas court, requiring my wife to return. I knew I had done everything I could to protect my son, and I prayed he would be back safe in my arms in three weeks time.

Two-and-a-half years later, I am still waiting. According to the State Department, I am merely one of 763 American parents whose children were illegally taken to 66 different countries and who are struggling to secure their return. But if the U.S. government cannot secure the return of Nico, no left-behind parent has any hope.

The moment I got the call from my lawyer, I knew my worst fears had been realized. Within days of arriving in Brazil, my wife filed for sole custody in Brazil state court. She claimed I was physically and mentally sick and omitted any mention of the Texas legal proceedings. I learned later from those filings that she had gotten a job and enrolled Nico in school months before signing the travel agreement. The Brazil court gave her sole custody of Nico without telling me a case had been filed.

After we separated, our relationship was strained, but we loved our son. It wasn't perfect, but Nico got to spend half his time with me. Today, I see him less than 1 percent of the

time and only under supervision of armed guards, despite eight experts from the United States and Brazil having said I am an excellent father. Judge Darilda Oliveira Maier has inexplicably refused six requests over the past two years to have a hearing to revisit the decision of sole custody or the terms of my visitation.

The U.S. State Department and Brazil's Central Authority and its attorney general's office agree that my son was illegally taken and that the [Hague Convention on the Civil Aspects of International Child Abduction](#) requires his return to the United States. Yet in July, Judge Arali Maciel Duarte of the Brazil federal court denied his return. The judge agreed that my son was "illicitly" taken. Yet she claimed Nico was "well settled" in Brazil even though I filed my case within two months of Nico's abduction. The Hague Convention says a return cannot be denied on these grounds unless the left-behind parent delays more than a year before filing a case.

Incredibly, Duarte also insisted that I "forgive [my ex-wife] for the mistakes she has committed" and, even more insulting, that "as a Christian" I should "show gratitude for all that [she] did for [me]." She based her legal analysis solely on an older decision in another case, which turned out to be the famous [Sean and David Goldman case](#), in which the Supreme Court of Brazil [sent the child home almost five years ago](#).

It could easily be another two to three years before my son is returned. Even though Brazil has been identified by the State Department as a country that fails to comply with the Hague Convention, Secretary of State John F. Kerry has yet to employ the full range of actions authorized under the [Sean and David Goldman International Child Abduction Prevention and Return Act](#) of 2014, which was intended to provide tools, including sanctions, to compel countries to address these heart-rending cases. And although the Brazilian government has taken my side in the court proceedings, it has refused to investigate the wrongdoing that led to Nico's abduction.

I will not stop fighting until Nico is home. But I need my government to do more. I urge President Obama to engage personally with Brazil's President Dilma Rousseff and take every possible legal avenue to bring my son back. Until then, I will keep praying that this nightmare will end.

*Christopher Brann lives in Houston.*