

Brazil's Supreme Sends Abducted American Boy's Case Back to Lower Courts

Contributed by José Wilson Miranda
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Brazil's Supreme Court (STF) decided this Wednesday, June 10, in a 10-0 vote, not to interfere in the case of US-born boy Sean Goldman, 9, whose father is trying to bring him back home to the United States since the kid's mother, who had abducted the child to Brazil, died last year.

The Progressive Party (PP) had appealed to the Supreme to keep Sean with his Brazilian family after a Federal Court in Rio ordered the boy to be returned to his biological father in 48 hours, a week ago.

The appeal brought by the PP before the Supreme argued that the boy's return to his American father was based in the Hague's Convention, but disregarded the Brazilian constitution and Brazil's laws for the protection of families and minors.

Now, the Federal Justice in Rio is supposed to have the last word in the case. A preliminary order from Rio de Janeiro's federal Justice determines that the child stays in Brazil until a final decision by the Regional Federal Court of the 2nd Region (TRF-2), in Rio.

Sean lived in New Jersey with his father and mother, Bruna Bianchi Carneiro Ribeiro, up to 2004, when he was 4. According to Bruna's family, the couple didn't have a happy marriage. Bruna left the US, five years ago, for what Goldman thought would be a two-week vacation in Brazil with her family.

She, however, stayed in Rio with Sean and never went back to the United States. Later, she divorced David and married João Paulo Lins e Silva. Lins e Silva, who belongs to a rich and powerful family in Brazil, has argued that taking Sean from Brazil would be an experience too traumatic for the boy.

Last year, in August, Bruna gave birth to a girl, but she died during labor. Lins and Silva succeeded in getting the guardianship of Sean.

The dispute for Sean has mobilized high officials from the American government, including secretary of state Hillary Clinton and the US ambassador in Brazil, Clifford Sobel. The subject was even brought up by president Barack Obama during a meeting he had in Washington with Brazilian president Luiz Inácio Lula da Silva.

American Congressman Chris Smith, a Republican from New Jersey, introduced a bill that would remove Brazil from a duty-free trade program if the country doesn't return Sean to his father. According to him, Brazil received US\$ 2.75 billion in trade benefits just in 2008.

According to the Brazilian justice's decision taken by a Rio judge, which was voided, Sean would go through a 15-day transition period in the United States, after being repatriated. During this time the child would spend the day with the father and, at night, would sleep with the Brazilian family.

Starting on the 16th day, Sean would also sleep with the father, but would receive 4-hour-long daily visits from his Brazilian family. The maternal grandmother and the stepfather are expected to request the American Justice to grant them the guardianship of Sean.

The Brazilian family would be able to continue visiting the boy until a final decision by the US court.

David Goldman's lawyer, Ricardo Zamariola informed that the process to get Sean out of Brazil might still take some time: "Sean will not be able to leave immediately because a federal court of appeals in Rio de Janeiro has ordered that the boy remain in Brazil until it rules on an appeal filed by Sean's stepfamily."

Goldman himself, who is in Brazil, seems pleased with the new developments. ""I hope it will diminish the time away from my son," he says resigned.

The final decision by the Rio Justice is being expected now for the next few days.