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House Committee on Foreign Affairs

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Resolving International Parental Child Abductions to Non-Hague Convention  
Countries

Good morning Ladies and Gentleman of the Congress. It is my honor and privilege to testify before you today and I thank you for taking your valuable time to hear of my plight. My name is Bindu Philips and it is my ardent hope that my story shall capture your attention today.

While I have held many roles in my life, none has been more meaningful to me than that of motherhood. Twelve years ago, I was blessed to become a mother of twin boys – my precious children, Albert Philip Jacob and Alfred William Jacob. When my children were born my ex-husband, Sunil Jacob, and I made a joint decision that I would stay home with them and fulfill the role of their primary caretaker. I was an active and loving mother in every aspect of our boys' lives, from: taking them to their activities; serving as their classroom mom at school; making them meals; and attending to their daily routines. This role came naturally to me and was one I fulfilled with joy. My children came first in everything I did and in every decision I made.

Tragically, my world and that of my innocent children, was violently disrupted by my ex-husband, Sunil Jacob in December of 2008, when he orchestrated the kidnapping of the children during a vacation to India. I would note that the children and I are American citizens and that the children were born in America, which is the only nation they identified with as home.

By way of background, I can advise that my ex-husband, Sunil Jacob, pressed me to agree to take a family vacation to India during the children's winter vacation in Plainsboro, NJ, where they were attending the local elementary school. Despite my having reservations to this last minute international travel, my ex-husband was both physically and emotionally abusive towards me, and I feared the consequences of refusing him.

However, at the time that the trip to India was planned, my ex-husband had recently been laid off by his employer, Citi Group. My ex-husband, Sunil Jacob, misled me as to his intentions, telling me that we would be home in the United States no later than January 17, 2009, as that would be the deadline by which he would have to file for unemployment benefits. Given Sunil Jacob's employment background in the financial industry and that we owned a home in Plainsboro, NJ, I had every reason to believe that we would be home a few weeks later to attend to our financial affairs and resume our life in the United States.

Had I known any of what would follow, I would never have boarded that ill-fated flight to India with my children in December of 2008. It would become painfully clear to me shortly upon our arrival that Sunil Jacob intended to separate me from our children and create a new life for the boys in India. It would be a life that would not include me.

Sunil Jacob has remarried and I presume sought to place his new wife into the role as mother to our children. It breaks my heart to share that he is brainwashing our children and telling them that I have abandoned them. He has made it impossible for me to see or speak to my children – more than a handful of times – in the last 4 and a half years. Only once at Supreme Court of India, I was able to spend 15 minutes personal time with my children. Every day I awaken to the heart-wrenching reality that I am separated from the children that I love more than anything in the world. I implore you, the members of Congress, to help me in my quest to be reunited with my children. I pray that the story that I shall continue to recount to you will move you to help me seek justice for my family; that you will decide that Sunil Jacob should no longer be permitted to act with such callous impunity and harm our children in the process. I have done everything that I can think to do in this nightmarish situation, and I will never give up on my children. Yet, I am here because I can no longer fight the good fight on my own. I respectfully request that you help me to make my voice heard in a way that shall be meaningful and allow me to be reunited with my children who need the love and nurturing of their mother.

With respect to the trip the family took to India, I had seen our return ticket to the United States, which was reserved for January 12, 2009. Hence I believed that we were merely taking a 3-week vacation to India. Upon our arrival in India, Sunil Jacob treated me particularly harshly, and would not allow me contact anyone. He sought total isolation of me. I could not go anywhere alone with the children (despite being of Indian descent myself and able to travel otherwise,) and Sunil Jacob would not even permit me to take the boys to see their maternal grandparents.

The horror of the experience truly began on the date that we should have flown home to the US. When I inquired of Sunil Jacob why we were not getting ready for the return flight, he both verbally and physically assaulted me by violently slamming my head into a wall several times. I was terrified. I then learned that Sunil Jacob had enrolled our children in a local school in India. My ex-

husband additionally cut off my access to funds while in India and threatened me not to contact my family during this time. His father in fact, physically assaulted me by choking and slapping me for answering my brother's phone call on January 30, 2009.

On the same day, Sunil Jacob sent me to my cousin's home for the weekend. Given the recent physical violence and my cousin's concern for my safety, I felt that I had no choice but to comply. I begged Sunil Jacob to send the children with me to see my family that day, but this request was refused. Sunil Jacob promised to pick me up the next day and I thought he would do it.

I would wake up to a more frightening reality the following day. My husband was not coming back for me, and rather, had abandoned me at my cousins' home as part of a more devious plan to permanently separate me from our children. I filed a police report in India on February 5, 2009, but despite the filing of the report, I was not able to regain custody of my children. Yet, in retaliation for my action, Sunil Jacob then filed false restraining orders against my father and my cousin, both being based on false allegations. I know that it is Sunil Jacob's plan to harass me and my family in India, so as to wear me down in the hopes that I will abandon my quest for custody of our children.

The more I sought answers in the midst of my nightmare, the more devious conduct I uncovered on the part of Sunil Jacob. When I contacted the children's elementary school in NJ, I learned that Sunil Jacob had already communicated his intentions to the principal there. Thereafter, on March 4, 2009, I contacted the US Consulate in Chennai, India, for assistance. I was directed to the Office of Children's Issues. Yet, absent an Order granting me custody of the children, there was little that the consulate could do for me.

Frustrated but determined, on May 14, 2009, I filed a petition with the Superior Court of NJ for custody of our children. Sunil Jacob tried to delay the matter by arguing that the US did not have jurisdiction to hear the case, but the American Courts (both at the superior court and appellate levels,) held that jurisdiction was indeed proper in the Superior Court Family Part.

In fact, on December 18, 2009, the Family Court held that the children were to be returned to the US by Sunil Jacob so as to allow them to spend their Winter Break with me. Sunil Jacob was well aware of this, as he participated in the hearing that lead to such decision via telephone. The Superior

Court Judge, Honorable Barry A. Weisberg, specifically advised Sunil Jacob that he must send the children for this parenting time and that I would be entitled to emergency relief if his compliance was not forthcoming.

Arrangements were made for the children to board a flight out of India on December 26, 2009, and my father went to the Trivandrum airport, India, to see that the children made the flight. The date for the flight and Sunil Jacob's attendant responsibility to get the children to the airport on that day was made clear to Sunil Jacob by the US consulate and my American attorney. My father and I even took the time to further confirm this with Sunil Jacob by every mode imaginable: via email, regular mail, courier, and telegram. Yet, with his typical impunity and disregard for Court Orders, Sunil Jacob refused to send the children and they never got on that flight.

In addition to the relief that was granted to me concerning parenting time over the winter break, The Family Court further held on December 28, 2009, that I would have legal and residential custody of our children in NJ. The Child custody petition and court order were served to Sunil by the Ministry of Law and Justice, New Delhi, India. Given that Sunil Jacob was blatantly in contempt of a Court Order, the Plainsboro police department issued two arrest warrants for Sunil Jacob's arrest. The first warrant was issued for the kidnapping of my children Albert and Alfred and the second warrant was for interference with custody. The FBI has also issued a warrant against him for unlawful flight against prosecution. Please note in 2007, while Sunil Jacob was working at Citi Group as a Director, Global Equities Technology Risk Control, he was involved in an unknown incident at his office that resulted in an FBI enquiry on him. I have knocked on every door I can think of. The National Center for Missing and Exploited Children has created a poster concerning the children. I have an active case with the Department of State, Office of Children's Issues in Washington DC. I have been to the Indian consulates in New York and contacted their Washington DC branch. The New York consular office advised me to utilize the services of the US consulate in India in Order for help with enforcement of my court orders. The Middlesex county prosecutor's office had issued arrest warrants for interference with child custody and kidnapping at state level. However, years later, in 2013, the Middlesex county

prosecutor, Honorable Bruce J. Kaplan, has administratively dismissed the case. The Plainsboro Police are now seeking to file charges for custodial interference.

Yet, while I extend such profound efforts to assert my rights to our children, I am repeatedly undermined by the efforts of Sunil Jacob in India. Despite having kidnapped our children, he had filed for custody of the children in the Indian Courts. In addition to wrongfully keeping the children from me, Sunil Jacob has thwarted every effort I have made to even speak to our children and let them know that I love them. When Sunil Jacob first enrolled the children in a local Indian elementary school in January of 2009, I went to the school to visit with the children, as my ex-husband would not permit me to even communicate with my children. The school took pity upon me and extended me the kindness of visiting the children there. Yet, when my ex-husband discovered that I had seen the children even briefly, he immediately transferred the children to a new school. I would soon thereafter discover that the second elementary school was strictly advised that neither me nor anyone in my family, even the children's maternal grandparents, were not permitted contact with the children. Thus, my ex-husband forcibly shut down my last avenue of communication with the children. I would advise the Congress that I was a loving and devoted mother to our children and that my care of the children was unquestioned during the marriage. There is no explanation for Sunil Jacob's isolation of me and my family from the children other than his cruel nature.

Regrettably, I know that Sunil Jacob feels empowered by the passage of time, as it has been four years and our case in India is currently pending before the Honorable Supreme Court of India, while I have been separated from our children all this time due to his cruel and vicious actions against our young children, my family, and me. Beyond the kidnapping of the children, Sunil Jacob continues to file false court cases against members of my family and me in India. He believes that if his campaign of harassment becomes too much to bear, we will back away from the quest for me to regain custody of our children. He must learn that this will not happen; he must be held accountable for his reprehensible actions. I previously filed a civil contempt case against Sunil Jacob and his parents for precluding me from communicating with the children; this was filed in September of 2011

in India. Yet, moral accountability is not enough; I must be reunited with my children and I need the help of our honorable Congress to do so.

It is significant that the Honorable Barry A. Weisberg, Judge of the Superior Court Family Part in New Jersey, not only gave me sole custody of the children and demanded their immediate return to the United States, but also held that Sunil Jacob must comply with a psychiatric evaluation and a risk assessment upon his return of the children. Clearly, Judge Weisberg, an experienced jurist in the Family Part, felt that Sunil Jacob's conduct was evident of a man who was disturbed. I fear for the safety of our children and their emotional well being in their father's care. I was the one who took the emotional and physical abuse during the marriage, effectively sheltering the boys from their father's ill temper. I am not there to do so now and I do not know how the children are faring in my absence.

I would like to point out that Sunil Jacob's plan to kidnap the children and sequester them in India out of my reach was not a decision that was quickly or lightly reached. The planning on the part of Sunil Jacob was involved and done long in advance of that fateful trip in December of 2008. I would learn that in November of 2008 (1 month before the trip to India,) Sunil Jacob obtained a status for him and the children, known as OCI, Overseas Citizen of India. Since India does not permit dual citizenship, his attainment of OCI status for him and the children allows him to remain overseas (and out of my reach and that of the Hague Convention,) indefinitely. Yet, OCI status requires the signatures of both parents on the application. Somehow, Sunil Jacob found a way to circumvent this legal requirement, and disregard the rule of law and the Courts, as he so often has done in the last 4 years. Without my knowledge, Sunil Jacob has transferred a substantial sum of money to India in 2007 and 2008 prior to our vacation to India. He is the managing director and owner of a software business Ambael Informatics Pvt Ltd in India since 2009. He is the CEO of Fingent Technology in India since 2007. Recently, I came to know he is the director and owner of Dream Castle Resort registered in 2007, without my knowledge. Very recently, Sunil Jacob's family member confirmed the pre planning and separation of the children from me.

When I ultimately returned to the United States four months later on April 9, 2009, I literally came home to an empty house. Our residence in Plainsboro was devoid of all furniture and

possessions and both cars were gone from the garage. I would discover that during what was promised to be a 3-week Indian vacation, my ex-husband had 3 friends clean out the entire house of everything inside. At least one of these friends of my ex-husband had a Power of Attorney to sell the cars on his behalf. Sunil Jacob had contacted the shipping company, LTV relocation services, as early as March 2008 as per the Plainsboro Police Investigation Reports.

The contents of our home were shipped to India and stored in the residence that Sunil Jacob had purchased in 2005 from the \$300,000 home equity loan on the residence in Plainsboro, without my knowledge. He was able to take the \$200,000 equity withdrawal without my knowledge prior to going on vacation to India. He had me sign a Power of Attorney to home prior to the vacation, on the representation that we would need to sell the home and downsize on our return from India. I assumed he was being responsible, as he had recently lost his job; in retrospect, I was also controlled by him and afraid to contradict him as well. If you can only for a moment imagine my heartbreak, I came home without my children to discover that my home was nothing more than a shell – I had no possessions and I was in the middle of the suburbs without so much as a vehicle to drive. Despite not working since our children were small, the bank accounts had been cleared out as well – leaving me with literally nothing to fall back on.

I had to start from scratch and survived initially on the graciousness of good people. My neighbors allowed me to move in with them briefly and a local church gave me a car. Shortly thereafter, I found employment, secured an apartment and purchased my own car. In addition to disregarding the support orders of the Family Part, which compelled him to pay \$11,528.00 a month in alimony, Sunil Jacob's cruelty has involved leaving me without my precious children or a roof over my head, all while burdening me with all of the marital debt, which he chooses not to pay from his residence in India. He has not paid the mortgage on the former marital home, nor the equity line of credit or utilities. In the midst of trying to destroy me emotionally and devastate me financially, he has left me to be hounded by various creditors for debts that he largely created and from which he has taken the sole benefit. The stress under which I have labored the last 4 years has been almost unbearable at times, but I have continued on in the sole hope of being reunited with my children –



from whom I never spent a day apart from prior to their father's kidnapping of them in December of 2008 in India.

I have put everything I have into my mission to be reunited with my children. I have rebuilt myself financially and made a viable career path for myself. I have made a new home for the children to return to, as I was forced to sell the marital home to satisfy the debts my ex-husband created. It must be remembered that America is the children's home – it is where they were born, where the children attended school, and the culture that they love. They must be brought home to American soil. I implore Congress to assist me in righting the wrongs that have been done to the children and me by my ex-husband.

The New Jersey Courts gave me residential and legal custody of the children 4 years ago. The same courts ordered that the children be immediately returned to this country. Sunil Jacob has disregarded all of these orders, despite being keenly aware of them and their import. He will not return the children to this country voluntarily. Please help me to end this nightmare that Sunil Jacob has created for my family. Please help my precious children and me – I do not want to know and cannot imagine a meaningful life without them. Please act not just for the benefit of two innocent children and their broken-hearted mother; please think of all the other children and parents caught in similar nightmarish situations due to hostile-minded parents who abduct children to overseas nations.

Thank you from the bottom of my heart for hearing my humble and fervent plea during your otherwise pressing schedules. I shall always be grateful for this time and for the opportunity to share my story and that of my children.

