for issuance and denial of passports to minors, both in custodial dispute and non-dispute situations. These amendments are being proposed to promote the well being of minors and to discourage persons from circumventing valid court orders affecting minors. DATES: Written comments must be received on or before December 4, 1995.

ADDRESSES: Interested persons are invited to submit comments in duplicate to the Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Room 6811, U.S. Department of State, Washington, D.C. $20\bar{5}20.$

FOR FURTHER INFORMATION CONTACT: Kenneth Hunter, Deputy Assistant Secretary for Passport Services, Room 6811, U.S. Department of State, Washington, D.C. 20520; telephone: (202) 647-5366.

SUPPLEMENTARY INFORMATION: Present regulations prescribe the method of execution of a passport application for minors and address the issuance of passports to minors where a parent or guardian objects. 22 C.F.R. 51.27. Specifically, the current regulations provide for the denial of a U.S. passport to a minor who has been involved in a custodial dispute if the passport issuing office receives a court order from a court within the country in which passport services are sought. Such a court order must provide that the objecting parent, legal guardian or person in loco parentis has been granted custody, or forbid the child's departure from the country in which passport services are sought without the permission of the court.

The revised regulations would implement a policy of denying passport services to minors on the basis of a court order of competent jurisdiction that has been registered with the appropriate office at the Department of State. For the purpose of these regulations, the Department will consider a court of competent jurisdiction to be a U.S. state court or a foreign court having jurisdiction over child custody issues consistent with the principles of the Hague Convention on the Civil Aspects of International Child Abduction and the Uniform Child Custody Jurisdiction Act, which favor the exercise of custody jurisdiction by the court of the child's "habitual residence" or "home state." While the Department of State is not legally bound by U.S. state court and foreign court custody orders, the Department has determined that honoring such orders is generally appropriate to prevent unlawful child abductions. The revised regulations would however, also authorize the issuance of a passport to a minor who

is the subject of a custody dispute if compelling humanitarian or emergency reasons relating to the minor's welfare warrant the issuance of a passport.

Also included in the proposed amendments is information regarding release of information about a minor's passport application to an objecting parent.

This rule is not exempt from E.O. 12866, but has been reviewed and found to be consistent with the objectives thereof. This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35. Nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith.

List of Subjects in 22 CFR Part 51

Passports, Infants and Children.

For the reasons set forth in the preamble, 22 CFR 51.27 is proposed to be amended as follows:

PART 51—PASSPORTS

Subpart B—Application

1. The authority citation for section 51.27 continues to read as follows:

Authority: 22 U.S.C. 2658 and 3926; 31 FR 13540, Oct. 20, 1966, as amended at 43 FR 1791, Jan. 12, 1976; 44 FR 41777, July 18, 1979; 49 FR 16989, Apr. 23, 1984.

2. Section 51.27 is amended by revising paragraphs (b), (c) and (d) to read as follows:

§51.27 Minors. *

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(b) Execution of application for minors.

(1) A minor of age 13 years or above shall execute an application on his or her own behalf unless in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his or her own application. In such case it must be executed by a parent or guardian of the minor, or by a person in loco parentis.

(2) A parent, a guardian, or person in loco parentis shall execute the application for minors under the age of 13 years. Applications may be executed by either parent, regardless of the parent's citizenship. Permission of or

notification to the other parent will not be required unless such permission or notification is required by a court order which has been registered with the Department of State by an objecting parent as provided in 51.27 (d)(1).

(3) The passport issuing office may require a minor under the age of 18 years to obtain and submit the written consent of a parent, a legal guardian or a person in loco parentis to the issuance of the passport.

(c) Objection by parent, guardian or person in loco parentis in cases not involving a custody dispute. At any time prior to the issuance of a passport to a minor, the application may be disapproved and a passport will be denied upon receipt of a written objection from a person having legal custody of the minor.

(d) Objection by parent, guardian or person in loco parentis in cases where minors are the subject of a custody dispute.

(1) (i) When there is a dispute concerning the custody of a minor, a passport may be denied if the Department has on file a court order granted by a court of competent jurisdiction in the United States or abroad which:

(A) Grants sole custody to the objecting parent; or,

(B) Establishes joint legal custody; or, (C) Prohibits the child's travel without the permission of both parents or the court; or,

(D) Requires the permission of both parents or the court for important decisions, unless permission is granted in writing as provided therein.

(ii) For passport issuance purposes, a court order providing for joint legal custody will be interpreted as requiring the permission of both parents. The Department will consider a court of competent jurisdiction to be a U.S. state court or a foreign court located in the child's home state or place of habitual residence. Notwithstanding the existence of any such court order, a passport may be issued when compelling humanitarian or emergency reasons relating to the welfare of the child exist.

(2) Either parent may obtain information regarding the application for and issuance of a passport to a minor unless the inquiring parent's parental rights have been registered with the appropriate office at the Department of State; provided, however, that the Department may deny such information to any parent if it determines that the minor is of sufficient maturity to assert a privacy interest in his/her own right, in which case the minor's written consent to disclosure shall be required.