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June 6, 2010

Ms. Oshrat Benhaim

Re: Ofir Benhaim, DOM 9/10/09

Dear Ms. Benhaim,

I have met on two occasions with your husband, Mr. Sharon Benhaim. It is my understanding that you both discussed a trip to Israel for this past Passover Holiday. Although your husband returned to the United States after Passover, you have remained in Israel, with your daughter, Ofir, presumably awaiting a return trip to the U.S. scheduled for June 20, 2010. (Exhibit A")

To be brief, Mr. Benhaim has reason to doubt that you indeed intend to return to the U.S. on your scheduled flight. In a letter to Ms. Lily Elkin, of Manhattan Community College, dated March 18, 2010, you refer to leaving school so you can "go back" to Israel. (Exhibit "B"). You confirmed this letter in a subsequent undated fax that you sent to Ms. Elkin. (Exhibit "C"). Your intent to leave to Israel with no intent to return is further supported by the fact that you allowed your Payment plan with your school to lapse with no attempt at paying any unpaid balances owed to them. (Exhibit "D"). Finally, in a Hebrew faxed message, dated May 2, 2010, you write that "I have no intent to return to the United States under any circumstance." Your intentions are apparently quite clear. You have taken Ofir to Israel and have no intent to bring her back to the country in which she was born, and to your marital home in Fair Lawn, NJ.

I believe you are aware of the implications of taking Ofir abroad without your husband's consent, and with no specific intent to return. Such behavior is in violation of NJSA 9:2-2 which forbids relocation of a child absent consent of both parents or a valid Court Order. More significant is the fact that international removal of a child is a violation of the International Parenting Kidnapping Crime Act, 18 USC Section 1204 (2003). Such an act is a federal felony crime, and is subject to a maximum penalty of 3 years imprisonment.

It is possible that Mr. Benhaim is concerned for no reason and you and Ofir will be returning to the United States on the Continental flight you have already booked. If that is so, an affirmative statement from you to that effect will be expected immediately after you confirm receipt of this

letter. Perhaps the statements that you made to him before Passover 2010 that you had no intention to return to the U.S. were idle threats. This is the time to clarify such statements.

Your husband, Sharon, has provided support for Ofir during your stay in Israel and wishes to resume a married life with you in Fair Lawn, NJ. He is bewildered as to the reasons for your threats of non-return, especially in light of the illegality of any such action. Mr. Benhaim has also indicated to me that he welcomes a frank and thorough discussion from you on your wishes and plans for the future. You are invited to come to Fair Lawn and discuss any plans, attend any forums, civil or rabbinic, that will help you in attaining what you wish. What you may not do is use Ofir as a "pawn" in this negotiation. Ofir belongs in the home you have established in Fair Lawn, NJ. Her removal to Israel was not an action that can be justified or that can lead to anything productive.

Mr. Benhaim fears that with your status as U.S. student now rescinded, his ability to leave the U.S. to discuss matters with you in Israel has been compromised. For this reason, Mr. Benhaim cannot now travel to Israel. He has one simple request; i.e. that you return to the United States and discuss your concerns, issues, future plans, etc. in an adult-like fashion, without a resort to improper acts or improper threats. This does not seem to be asking for too much. In fact, this request is backed up by State and Federal law. Ofir may not simply be plucked away from her father unless this is Sharon's wish or the wish of a Court in the U.S.

You may feel free to contact me if there are questions. Of course, if you wish to discuss this matter with Sharon, he will be most willing to do so. Given the fact that the June 20th date is fast-approaching, I request a meaningful response by the end of this week.

Thank you for treating this serious matter with all due deference. Your prompt response will be most helpful.

Very Truly Yours.



Martin Rosenfeld