

## Criminal Custodial Interference – State Statutes (through June 2003)

Note: Where table states “Relevant Statute” the statute is not clear, on its face, as to how it applies to that particular situation. Case law, when available, helps clarify the statute.

| State   | Does state allow charging a parent with custodial interference BEFORE a court order is issued?  | Can state charge a parent who violates a court order/joint custody order with custodial interference?   | Does the state explicitly prohibit access interference? (i.e., Parent interfering with other parent’s exercise of access/visitation rights) | Is the imminent harm defense available? | Other defenses         | Does state require removal of child from jurisdiction as an element of the crime of custodial interference?/ Penalty                       | International abduction provision | Special provisions                           |
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| <b>Alabama</b><br>Ala. Code § 13A-6-45.<br>Interference with custody.   | Relevant statute:<br>Ala. Code § 13A-6-45.  | Yes.<br>Ala. Code § 13A-6-45.<br>No explicit mention of joint custody orders.<br><i>See</i> Ala. Code § 30-3-156.<br>Interference with custody.   | No explicit mention of access interference.   | No applicable statute.                  | No applicable statute. | No.<br>Class C Felony in or out of state.<br>Ala. Code § 13A-6-45(c).  | No applicable statute.            | Statute applies if child is younger than 18. |
| <b>Alaska</b><br>Alaska Stat. § 11.41.320.<br>Custodial interference in the first degree.<br><br>Alaska Stat. § 11.41.330.<br>Custodial interference in the second degree.<br><br>Alaska Stat. § 11.51.125.<br>Failure to permit visitation with a minor. | Relevant statute:<br>Alaska Stat. §§ 11.41.320; 11.41.330.<br><i>See Strother v. State of Alaska</i> , 891 P.2d 214, 220-21 (Alaska Ct. App. 1995) (crime does not focus on the legal status of the defendant). | Yes.<br>Alaska Stat. §§ 11.41.320(a); 11.41.330; 11.51.125(a).<br>No explicit mention of joint custody orders.<br><i>See Strother v. State of Alaska</i> , 891 P.2d 214, 220-21 (Alaska Ct. App. 1995). | Yes.<br>Alaska Stat. § 11-51-125.<br>Failure to permit visitation with a minor.   | No applicable statute.                  | No applicable statute. | No.<br>In state: Class A Misdemeanor.<br>Alaska Stat. § 11.41.330(b).<br><br>Out of state: Class C Felony.<br>Alaska Stat. § 11.41.320(b). | No applicable statute.            | Statutes apply if child is younger than 18.  |

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| <p><b>Arizona</b><br/>Ariz. Rev. Stat. § 13-1302. Custodial interference.<br/><br/>Ariz. Rev. Stat. § 13-1305. Access interference.</p>            | <p>Yes.<br/>Ariz. Rev. Stat. § 13-1302(A)(2).<br/><i>See State v. Wood</i>, 8 P.3d 1189, 1191-92 (Ariz. App. 2000).</p> | <p>Yes.<br/>Ariz. Rev. Stat. § 13-1302(A)(1).<br/><br/>Ariz. Rev. Stat. § 13-1302(A)(3). Violation if joint legal custody.<br/><br/>Ariz. Rev. Stat. § 13-1302(A)(4) (applies when person fails to return child to lawful custodian at the expiration of access rights outside the state).</p> | <p>Yes.<br/>Ariz. Rev. Stat. § 13-1305.<br/>In state: Class 2 Misdemeanor.<br/>Out of state: Class 5 Felony.</p> | <p>Yes (imminent harm to child).<br/>Ariz. Rev. Stat. § 13-1302(C).</p>                                  | <p>No applicable statute.</p>   | <p>No.<br/>In state: Class 6 Felony. Ariz. Rev. Stat. § 13-1302(D)(3).<br/><br/>Out of state: Class 4 Felony. Ariz. Rev. Stat. § 13-1302(D)(2).<br/><br/>In either situation, if child is voluntarily returned prior to an arrest warrant being issued, the abductor commits a Class 1 Misdemeanor.</p> | <p>No applicable statute.</p>                                   |  |
| <p><b>Arkansas</b><br/>Ark. Code Ann. § 5-26-501. Interference with visitation.<br/><br/>Ark. Code Ann. § 5-26-502. Interference with custody.</p> | <p>Relevant statute:<br/>Ark. Code Ann. § 5-26-02(a)(2)(A)(1).</p>  | <p>Yes.<br/>Ark. Code Ann. § 5-26-502(a)(1)(A). No explicit mention of joint custody orders.</p>   | <p>Yes.<br/>Ark. Code Ann. § 5-26-501(a)(1).</p>   | <p>Yes (imminent harm to child) – for access interference only.<br/>Ark. Code Ann. § 5-26-501(c)(1).</p> | <p>Person committed act based on reasonable belief that person entitled to visitation would remove the child from the court’s jurisdiction. Ark. Code Ann. § 5-26-501(c)(2).<br/><br/>Interference with visitation was committed with mutual consent of all parties having right to custody and visitation of the child. Ark. Code Ann. § 5-26-501(c)(3).<br/><br/>Interference with visitation was otherwise authorized by law. Ark. Code Ann. § 5-26-501(c)(4).</p> | <p>No.<br/>Interference with court-ordered custody.<br/>In state: Class A Misdemeanor.<br/>Out of state: Class D Felony.<br/><br/>Interference with custody: Class C Felony.<br/><br/>Interference with visitation<br/>In state: Class C Misdemeanor.<br/>Out of state: Class D Felony.</p>             | <p>No applicable statute.</p>                                   |  |
| <p><b>California</b><br/>Chapter 4: Child abduction</p>  | <p>Yes.<br/>Cal. Penal Code § 278.5.<br/><i>See California’s</i></p>  | <p>Yes.<br/>Cal. Penal Code § 278.5.<br/>No explicit</p>   | <p>Yes.<br/>Cal. Penal Code § 278.5.</p>   | <p>Yes (imminent harm to child).<br/>Cal. Penal Code § 278.7 (defense to</p>                             | <p>No applicable statutes.</p>  | <p>No.<br/>Cal. Penal Code §§ 278, 278.5 (imprisonment, fine, or</p>  | <p>If the defendant has taken the child outside of the U.S.</p> |  |

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| Cal. Penal Code Ann. §§ 277-280.  | Child Abduction Reference Manual Section I, Attachment 4.   | mention of joint custody orders.<br><br>Cal. Penal Code Ann. § 278 (applies to those who do not have a right to custody who take a child).   |   | 278.5 is available to a parent who has been a victim of domestic abuse and is protecting a child from imminent harm). |  | both).   | this is an aggravating factor for the court to consider during the sentencing hearing for a 278 or 278.5 violation. Cal. Penal Code Ann. § 278.6(a)(4). |  |
| <b>Colorado</b><br>Colo. Rev. Stat. § 18-3-304. Violation of custody order or order relating to parental responsibilities.  | No.<br>Colo. Rev. Stat. § 18-3-304(1).  | Yes.<br>Colo. Rev. Stat. § 18-3-304(2).<br>No explicit mention of joint custody orders.  | No explicit mention of access interference.<br>Relevant statute: Colo. Rev. Stat. § 18-3-304(2).<br><i>See People v. Sorrendino</i> , 37 P.3d 501, 505 (Colo. App. 2001) (court upheld a jury instruction stating, “A custody order means a court decision and court orders and instructions providing for the care . . . of a child, including parenting time rights.”). | Yes (imminent harm to child).<br>Colo. Rev. Stat. § 18-3-304(3).  | Child was older than 14 and taken away at his or her own instigation without enticement and without purpose to commit a criminal offense with or against the child.<br>Colo. Rev. Stat. § 18-3-304(3). | No.<br>In or out of state: Class 5 Felony.<br>Colo. Rev. Stat. § 18-3-304(1), (2).<br><br>Out of country: Class 4 Felony.<br>Colo. Rev. Stat. § 18-3-304(2.5).   | Removal of child out of the country is a Class 4 Felony.<br>Colo. Rev. Stat. § 18-3-304(2.5).   | Statute applies if child is younger than 18. |
| <b>Connecticut</b><br>Conn. Gen. Stat. § 53a-97. Custodial interference in the first degree.<br><br>Conn. Gen. Stat. § 53a-98. Custodial interference in the second degree. | Relevant statute: Conn. Gen. Stat. §§ 53a-97; 53a-98.<br><br><i>See State v. Vakilzaden</i> , 742 A.2d 767, 771 (Conn. 1999).<br>“General Statutes § 45a-606 provides in relevant part that “the father and mother of every minor child are joint guardians | Yes.<br>Conn. Gen. Stat. §§ 53a-97; 53a-98.<br><br><i>See State v. Vakilzaden</i> , 742 A.2d 767, 770-71 (Conn. 1999).<br>“A joint custodian is not inherently immune from criminal prosecution based solely on his or her status as joint | No explicit mention of access interference.   | No applicable statute.  | No applicable statute.   | No.<br>In state: Class A Misdemeanor.<br>Conn. Gen. Stat. § 53a-98.<br><br>In state and exposes child to risk of safety endangerment: Class D Felony.<br>Conn. Gen. Stat. §§ 53a-97(a)(1); 53a-97(b).<br><br>Out of state: Class D | No applicable statute.  |  |

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|  | of the person of the minor, and the powers, rights[,] and duties of the father and the mother in regard to the minor shall be equal....”<br>When one parent purposefully deprives the other joint custodian of their joint lawful custody of the minor child, a <i>de facto</i> sole custody situation is effectively created. Such extra judicial measures taken by an abducting parent cannot be lawful....”<br>(Case also cites Alaska’s <i>Strother v. State</i> , 891 P.2d 214, 220-21. See Alaska above.) | custodian . . . .”  |   |                        |                        | Felony.<br>Conn. Gen. Stat. §§ 53a-97(a)(2); 53a-97(b).   |                        |  |
| <b>Delaware</b><br>Del. Code Ann. tit. 11 § 785.<br>Interference with custody. | Relevant statute: Del. Code Ann. tit. 11 § 785.<br><i>See State v. Todd</i> , 509 A.2d 1112, 1116 (Del. Super. 1986).<br>“[R]eading 13 Del. Code Ann. tit. § 701(a) [father and mother are the joint natural custodians of their minor child] together with 11 Del. Code Ann. tit. § 785, a parent, absent any valid custody order to the contrary, has no legal right  | Relevant statute: Del. Code Ann. tit. 11 § 785.<br>No explicit mention of court orders or joint custody orders. | No explicit mention of access interference. | No applicable statute. | No applicable statute. | No.<br>In state: Class A Misdemeanor.<br>Out of state: Class G Felony.<br>Del. Code Ann. tit. 11 § 785. | No applicable statute. | Statute applies if child is younger than 16. |

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|  | to take a child into exclusive physical and <i>de facto</i> legal custody to the exclusion of the other parent's lawful custodial rights." |  |   |   |  |  |                        |  |
| <b>District of Columbia</b><br>Ch. 10, Subch. II Parental Kidnapping §§ 16-1021 – 16-1026.<br><br>D.C. Code Ann. § 16-1022. Prohibited acts. | Yes.<br>D.C. Code Ann. § 16-1022(a).   | Yes.<br>D.C. Code Ann. § 16-1022(b).<br><br>D.C. Code Ann. § 16-1022(b)(2) (addresses joint custody orders). | Yes.<br>D.C. Code Ann. § 16-1022(b)(4).     | Yes.<br>D.C. Code Ann. § 16-1023(a)(1) (imminent harm to child).<br><br>D.C. Code Ann. § 16-1023(a)(2) (imminent harm to parent). | Act consented to by other parent.<br>D.C. Code Ann. § 16-1023(a)(3).<br><br>Act otherwise authorized by law.<br>D.C. Code Ann. § 16-1023(a)(4).                        | No.<br>In state: Misdemeanor.<br>D.C. Code Ann. § 16-1024(a).<br><br>Out of state and child released before arrest to a safe place: Misdemeanor.<br>Out of state and child not released to a safe place prior to arrest: Felony.<br>D.C. Code Ann. § 16-1024(b). | No applicable statute. | "Child" is a person younger than 16.<br>D.C. Code Ann. § 16-1021(1).   |
| <b>Florida</b><br>Fla. Stat. Ann. § 787.03. Interference with custody.   | Yes.<br>Fla. Stat. Ann. § 787.03(2).   | Yes.<br>Fla. Stat. Ann. § 787.03(1).<br>No explicit mention of joint custody orders.                         | No explicit mention of access interference. | Yes.<br>Fla. Stat. Ann. § 787.03(4)(a) (imminent harm to child).<br><br>Fla. Stat. Ann. § 787.03(4)(b) (imminent harm to parent). | Child is taken at his own instigation, without enticement and without purpose to commit a criminal offense with or against a child.<br>Fla. Stat. Ann. § 787.03(4)(c). | No.<br>In or out of state: Third Degree Felony.<br>Fla. Stat. Ann. § 787.03.   | No applicable statute. | Statute applies if child is 17 or younger.   |
| <b>Georgia</b><br>Ga. Code Ann. § 16-5-45. Interference with custody.  | Yes.<br>Ga. Code Ann. § 16-5-45(b).  | Yes.<br>Ga. Code Ann. § 16-5-45(b)(1)(A).<br>No explicit mention of joint custody orders.                    | No explicit mention of access interference. | No applicable statute.  | No applicable statute.   | No.<br>In state: Misdemeanor for first two offenses, then Felony.<br>Ga. Code Ann. § 16-5-45(b)(2).<br><br>Out of state: Felony<br>Ga. Code Ann. § 16-5-45(c)(3).  | No applicable statute. | Statute applies if child is younger than 17.<br><br>Ga. Code Ann. § 16-5-45(b)(1)(C) (applies where child is not returned after the visitation period).<br><br>Ga. Code Ann. § 16-5-45(c)(2) (applies in |

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|  |   |   |  |  |  |   |                        | interstate situations where a child is not returned after the visitation period).  |
| <b>Hawaii</b><br>Haw. Rev. Stat. § 707-726. Custodial interference in the first degree.<br><br>Haw. Rev. Stat. § 707-727. Custodial interference in the second degree. | Yes, if child removed from state.<br>Haw. Rev. Stat. § 707-726(1)(c).   | Yes.<br>Haw. Rev. Stat. § 707-726(1)(a) (applies if child is removed from the state).<br>Haw. Rev. Stat. § 707-727(1)(b) (no out-of-state requirement).<br><br>No explicit mention of joint custody orders. | No explicit mention of access interference.    | Yes (imminent harm to child).<br>Haw. Rev. Stat. § 707-726(2).   | No applicable statute.   | No.<br>Haw. Rev. Stat. § 707-726. Class C Felony.<br>Violate court order and remove child from state.<br>Take minor younger than 11 from lawful custodian.<br>In absence of court order and remove child from state.<br><br>Haw. Rev. Stat. § 707-727<br>In state:<br>Misdemeanor.<br>Out of state: Class C Felony. | No applicable statute. | Person intentionally takes minor younger than 11 from minor's lawful custodian, knowing the person had no right to do so.<br>Haw. Rev. Stat. § 707-726(b). |
| <b>Idaho</b><br>Idaho Code § 18-4506. Child custody interference defined, defenses, and punishment.  | Yes.<br>Idaho Code § 18-4506(1)(a), (b).  | Yes.<br>Idaho Code § 18-4506(1)(a). Violation if joint custody order exists.  | Yes.<br>Idaho Code § 18-4506(1)(a).            | Yes<br>Idaho Code § 18-4506(2)(a) (imminent harm to child).<br><br>Idaho Code § 18-4506(2)(b) (imminent harm to parent).                                       | Affirmative defense if action is consented to by a lawful custodian.<br>Idaho Code § 18-4506(2)(c).<br><br>Child is returned within 24 hours after the expiration of authorized visitation.<br>Idaho Code § 18-4506(2)(d). | No.<br>In state: Misdemeanor if child voluntarily returned prior to arrest; otherwise, Felony.<br>Out of state: Felony.<br>Idaho Code § 18-4506(3).   | No applicable statute. |  |
| <b>Illinois</b><br>720 Ill. Comp. Stat. Ann. 5/10-5. Child abduction.<br><br>720 Ill. Comp. Stat. Ann.   | Yes.<br>720 Ill. Comp. Stat. Ann. 5/10-5(b)(3), (4), (6), (7).<br><br>Sections listed are limited to certain fact situations. | Yes.<br>720 Ill. Comp. Stat. Ann. 5/10-5(b)(1).<br>Violation if joint custody order exists.   | Yes.<br>720 Ill. Comp. Stat. Ann. 5/10-5.5(b). | Yes.<br>No violation of section 6, which applies when parents are or have been married and there is no custody order, if a person is fleeing domestic violence | Defendant had custody of child pursuant to court order granting custody or visitation.<br>720 Ill. Comp. Stat. Ann. 5/10-5(c)(1).<br><br>Failed to return  | No.<br>In or out of state: Class 4 Felony.<br>720 Ill. Comp. Stat. Ann. 5/10-5(d).<br><br>Visitation interference:<br>Petty offense.  | No applicable statute. | Statutes apply if child is younger than 18.<br><br>Unlawful to retain in IL for 30 days a child removed unlawfully from                                    |

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| <p>5/10-5.5. Unlawful visitation interference.</p>                          | <p>720 Ill. Comp. Stat. Ann. 5/10-5(b)(4) applies when child is removed after a petition is filed but prior to the issuance of a custody order.</p> |   |   | <p>and takes a child with him or her to housing provided by a domestic-violence program.<br/>720 Ill. Comp. Stat. Ann. 5/10-5(b)(6).</p> <p>Affirmative defense if defendant was fleeing an incident or pattern of domestic violence.<br/>720 Ill. Comp. Stat. Ann. 5/10-5(c)(3).</p> <p>Affirmative defense to visitation interference if protecting child from imminent harm.<br/>720 Ill. Comp. Stat. Ann. 5/10-5.5(g)(1).</p> | <p>child as a result of circumstances beyond his or her control and disclosed to other parent the specific whereabouts of the child.<br/>720 Ill. Comp. Stat. Ann. 5/10-5(c)(2).</p> <p>Affirmative defense to visitation interference if act was committed with mutual consent of all parties having right to custody and visitation.<br/>720 Ill. Comp. Stat. Ann. 5/10-5.5(g)(2).</p> <p>Affirmative defense to visitation interference if act was otherwise authorized by law.<br/>720 Ill. Comp. Stat. Ann. 5/10-5.5(g)(3).</p> | <p>720 Ill. Comp. Stat. Ann. 5/10-5.5(c).</p> <p>Visitation interference violation after 2 prior convictions: Class A Misdemeanor.<br/>720 Ill. Comp. Stat. Ann. 5/10-5.5(c).</p>                    |                               | <p>another state.<br/>720 Ill. Comp. Stat. Ann. 5/10-5(b)(9).</p> <p>Aggravating factors to be considered at sentencing listed in 720 Ill. Comp. Stat. Ann. 5/10-5(d)(1) - (6).</p>                               |
| <p><b>Indiana</b><br/>Ind. Code § 35-42-3-4. Interference with custody.</p> | <p>Yes.<br/>Ind. Code § 35-42-3-4(b).</p>   | <p>Yes.<br/>Ind. Code § 35-42-3-4(a) (applies when child is taken out of state).<br/>Ind. Code § 35-42-3-4(b).<br/>No explicit mention of joint custody orders.</p> | <p>Yes.<br/>Ind. Code § 35-42-3-4(b).</p> | <p>No applicable statute.</p>   | <p>No applicable statute.</p>  | <p>No.<br/>In state: Class C Misdemeanor. If violation of court order, Class B Misdemeanor.<br/>Ind. Code § 35-42-3-4(b).</p> <p>Out of state:<br/>Class D Felony.<br/>Ind. Code § 35-42-3-4(a).</p> | <p>No applicable statute.</p> | <p>Statute applies if child is younger than 18.</p> <p>The return of the child in accordance with custody order within 7 days of removal is a possible mitigating circumstance.<br/>Ind. Code § 35-42-3-4(c).</p> |

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| <p><b>Iowa</b><br/>Iowa Code Ann. § 710.6. Violating custodial order.</p>   | <p>No.<br/>Iowa Code Ann. § 710.6 only discusses custody situations arrived at by court order.<br/><br/>Iowa Code Ann. § 710.5. Child Stealing. Does not apply to individuals who are relatives of child or who take child with the sole purpose of assuming custody of the child.</p> | <p>Yes.<br/>Iowa Code Ann. § 710.6. No explicit mention of joint custody orders.</p>   | <p>Yes.<br/>Iowa Code Ann. § 710.6.</p>            | <p>No applicable statute.</p> | <p>No applicable statute.</p>  | <p>No.<br/>Violation of court order: Class D Felony. Interference with visitation: Serious Misdemeanor. Iowa Code Ann. § 710.6.</p>  | <p>No applicable statute.</p> |   |
| <p><b>Kansas</b><br/>Kan. Stat. Ann. § 21-3422. Interference with parental custody.<br/><br/>Kan. Stat. Ann. § 21-3422a. Aggravated interference with parental custody.</p> | <p>Yes.<br/>Kan. Stat. Ann. §§ 21-3422(a); 21-3422(b).<br/>Kan. Stat. Ann. § 21-3422a(a)(2)(C) (out of state).</p>   | <p>Yes.<br/>Kan. Stat. Ann. § 21-3422(a).<br/>Kan. Stat. Ann. § 21-3422a(a)(2)(C) (out of state).<br/><br/>Joint custody is not a defense.<br/>Kan. Stat. Ann. § 21-3422(b).</p> | <p>No explicit mention of access interference.</p> | <p>No applicable statute.</p> | <p>No applicable statute.</p>  | <p>No.<br/>In state and offending parent is entitled to joint custody with or without court order: Class A Person Misdemeanor. Kan. Stat. Ann. § 21-3422(c)(1).<br/><br/>In state and person is not entitled to joint custody and in all other cases: Level 10 Person Felony.<br/>Kan. Stat. Ann. § 21-3422(c)(2).<br/><br/>Out of state: Level 7 Person Felony<br/>Kan. Stat. Ann. § 21-3422a(b).</p> | <p>No applicable statute.</p> | <p>Statutes apply if child is younger than 16.</p>  |
| <p><b>Kentucky</b><br/>Ky. Rev. Stat. Ann. § 509.070. Custodial interference.</p>   | <p>No.<br/>Ky. Rev. Stat. Ann. § 509.070.</p>  | <p>Yes.<br/>Ky. Rev. Stat. Ann. § 509.070(1). No explicit mention of joint custody orders.</p>   | <p>No explicit mention of access interference.</p> | <p>No applicable statute.</p> | <p>Defendant has a defense if he or she returns child voluntarily before arrest or issuance of a warrant for arrest. Ky. Rev. Stat. Ann. § 509.070(2).</p> | <p>No statute discussing in- or out-of-state removal. Custodial interference is a Class D Felony unless a defendant voluntarily returns the person taken from lawful custody. Ky. Rev. Stat. Ann.</p>  | <p>No applicable statute.</p> | <p><i>See U.S. v. Landham</i> 2251 F.3d 1072, 1081-82 (6<sup>th</sup> Cir. 2001) (commentary on Ky. Rev. Stat. Ann. § 509.070).</p> |

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| <p><b>Louisiana</b><br/>La. Stat. Ann. § 14:45.<br/>Simple kidnapping.</p> <p>La. Stat. Ann. § 14:45.1.<br/>Interference with the custody of a child.</p> | <p>No.<br/>La. Stat. Ann. § 14:45.1(A).</p>   | <p>Yes.<br/>No violation if joint custody.</p> <p>La. Stat. Ann. § 14:45.1(A).</p> <p>La. Stat. Ann. § 14:45(A)(4) (applies when parent removes child from state).</p> | <p>No explicit mention of access interference.</p> | <p>Yes (imminent harm to child).<br/>La. Rev. Stat. Ann. § 14:45.1(A).</p>  | <p>No applicable statute.</p> | <p>No.<br/>If child is not removed from the state, maximum of \$500 fine or 6 months imprisonment or both.<br/>La. Stat. Ann. § 14:45.1(B).</p> <p>If child is removed from state, fine of not more than \$5,000, imprisonment with or without hard labor for not more the 5 years, or both.<br/>La. Stat. Ann. § 14:45(a)(4).</p> | <p>No applicable statute.</p>             |   |
| <p><b>Maine</b><br/>17-A Me. Rev. Stat. Ann. § 303.<br/>Criminal restraint by parent.</p>   | <p>Yes.<br/>17-A Me. Rev. Stat. Ann. § 303(1)(A).</p> <p><i>State v. Butt</i>, 656 A.2d 1225, 1227 (Me. 1995).<br/>“There is no requirement in the plain language of section 303(1)(A), as there is in section 303(1)(B), that those custody rights flow from a court order or decree.”</p> | <p>Yes.<br/>17-A Me. Rev. Stat. Ann. § 303(1)(B).</p> <p>No explicit mention of joint custody orders.</p>  | <p>No explicit mention of access interference.</p> | <p>No applicable statute.</p>   | <p>No applicable statute.</p> | <p>To be guilty of “criminal restraint by parent,” one must intend to remove a child from the state or hold him or her in a place where he or she is not likely to be found. This is a Class C crime. 17-A Me. Rev. Stat. Ann. § 303(5).</p>   | <p>No applicable statute.</p>             | <p>Statute applies if child is younger than 16.</p> <p>Consent by the person taken is not a defense. 17-A Me. Rev. Stat. Ann. § 303(2).</p> |
| <p><b>Maryland</b><br/>Md. Fam. Law Code Ann. § 9-304.<br/>Prohibited acts – in this state.</p> <p>Md. Fam. Law Code Ann. § 9-305.<br/>Same – outside</p> | <p>Yes.<br/>Md. Fam. Law Code Ann. § 9-304.</p> <p>Md. Fam. Law Code Ann. § 9-305.</p>  | <p>Yes.<br/>Md. Fam. Law Code Ann. § 9-304.</p> <p>Md. Fam. Law Code Ann. § 9-305.</p> <p>No explicit mention</p>  | <p>No explicit mention of access interference.</p> | <p>Md. Fam. Law Code Ann. § 306(b) (clear and present danger to child).</p> | <p>No applicable statute.</p> | <p>No.<br/>In state: Misdemeanor.<br/>Out of state: Felony.<br/>Md. Fam. Law Code Ann. § 9-307.</p>  | <p>Md. Fam. Law Code Ann. § 9-305(b).</p> | <p>Statutes apply if child is younger than 16.</p> <p>“Noncustodial parent who abducts his or her child from the custodial parent must</p>  |

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| of this state.<br><br>Md. Fam. Law Code Ann. § 9-306. Clear and present danger to child.<br><br>Md. Fam. Law Code Ann. § 9-307. Penalties. |  | of joint custody orders.   |   |   |                        |  |                        | be prosecuted under § 9-305 of the Family Law Article unless, prior to the abduction, there has been a judicial termination of his or her parental rights.” <i>Ghajari v. State</i> , 108 Md. App. 586, 592, 673 A.3d 709, 712 (1996). |
| <b>Massachusetts</b><br>Mass. Gen. Laws ch. 265 § 26A. Custodial interference by relatives.  | No. <i>See Commonwealth v. Beals</i> , 405 Mass. 550, 551, 541 N.E.2d 1011, 1012 (1989). (“We conclude that <i>G. L. c. 265 § 26A</i> , does not criminalize the act of a parent’s taking his or her children out of the Commonwealth permanently or for a prolonged period in cases in which no court proceeding or custody order exists.”) | Yes. Mass. Gen. Laws ch. 265 § 26A.<br><br>No explicit mention of joint custody order. | No explicit mention of access interference. | No applicable statute.  | No applicable statute. | No.<br>In state: Fine up to \$1,000 or imprisonment up to 1 year or both.<br><br>Out of state: Fine up to \$5,000 or imprisonment up to 5 years or both.<br><br>Mass. Gen. Laws ch. 265 § 26A. | No applicable statute. | Statute applies if child is younger than 18.   |
| <b>Michigan</b><br>Mich. Comp. Laws § 750.350a. Taking or retaining a child by adoptive or natural parent.                                 | No.  | Yes. Mich. Comp. Laws § 750.350a(1). No explicit mention of joint custody orders.      | Yes. Mich. Comp. Laws § 750.350a(1).        | Yes (imminent harm to child). Mich. Comp. Laws § 750.350a(5). | No applicable statute. | No.<br>Felony in or out of state punishable by no more than one year and one day imprisonment and/ or a fine not more than \$2,000. Mich. Comp. Laws § 750.350a(2).                            | No applicable statute. |  |

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| <b>Minnesota</b><br>Minn. Stat. § 609.26.<br>Depriving another of custodial or parental rights.   | Yes.<br>Minn. Stat. § 609.26(Subd. 1)(4) (applies when removal occurs after the commencement of an action relating to custody but prior to the issuance of a custody/parenting-time-rights order).  | Yes.<br>Minn. Stat. § 609.26(Subd. 1)(1), (3).<br>No explicit mention of joint custody orders.  | Yes.<br>Minn. Stat. § 609.26(Subd. 1)(1), (3). | Yes<br>Minn. Stat. § 609.26(Subd. 2)(1) (imminent harm to child).<br><br>Minn. Stat. § 609.26(Subd. 2)(2) (imminent harm to parent). | Consent to action by parent seeking prosecution.<br>Minn. Stat. § 609.26(Subd. 2)(3).<br><br>Action taken is authorized by a court order issued prior to violation of Subd. 1.<br>Minn. Stat. § 609.26(Subd. 2)(4).  | No.<br>Felony in or out of state.<br>Minn. Stat. § 609.26(Subd. 1).  | No applicable statute. |  |
| <b>Mississippi</b><br>Miss. Code Ann. § 97-3-51.<br>Interstate removal of child younger than 14 by noncustodial parent or relative.   | No.<br>Relevant statute: Miss. Code Ann. § 97-3-51.   | Yes.<br>Miss. Code Ann. § 97-3-51(2).<br>No explicit mention of joint custody orders.   | No explicit mention of access interference.    | No applicable statute.   | No applicable statute.   | Yes.<br>Felony.<br>Miss. Code Ann. § 97-3-51(2).   | No applicable statute. | Statute applies if child is younger than 14. |
| <b>Missouri</b><br>Mo. Rev. Stat. § 565.150.<br>Interference with custody.<br><br>Mo. Rev. Stat. § 565.153.<br>Parental kidnapping.<br><br>Mo. Rev. Stat. § 565.156.<br>Child abduction.<br><br>Mo. Rev. Stat. §§ 565.149 - 565.169.<br>Interference with custodial rights. | Yes.<br>Mo. Rev. Stat. § 565.153(1) (in the absence of a court order determining right of custody or visitation).<br><br>Mo. Rev. Stat. § 565.156(1.) (1) (applies when parent takes child after being served with process but prior to issuance of a custody order). | Yes.<br>Mo. Rev. Stat. § 565.150(1).<br>Mo. Rev. Stat. § 565.156(1.) (5).<br><br>Mo. Rev. Stat. § 565.156(1.) (2) (person commits child abduction if he or she fails to return the child to the legal custodian at the expiration of visitation rights outside of the state).<br><br>No explicit mention of joint custody orders. | Yes.<br>Mo. Rev. Stat. § 565.156(1.) (5).      | Yes (if “fleeing domestic violence”).<br>Mo. Rev. Stat. § 565.160(3).  | Defense if person had custody pursuant to a valid court order; however, not applicable to a Mo. Rev. Stat. § 565.156(1.) (5) violation.<br>Mo. Rev. Stat. § 565.160.<br><br>Defense if person is unable to return child due to circumstances beyond his or her control.<br>Mo. Rev Stat. § 565.160(2). | No.<br>Mo. Rev. Stat. § 565.150(2).<br>In state: Class A Misdemeanor.<br>Out of state: Class D Felony.<br><br>Mo. Rev. Stat. § 565.153(2).<br>Class D Felony.<br><br>Mo. Rev. Stat. § 565.156(2).<br>Class D Felony. | No applicable statute. | Statutes apply if child is younger than 17.  |
| <b>Montana</b><br>Mont. Code Ann. § 45-5-   | Yes.<br>Mont. Code Ann. § 45-5-634(1)(a).   | Yes.<br>Mont. Code Ann. § 45-5-304(1).  | Yes.<br>Mont. Code Ann. § 45-5-631.            | No applicable statute.   | Mont. Code Ann. § 45-5-633. Defenses to 631 and 632.   | No.<br>Mont. Code Ann. § 45-5-304(2): Imprisonment   | No applicable statute. |  |

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| <p>304.<br/>Custodial interference.</p> <p>Mont. Code Ann. § 45-5-631.<br/>Interference with parent-child contact.</p> <p>Mont. Code Ann. § 45-5-632.<br/>Aggravated interference with parent-child contact.</p> <p>Mont. Code Ann. § 45-5-633.<br/>Defenses to 631 and 632.</p> <p>Mont Code Ann. § 45-5-634.<br/>Parenting interference.</p> |  | <p>Mont. Code Ann. § 45-5-634(1)(b).<br/>Violation if joint custody.</p>                       | <p>Mont. Code Ann. § 45-5-632 (offense committed by changing the residence of the child without giving proper notice or without written consent of the person entitled to the parent-child contact).</p> |  | <p>Person does not commit interference if acting with consent of person entitled to parent-child contact or under an existing court order or with reasonable cause.</p> <p>Only if offense is actor's first commission of interference is return of child before arrest a defense.</p> | <p>in state prison not to exceed 10 years or fine not to exceed \$50,000 or both.</p> <p>Mont. Code Ann. § 45-5-631(2): Fine not to exceed \$500 or imprisonment in county jail not to exceed 5 days or both.</p> <p>Mont. Code Ann. § 45-5-632(2): Fine not to exceed \$1,000 or imprisonment in state prison for a term not to exceed 18 months or both.</p> <p>Mont. Code Ann. § 45-5-634: Imprisonment in state prison not to exceed 10 years or fine not to exceed \$50,000 or both.</p> |                               |   |
| <p><b>Nebraska</b><br/>Neb. Rev. Stat. § 28-316.<br/>Violation of custody.</p>   | <p>Yes.<br/>Neb. Rev. Stat. § 28-316(1).</p>   | <p>Yes.<br/>Neb. Rev. Stat. § 28-316(3).<br/>No explicit mention of joint custody orders.</p>  | <p>No explicit mention of access interference.</p>   | <p>No applicable statute.</p>  | <p>No applicable statute.</p>  | <p>No.<br/>Class II Misdemeanor.<br/>Neb. Rev. Stat. § 28-316(2).<br/>If in violation of a court order: Class IV Felony.<br/>Neb. Rev. Stat. § 28-316(3).</p>   | <p>No applicable statute.</p> | <p>Statute applies if child is younger than 18.</p>   |
| <p><b>Nevada</b><br/>Nev. Rev. Stat. § 200.359.<br/>Detention, concealment, or removal of child from person having lawful custody.</p>   | <p>Yes.<br/>Nev. Rev. Stat. § 200.359(2).<br/><br/>This statute refers to Nev. Rev. Stat. § 125.465: Married parents have joint legal custody of a child until otherwise ordered by a court.</p> | <p>Yes.<br/>Nev. Rev. Stat. § 200.359(1).<br/>No explicit mention of joint custody orders.</p> | <p>Yes.<br/>Nev. Rev. Stat. § 200.359(1).</p>  | <p>Yes.<br/>Nev. Rev. Stat. § 200.359(8) (imminent harm to parent or child).</p> | <p>No applicable statute.</p>  | <p>No.<br/>In or out of state: Category D Felony<br/>Nev. Rev. Stat. 200.359(1).<br/><br/>Prosecutor may recommend Misdemeanor. Nev. Rev. Stat. § 200.359(6).</p>   | <p>No applicable statute.</p> | <p>Nev. Rev. Stat. § 200.359(3) (addresses removal in situation in which child is born out of wedlock).</p> |

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| <p><b>New Hampshire</b><br/>N. H. Rev. Stat. Ann. § 633:4. Interference with custody.</p> | <p>No.<br/>Relevant statute: N. H. Rev. Stat. Ann. § 633:4(I); (II).</p>  | <p>Yes.<br/>N. H. Rev. Stat. Ann. § 633:4(I), (II).<br/>Violation if joint custody. <i>See</i> statute's reference to RSA 458:17.</p>   | <p>Yes.<br/>N. H. Rev. Stat. Ann. § 633:4(II).</p> | <p>Yes.<br/>N. H. Rev. Stat. Ann. § 633:4(III) (imminent harm to child)<br/>Defense not available if defendant leaves the state with the child. N. H. Rev. Stat. Ann. § 633:4(IV).</p> | <p>No applicable statute.</p>  | <p>No.<br/>In state: Misdemeanor. N. H. Rev. Stat. Ann. § 633:4(II).<br/>Out of state: Class B Felony. N.H. Rev. Stat. Ann. § 633:4(I).</p>           | <p>No applicable statute.</p>  | <p>Statute applies if child is younger than 18.</p>  |
| <p><b>New Jersey</b><br/>N.J. Stat. Ann. § 2C:13-4. Interference with custody.</p>        | <p>Yes.<br/>N.J. Stat. Ann. § 2C:13-4(a)(2) (applies when removal occurs after service of process but prior to the issuance of a custody order).</p>  | <p>Yes.<br/>N.J. Stat. Ann. § 2C:13-4(a)(1); (4).<br/>Violation if joint custody.</p>   | <p>Yes.<br/>N.J. Stat. Ann. § 2C:13-4(a)(4).</p>   | <p>Yes<br/>N.J. Stat. Ann. § 2C:13-4(c)(1) (imminent harm to child).<br/><br/>N.J. Stat. Ann. § 2C:13-4(d) (imminent harm to parent).</p>  | <p>The actor reasonably believed that taking or detaining of the child was consented to by the other parent.<br/>N.J. Stat. Ann. § 2C:13-4(c)(2).<br/><br/>The child, being at the time of the taking or concealment not less than 14, was taken at his or her own volition and without purpose to commit a criminal offense with or against the child.<br/>N.J. Stat. Ann. § 2C:13-4(c)(3).</p> | <p>No.<br/>Out of country or more than 24 hours: Crime of the second degree. Otherwise: Crime of the third degree.<br/>N.J. Stat. Ann. § 2C:13-4.</p> | <p>Removal of child out of the country is a crime of second degree.<br/>N.J. Stat. Ann. § 2C:13-4.</p> |  |
| <p><b>New Mexico</b><br/>N.M. Stat. Ann. § 30-4-4. Custodial interference.</p>            | <p>Yes.<br/>N.M. Stat. Ann. § 30-4-4(B).<br/><br/>And <i>see</i> N.M. Stat. Ann. § 30-4-4(A)(5)(a) (defines right to custody as arising from a parent-child relationship absent a custody determination).</p> | <p>Yes.<br/>N.M. Stat. Ann. § 30-4-4(B) (applies when the defendant has a right to custody).<br/><br/>And <i>see</i> N.M. Stat. Ann. § 30-4-4(A)(5)(b) (defines right to custody as rights arising from a custody determination).</p> | <p>Yes.<br/>N.M. Stat. Ann. § 30-4-4(B).</p>       | <p>No applicable statute.</p>  | <p>No applicable statute.</p>  | <p>No.<br/>In or out of state: 4th degree Felony. N.M. Stat. Ann. § 30-4-4(B).</p>  | <p>No applicable statute.</p>  | <p>Statute applies if child has not yet reached 18<sup>th</sup> birthday.<br/><br/>N.M. Stat. Ann. § 30-4-4(C) (applies when the defendant does not have a right to custody).<br/><br/>N.M. Stat. Ann. § 30-4-4(G): A felony charge under this</p> |

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|  |   | No explicit mention of joint custody orders.   |   |  |   |  |                        | section may be dismissed if the person voluntarily returns the child within 14 days after the taking. |
| <b>New York</b><br>N.Y. Penal Law § 135.45. Custodial interference in the second degree.<br><br>N.Y. Penal Law § 135.50. Custodial interference in the first degree. | Relevant statute: N.Y. Penal Law §§ 135.45; 135.50.<br><br><i>People v. Morel</i> , 164 A.D.2d 677, 682 (N.Y. App. Div. 1991)<br>“[Penal Law §§ 135.45; 135.50] contain no additional requirement that a court order determining custody be in effect at the time of the taking of the child . . .”; however, note that parties in this case had stipulated to a custody agreement prior to the removal). | Yes<br>N.Y. Penal Law §§ 135.45; 135.50.<br>No explicit mention of joint custody orders. | No explicit mention of access interference. | Yes, but only applies if a child is removed from the state.<br>N.Y. Penal Law § 135.50 (imminent harm to child). | Affirmative defense to custodial interference in the first degree if the victim had been abandoned.<br>N.Y. Penal Law § 135.50. | No.<br>In state: Class A Misdemeanor.<br>N.Y. Penal Law § 135.45.<br>Out of state: Class E Felony.<br>N.Y. Penal Law § 135.50. | No applicable statute. | Statutes apply if child is younger than 16.   |
| <b>North Carolina</b><br>N.C. Gen Stat. § 14-320.1. Transporting a child outside the state with intent to violate a custody order.                                   | No.<br>N.C. Gen. Stat. § 14-320.1.  | Yes.<br>N.C. Gen. Stat. § 14-320.1.<br>No explicit mention of joint custody orders.      | No explicit mention of access interference. | No applicable statute.   | No applicable statute.  | Yes.<br>N.C. Gen. Stat. § 14-320.1.<br>Out of state: Class I Felony.   | No applicable statute. | Statute applies if child is younger than 16.  |
| <b>North Dakota</b><br>N.D. Cent. Code § 12.1-18-05. Removal of a child from the state in  | No.<br>N.D. Cent. Code § 12.1-18-05.  | Yes.<br>N.D. Cent. Code § 12.1-18-05.<br>No explicit mention of joint custody            | No explicit mention of access interference. | No applicable statute.   | No applicable statute.  | Yes.<br>N.D. Cent. Code § 12.1-18-05.<br>Out of state: Class C Felony.   | No applicable statute. | Statute applies if child is younger than 18.  |

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| violation of a custody decree.  |  | orders.   |   |  |   |   |                                    |  |
| <b>Ohio</b><br>Ohio Rev. Code Ann. § 2919.23.<br>Interference with custody.                                     | Relevant statute:<br>Ohio Rev. Code Ann. § 2919.23(A).   | Yes.<br>Ohio Rev. Code Ann. § 2919.23(A).<br>No explicit mention of joint custody orders. | No explicit mention of access interference. | Yes (imminent harm to child).<br>Ohio Rev. Code Ann. § 2919.23(C). | Affirmative defense to “keeping”: Actor in good faith gave notice to law enforcement within reasonable time.<br>Ohio Rev. Code Ann. § 2919.23(C). | No.<br>In state: First degree Misdemeanor.<br>Out of state (or if offender previously convicted of this offense): Fifth Degree Felony.<br>If child is physically harmed during violation: Fourth Degree Felony.<br>Ohio Rev. Code Ann. § 2919.23(D)(2). | No applicable statute.             | Statute applies if child is younger than 18. |
| <b>Oklahoma</b><br>Okla. Stat. Tit. 21 § 891.<br>Child stealing.  | Relevant statute:<br>Okla. Stat. Tit. 21 § 891.<br><br><i>See Wilkins v. State</i> , 985 P.2d 184, 189, 1999 Okla. Crim. 27, 21 (1999). “While Appellant had lawful charge of the children as their natural father, under § 891 he could not deprive the children’s mother of her legal rights to the children. By taking . . . he did just that. Appellant’s actions clearly fit within section 891.” | Yes.<br>Okla. Stat. Tit. 21 § 891.<br>No explicit mention of joint custody orders.        | No explicit mention of access interference. | No applicable statute.   | No applicable statute.  | No.<br>In or out of state: Felony.<br>Okla. Stat. Tit. 21 § 891.  | Yes.<br>Okla. Stat. Tit. 21 § 891. | Statute applies if child is younger than 16. |
| <b>Oregon</b><br>Or. Rev. Stat. Ann. § 163.245.<br>Custodial interference in the second degree.<br><br>Or. Rev. | Yes.<br>Or. Rev. Stat. Ann. §§ 163.245, 163.257.<br><br><i>See State v. Fitouri</i> , 133 Ore. App. 672, 677 (1995). “[The State’s] primary  | Yes.<br>Or. Rev. Stat. Ann. §§ 163.245, 163.257.<br>Violation if joint custody order.     | No explicit mention of access interference. | No applicable statute.   | No applicable statute.  | No.<br>In state: Class C Felony.<br>Or. Rev. Stat. Ann. § 163.245(3).<br><br>Out of state: Class B Felony.<br>Or. Rev. Stat. Ann. § 163.257(3).   | No applicable statute.             |  |

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| Stat. Ann. § 163.257. Custodial interference in the first degree.   | response is a reiteration of its legal position at trial: <i>ORS 163.245</i> applies to cases where one parent takes and keeps their child away from the other, even in the absence of a custody order.” The court “conclude[s] that the state’s construction of <i>ORS 163.245</i> is correct. . . .” |  |   |  |   |  |                        |  |
| <b>Pennsylvania</b><br>18 Pa. Consol. Stat. Ann. § 2904. Interference with custody of children.   | No. See defense in 18 Pa. Consol. Stat. § 2904(b)(3).  | Yes. 18 Pa. Consol. Stat. §§ 2904(a); (c)(2). No explicit mention of joint custody orders. | No explicit mention of access interference. | Yes (imminent harm to child). 18 Pa. Consol. Stat. § 2904(b)(1).   | A child, not younger than 14, was taken at his or her own instigation without enticement and without intent to commit criminal offense with or against the child. 18 Pa. Consol. Stat. Ann. § 2904(b)(2).<br><br>Actor is child’s parent or guardian and is not acting contrary to an order entered by a court. 18 Pa. Consol. Stat. Ann. § 2904(b)(3). | No. In state: For good cause, and not in excess of 24 hours - Second Degree Misdemeanor. 18 Pa. Consol. Stat. Ann. § 2904(c)(2). Otherwise - Third Degree Felony. 18 Pa. Consol. Stat. Ann. § 2904(c).<br><br>Out of state: Third Degree Felony. 18 Pa. Cons. Stat. § 2904(c). | No applicable statute. | Statute applies if child is younger than 18. |
| <b>Rhode Island</b><br>R.I. Gen. Laws § 11-26-1.1. Childsnatching.<br><br>R.I. Gen Laws § 11-26-1.2. Abduction of child prior to court order. | Yes, if parent is deprived of custody for at least 15 days. R.I. Gen. Laws § 11-26-1.2(a) (applies when removal occurs after being served with process but prior to the issuance of a custody  | Yes. R.I. Gen. Laws § 11-26-1.1(a). No explicit mention of joint custody orders.           | No explicit mention of access interference. | Yes. R.I. Gen. Law. § 11-26-1.1(b)(3) (fleeing incidence or pattern of domestic violence).<br><br>R.I. Gen. Laws § 11-26-1.2(b)(1) (imminent harm to child).<br><br>R.I. Gen. Laws | Actor had lawful custody of child pursuant to court order granting legal custody or visitation rights. R.I. Gen. Laws § 11-26-1.1(b)(1).<br><br>Actor had physical custody pursuant to a court granting legal custody or  | No. In or out of state: Felony. R.I. Gen. Laws §§ 11-26-1.1(a); 11-26-1.2(a).  | No applicable statute. | Statute applies if child is younger than 18. |

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|  | order).   |  |   | § 11-26-1.2(b)(2) (imminent harm to parent). | visitation rights and failed to return the child as a result of circumstances beyond his or her control.<br>R.I. Gen. Law. § 11-26-1.1(b)(2).<br><br>Both parent consent.<br>R.I. Gen. Laws § 11-26-1.2(b)(3).<br><br>Action is otherwise authorized by law.<br>R.I. Gen. Laws § 11-26-1.2(b)(4). |   |                        |   |
| <b>South Carolina</b><br>S.C. Code Ann. § 16-17-495. Custodial interference. | Yes.<br>S.C. Code Ann. § 16-17-495(A)(2) (unlawful to take a child to avoid a custody proceeding after a pleading is filed and served). | Yes.<br>S.C. Code Ann. § 16-17-495(A)(1). No explicit mention of joint custody orders. | No explicit mention of access interference. | No applicable statute.                       | No applicable statute.  | No.<br>In or out of state: Felony.<br>S.C. Code Ann. § 16-17-495(B).  | No applicable statute. | Statute applies if child is younger than 16.<br><br>If a violator of (A)(1) or (A)(2) returns the child to the legal custodian within 3 days of the violation, the person is guilty of a misdemeanor.<br>S.C. Code Ann. § 16-17-495(C).<br><br>If taking is by physical force or threat of force, the person is guilty of a Felony.<br>S.C. Code Ann. § 16-17-495(D). |
| <b>South Dakota</b><br>S.D. Codified Laws. § 22-19-9. Taking, enticing away, | No.<br>S.D. Codified Laws § 22-19-9.  | Yes.<br>S.D. Codified Laws § 22-19-9. No explicit mention of joint                     | Yes.<br>S.D. Codified Laws § 22-19-9.       | No applicable statute.                       | No applicable statute.  | No.<br>In state: Class 1 Misdemeanor<br>S.D. Codified Laws § 22-19-9. | No applicable statute. |   |

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| or keeping of unmarried minor child by a parent.<br><br>S.D. Codified Laws § 22-19-10.<br>Removal of child from state. |   | custody orders.   |   |  |  | Out of state:<br>Class 5 Felony.<br>S.D. Codified Laws § 22-19-10.  |                        |   |
| <b>Tennessee</b><br>Tenn. Code Ann. § 39-13-306.<br>Custodial interference.  | No.<br>Tenn. Code Ann. § 39-13-306 only addresses violations of court orders.   | Yes.<br>Tenn. Code Ann. § 39-13-306(a).<br>No explicit mention of joint custody orders.     | No explicit mention of access interference.   | No applicable statute.   | Defendant has a defense if he or she voluntarily and before arrest or issuance of arrest warrant returned the child.<br>Tenn. Code Ann. § 39-13-306(b).                                      | No.<br>In or out of state:<br>Class E Felony.<br>If the defendant returns the child voluntarily:<br>Class A Misdemeanor.<br>Tenn. Code Ann. § 39-13-306(d). | No applicable statute. | Statute applies if child is younger than 18.  |
| <b>Texas</b><br>Tex. Penal Code Ann. § 25.03.<br>Interference with child custody.                                      | Yes.<br>Tex. Penal Code Ann. § 25.03(a)(2) (applies when removal occurs when there is no court order but a suit for divorce or civil suit or application for habeas corpus to dispose of the child's custody has been filed). | Yes.<br>Tex. Penal Code Ann. § 25.03(a)(1).<br>No explicit mention of joint custody orders. | No explicit mention of access interference.<br><br><i>See, however, Ramsey v. State, 2003 Tex. App. LEXIS 3453, *1 (April 23, 2003) (court of appeals upheld jury's conviction of father for interference with child custody after he prohibited the mother from exercising visitation rights).</i> | No applicable statute.   | Defense to Tex. Penal Code Ann. § 25.03(a)(2) if actor returned child to geographic area of court's jurisdiction within 3 days of commission of offense.<br>Tex. Penal Code ann. § 25.03(c). | No.<br>In or out of state:<br>State jail Felony.<br>Tex. Penal Code Ann. § 25.03(d).  | No applicable statute. | Statute applies if child is younger than 18.<br><br>Tex. Penal Code Ann. § 25.03(b) applies to noncustodial parents who take child from lawful custody. |
| <b>Utah</b><br>Utah Code Ann. § 76-5-303.<br>Custodial interference.<br><br>Utah Code Ann. § 76-5-                     | No.   | Yes.<br>Utah Code Ann. § 76-5-303(1).<br>No explicit mention of joint custody orders.       | Yes.<br>Utah Code Ann. § 76-5-303(2).   | Yes.<br>Utah Code Ann. § 76-5-305(1)(a) (imminent harm to "any person"). | Actor reasonably believed that custodial parent would have consented.<br>Utah Code Ann. § 76-5-305(2).<br><br>Actor reasonably   | No.<br>In state: Class A Misdemeanor.<br>Out of state: Felony of the Third Degree<br>Utah Code Ann. § 76-5-303(3).  | No applicable statute. | Statute applies if child is younger than 16.  |

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| 305.<br>Defenses.  |   | <i>See State v. Smith</i> , 764 P.2d 997, 998 (Utah Ct. App. 1988). “While it may be possible to violate both Subsections (1) and (2) simultaneously, the offense defined by Subsection (1) generally applies to the conduct of parents who do not have primary custody, and Subsection (2) is intended to apply to conduct by parents with primary custody.” |  |   | believed act was authorized by law. Utah Code Ann. § 76-5-305(1)(b).  |  |                        |   |
| <b>Vermont</b><br>Vt. Stat. Ann. tit. 13 § 2451. Custodial interference.   | Relevant statute: Vt. Stat. Ann. tit. 13 § 2451(a). | Yes. Vt. Stat. Ann. tit. 13 § 2451(a). No explicit mention of joint custody orders.   | No explicit mention of access interference.        | Yes. Vt. Stat. Ann. tit. 13 § 2451(c) (imminent harm to child). Defense not available if child is removed from state. | No applicable statute.  | No. Vt. Stat. Ann. tit. 13 § 2451(b) (“Shall be imprisoned not more than 5 years or fined not more than \$5000 or both”).  | No applicable statute. | Statute applies if child is younger than 18.  |
| <b>Virginia</b><br>Va. Code Ann. § 18.2-49.1. Violation of court order regarding custody and visitation penalty. | No.   | Yes. Va. Code Ann. § 18.2-49.1. No explicit mention of joint custody orders.  | Yes. Va. Code Ann. § 18.2-49.1.                    | No applicable statute.  | No applicable statute.  | No. In state: Class 3, 2, or 1 Misdemeanor (dependant upon the defendant’s previous 18.2-49.1 violations) Va. Code Ann. § 18.2-49.1(B).<br><br>Out of state: Class 6 Felony. Va. Code Ann. § 18.2-49.1(A). | No applicable statute. |   |
| <b>Washington</b><br>Wash. Rev. Code § 9A.40.060. Custodial interference in the first degree.                    | Yes. Wash. Rev. Code § 9A.40.060(3).                | Yes. Wash. Rev. Code § 9A.40.060(2); 9A.40.070(2). No explicit mention of joint custody   | Yes. Wash. Rev. Code § 9A.40.060(2); 9A.40.070(2). | Yes (imminent harm to parent or child). Wash. Rev. Code § 9A.40.080(2)(a).  | The complainant had failed to exercise his or her court-ordered rights to physical custody or access to the child, provided that such failure was not the direct result | No. In state: Misdemeanor; second and subsequent convictions of custodial interference in the second degree: Class C Felony. Wash. Rev. Code §   | No applicable statute. | Statute applies if child is younger than 18.<br><br>Consent of a child younger than 16 does |

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| <p>Wash. Rev. Code § 9A.40.070. Custodial interference in the second degree.</p> <p>Wash. Rev. Code § 9A.40.080. Custodial interference defense.</p> |  | orders.   |  |   | <p>of the defendant's denial of access to such person. Wash. Rev. Code § 9A.40.080(2)(b).</p> <p>Complainant consented to the act. Wash. Rev. Code § 9A.40.080(2)(c).</p> <p>The offender, after providing or making a good-faith effort to provide notice to the person entitled to access to the child, failed to provide access to the child due to reasons that a reasonable person would believe were directly related to the welfare of the child, and allowed access to the child in accordance with the court order within a reasonable period of time. Wash. Rev. Code § 9A.40.080(2)(d).</p> | <p>9A.40.070(4).</p> <p>Custodial interference in the first degree (part of which covers out-of-state removal): Class C Felony. Wash. Rev. Code § 9A.40.060(4).</p> |                               | <p>not constitute a defense. Wash. Rev. Code § 9A.40.080(3).</p>   |
| <p><b>West Virginia</b><br/>W. Va. Code § 61-2-14d. Concealment or removal of a minor child from a custodian or person entitled to visitation.</p>   | <p>No.<br/>W. Va. Code § 61-2-14d.</p> | <p>Yes.<br/>W. Va. Code § 61-2-14d(a).<br/>No explicit mention of joint custody orders.</p> | <p>Yes.<br/>W. Va. Code § 61-2-14d(a).</p> | <p>Yes (imminent harm to child).<br/>W. Va. Code § 61-2-14d(c).</p> | <p>No applicable statute.</p>  | <p>No.<br/>In state: Felony<br/>W. Va. Code § 61-2-14d(a).</p> <p>Out of state:<br/>Felony<br/>W. Va. Code § 61-2-14d(b).</p>                                       | <p>No applicable statute.</p> | <p>The mere failure to return a minor child at the expiration of any lawful custody or visitation period without the intent to deprive another person of lawful custody or visitation rights shall not constitute an offense under</p> |

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|   |  |  |  |   |  |  |                           | this section.<br>W. Va. Code §<br>61-2-14d(c).  |
| <b>Wisconsin</b><br>Wis. Stat. Ann.<br>§ 948.31.<br>Interference<br>with custody<br>by parent or<br>others. | Yes.<br>Wis. Stat. Ann. §§<br>948.31(2); (3)(a),<br>(3)(b).<br><br>Wis. Stat. Ann. §<br>948.31(3)(b)<br>(applies when<br>removal occurs<br>after process is<br>served but prior to<br>issuance of custody<br>order). | Yes.<br>Wis. Stat. Ann.<br>§§ 948.31(1)(b);<br>(2); (3)(c).<br>Violation if joint<br>custody order.  | Yes.<br>Wis. Stat. Ann.<br>§ 948.31(3)(c).           | Yes.<br>Wis. Stat. Ann.<br>§ 948.31(4)(a)(1)<br>(threat of physical<br>harm or sexual<br>assault to child).<br><br>Wis. Stat. Ann.<br>§ 948.31(4)(a)(2)<br>(threat of physical<br>harm or sexual<br>assault to parent). | Other parent<br>consented.<br>Wis. Stat. Ann.<br>§ 948.31(4)(a)(3).<br><br>Otherwise<br>authorized<br>by law<br>Wis. Stat. Ann. §<br>948.31(4)(a)(4).  | No.<br>In or out of state:<br>Felony<br>Wis. Stat. Ann.<br>§ 948.31.           | No applicable<br>statute. |   |
| <b>Wyoming</b><br>Wyo. Stat.<br>Ann. § 6-2-<br>204.<br>Interference<br>with custody.                        | Relevant statute:<br>Wyo. Stat. Ann.<br>§ 6-2-204.   | Yes.<br>Wyo. Stat. Ann.<br>§ 6-2-204(a).<br>No explicit<br>mention<br>of joint<br>custody<br>orders. | No explicit<br>mention<br>of access<br>interference. | Yes (imminent<br>harm to child).<br>Wyo. Stat. Ann.<br>§ 6-2-204(c)(i).   | The child was not<br>younger than 14<br>years old and the<br>child was taken<br>away or was not<br>returned: (A) at<br>his or her own<br>instigation; and<br>(B) without intent<br>to commit a criminal<br>offense with or<br>against the child.<br>Wyo. Stat. Ann.<br>§ 6-2-204(c)(ii). | No.<br>In or out of state:<br>Felony.<br>Wyo. Stat. Ann.<br>§ 6-2-204(d), (e). | No applicable<br>statute. | Statute applies<br>if child is<br>younger<br>than 18.<br>Wyo. Stat. Ann.<br>§ 14-1-101. |