

## Criminal Custodial Interference – State Statutes (Through July 2006)

Note: Where table states “Relevant Statute” the statutes 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
<b>Alabama</b> Ala. Code §13A-6-45. Interference with custody.	Relevant statute: Ala. Code §13A-6-45.  <i>See Kennedy v. State of Alabama</i> , 640 So. 2d 22 (Ala. Ct. App. 1993) (Statute requires proof of the accused’s specific intent to assume unlawful control of the child)	Yes. Ala. Code §13A-6-45. No explicit mention of joint custody orders. See Ala. Code §30-3-156. Interference with custody.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	No. Class C Felony in or out of state. Ala. Code §13A-6-45(c).	No applicable statute.	Statute applies if child is younger than 18. Ala. Code §13 A-6-45(a).
<b>Alaska</b> Alaska Stat. §11.41.320. Custodial interference in the first degree.  Alaska Stat. §11.41.330. Custodial interference in the second degree.	Relevant statute: Alaska Stat. §§ 11.41.320; 11.41.330.  <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. Alaska Stat. §§ 11.41.320(a); 11.41.330; 11.51.125(a). No explicit mention of joint custody orders. <i>See Strother v. State of Alaska</i> , 891 P.2d 214, 220-21 (Alaska Ct. App. 1995).	Yes. Alaska Stat. §11-51-125. Failure to permit visitation with a minor.	No applicable statute.	No applicable statute.	No. In state: Class A Misdemeanor. Alaska Stat. §11.41.330(b). Out of State: Class C Felony. Alaska Stat. §11.41.320(b).	No applicable statute.	Statute applies if child is younger than 18. Alaska Stat. §11.41.330(a).

Alaska Stat. §11.51.125. Failure to permit visitation with a minor.								
<b>Arizona</b> Ariz. Rev. Stat. § 13-1302. Custodial interference.  Ariz. Rev. Stat. §13-1305. Access interference.	Yes. Ariz. Rev. Stat. §13-1302(A)(2). <i>See State v. Wood</i> , 8 p.3d 1189, 1191-92 (Ariz. App. 2000). *  *Remanded in light of: <i>State v Martinez</i> 115 P. 3d 618 (Ariz. S. Ct. 2005) and <i>State v Henderson</i> 115 P.3d 601 (Ariz. S. Ct. 2005)	Yes. Ariz. Rev. Stat. §13 -1302(A)(1).  Ariz. Rev. Stat. §13-1302(A)(3). Violation if joint legal custody.  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).	Yes. Ariz. Rev. Stat. § 13-1305. In state: Class 2 Misdemeanor. Out of state: Class 5 Felony.	Yes (imminent harm to child). Ariz. Rev. Stat. § 13-1302(C).	No applicable statute.	No. In state: Class 6 Felony. Ariz. Rev. Stat. §13-1302(D)(3)  Out of State: Class 4 Felony. Ariz. Rev. Stat. § 13-1302(D)(2) and §13-1302(D)(4).  In either situation, if child is voluntarily returned prior to an arrest warrant being issued, the abductor commits a Class 1 Misdemeanor.	No applicable statute.	
<b>Arkansas</b> Ark. Code Ann. § 5-26-501. Interference with visitation.  Ark. Code Ann. §5-26-502. Interference with custody.	Relevant statute: Ark. Code Ann. §5-26-502(a)(2)(A)	Yes. Ark Code Ann. §5-26-502(a)(1)(A). No explicit mention of joint custody orders.	Yes. Ark. Code Ann. §5-26-501(a)(1).	Yes (imminent physical harm to child)- for access interference only. Ark. Code Ann. §5-26-501(c)(1).	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).  Interference with visitation was committed with mutual consent of all parties having the right to custody and visitation of	No. Interference with court-ordered custody. In state: Class A Misdemeanor Out of state: Class D Felony.  Interference with custody: Class C Felony Ark. Code Ann. §5-26-502(b).  Interference with visitation In state: Class C	No applicable statute.	

					the child. Ark. Code Ann. §5-26-501(c)(3).  Interference with visitation was otherwise authorized by law. Ark. Code Ann. §5-26-501(c)(4).	Misdemeanor. Out of state: Class D Felony Ark. Code Ann. § 5-26-501(b).		
<b>California</b> Cal. Penal Code Ann. Title 9 Chapter 4: Child Abduction §§277-280	Yes. Cal. Penal Code §278.5. <i>See California's Child Abduction Reference Manual I, Attachment 4.</i>	Yes. Cal. Penal Code § 278.5. No explicit mention of joint custody orders.  <i>See People v Ryan</i> , 91 Cal. Rptr. 2d 160 (Cal. App. 1 Dist. 1999). (A parent who had joint legal custody but not physical custody of a child could violate former child abduction statute).  Cal. Penal Code Ann. §278 (Applies to those who do not have a right to custody who take a child).	Yes. Cal. Penal Code §278.5.	Yes (imminent harm to child). Cal. Penal Code §278.7 (defense to 278.5 is available to a parent who has been a victim of domestic abuse and is protecting a child from imminent harm).	No applicable statutes.	No. Cal. Penal Code §§278, 278.5 (imprisonment, fine, or both).	If the defendant has taken the child outside of the U.S. 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> Colo. Rev. Stat. § 18-3-304. Violation of custody order or order relating to parental responsibilities.	No. Colo. Rev. Stat. §18-3-304(1).	Yes. Colo. Rev. Stat. §18-3-304(2). No explicit mention of joint custody orders.	No explicit mention of access interference. Relevant statute: Colo. Rev. Stat. §18-3-304(2). <i>See People v. Sorrendino</i> , 37	Yes (imminent harm to child). 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	No. In or out of state: Class 5 Felony. Colo. Rev. Stat. § 18-3-304(1), (2).  Our of country: Class 4 Felony. Colo. Rev.	Removal of child out of the country is a Class 4 Felony. Colo. Rev. Stat. §18-3-304(2.5).	Statute applies if child is younger than 18. Colo. Rev. Stat. §18-3-304(1).

			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.”).		with or against the child. Colo. Rev. Stat. §18-3-304(3).	Stat. §18-3-304(2.5).		
<p><b>Connecticut</b></p> <p>Conn. Gen. Stat. §53a-97. Custodial interference in the first degree.</p> <p>Conn. Gen. Stat. § 53a-98. Custodial interference in the second degree.</p>	<p>Relevant statute: Conn. Gen. Stat. §§ 53a-97; 53a-98.</p> <p><i>See State v. Vakilzaden</i>, 742 A.2d 767, 771 (Conn. 1999) and <i>State v Vakilzadn</i> 865 A.2d 1155 (S. Ct. Conn. 2005). “General Statutes § 45a-606 provides in relevant part that “the father and mother of every minor child are joint guardians of the person of the minor, and the powers, right[,] and duties of the father and the mother in regard to the minor shall be equal...” 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</p>	<p>Yes.</p> <p>Conn. Gen. Stat. §§53a-97 and 53a-98.</p> <p><i>See State v Vakilzaden</i>, 742 A.2d 767, 771 (S. Ct. Conn. 1999) and <i>State v Vakilzadn</i> 865 A.2d 1155 (S. Ct. Conn. 2005). “A joint custodian is not inherently immune from criminal prosecution based solely on his or her status as joint custodian...”</p>	No explicit mention of access interference.	No applicable statute.	No applicable statute.	<p>No.</p> <p>In state: Class A Misdemeanor. Conn. Gen. Stat. § 53a-98.</p> <p>In state and exposes child to risk of safety endangerment: Class D Felony. Conn. Gen. Stat. §§ 53a-97(a)(1); 53a-97(b).</p> <p>Out of state: Class D</p>	No applicable statute.	Statute applies if child is less than 16. Conn. Gen. Stat. §53a-98.

	effectively created. Such extra judicial measure taken by an abducting parent cannot be lawful..." (Case also cites Alaska's <i>Strother v. State</i> , 891 P.2d 214, 220-21. See Alaska above).							
<b>Delaware</b> Del. Code Ann. tit. 11 § 785. Interference with custody.	Relevant statute: Del. Code Ann. tit. 11 § 185. See <i>State v. Todd</i> , 509 A.2d 1112, 1116 (Del. Super. 1986). "[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 to take a child into exclusive physical and de facto legal custody to the exclusion of the other parent's lawful custodial rights."	Relevant statute: Del. Code Ann. tit 11 § 785. No explicit mention of court orders or joint custody orders.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	No. In state: Class A Misdemeanor. Out of state: Class G Felony. Del. Code Ann. tit. 11 § 785.	No applicable statute.	Statute applies if child is younger than 16. Del. Code Ann. tit. 11 § 785.
<b>District of Columbia</b> D.C. Code Ch. 10, Subch. II Parental Kidnapping §§ 16-1021-16-1026.  D.C. Code Ann D.C. Code Ch.	Yes. D.C. Code Ann. § 16-1022(a).	Yes. D.C. Code Ann. § 16-1022(b).  D.C. Code Ann. § 16-1022(b)(2) (addresses joint custody orders).	Yes. D.C. Code Ann. § 16-1022(b)(4).	Yes D.C. Code Ann. § 16-1023(a)(1) (imminent physical harm to child). D.C. Code Ann § 16-1023(a)(2). (imminent physical harm to	Act consented to by other parent. D.C. Code Ann. § 16-1023(a)(3).  Act otherwise authorized by law. D.C. Code Ann. § 16-1023(a)(4).	No. In state: Misdemeanor. D.C. Code Ann. §16-1024(a).  Out of state and child released before arrest to a safe place: Misdemeanor. Out	No applicable statute.	"Child" is a person younger than 16. D.C. Code Ann. § 16-1021(1).

1016-1022 Prohibited acts.				parent).		of state and child not released to a safe place prior to arrest: Felony. D.C. Code Ann. §16-1024(b).		
<b>Florida</b> Fla. Stat. Ann. § 787.03. Interference with custody.	Yes. Fla. Stat. Ann. § 787.03(2). <i>See State v. Badalich</i> 479 So.2d 197 (Fla. App. 5 Dist., 1985) “Since the mother of a child born out of wedlock is its natural guardian, and a guardian is one to whom the law has entrusted lawful custody, anyone without that lawful custody, including a natural parent, can be guilty of interference under section 787.03.”	Yes. Fla. Stat. Ann. § 787.03(1). No explicit mention of joint custody orders.	No explicit mention of access interference.	Yes. Fla. Stat. Ann. § 787.03(4)(a) (imminent harm to child).  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. Fla. Stat. Ann. § 787.03(4)(c).	No. In or out of state: Third Degree Felony. Fla. Stat. Ann. § 787.03.01.	No applicable statute.	Statute applies if child is 17 or younger. Fla. Stat. Ann. § 787.03.01.
<b>Georgia</b> Ga. Code Ann. § 16-5-45. Interference with custody .	Yes. Ga. Code Ann. § 16-5-45(b).  <i>See Thompson v. State</i> 537 S.E. 2d 807 (Ga. Ct. App. 2000) “Propose of statute criminalizing interference with custody is to protect custody interest of child’s lawful custodian from interference by another person.”	Yes. Ga. Code Ann. §16-5-45(b)(1)(A). No explicit mention of joint custody orders.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	No. In state: Misdemeanor for first two offenses, then felony. Ga. Code Ann § 16-5-45(b)(2).  Out of state: Felony Ga. Code Ann. § 16-5-45(c)(3).	No applicable statute.	Statute applies if child is younger than 17.  Ga. Cod. Ann. § 16-5-45(b)(1)(C) (applies where child is not returned after the visitation period).  Ga. Code Ann. § 16-5-45(c)(2) (applies interstate situations where a child is not

								returned after the visitation period).
<p><b>Hawaii</b> Haw. Rev. Stat. §707-726. Custodial interference in the first degree.</p> <p>Haw. Rev. Stat. §707-727. Custodial interference in the second degree.</p>	<p>Yes, if child removed from state. Haw. Rev. Stat. §707-726(1)(C).</p> <p><i>See State v. Akina</i> 828 P.2d 269 (Haw. S. Ct. 1192) “Statute creating offense of custodial interference is no limited to interference with custody awarded upon divorce, but applies also to placement of state ward.”</p>	<p>Yes. Haw. Rev. Stat. § 707-726(1)(a) (applies if child is removed from the state). Haw. Rev. Stat. § 707-727(1)(b) (no out-of-state requirement).</p> <p>No explicit mention of joint custody orders.</p>	No explicit mention of access interference.	Yes (imminent harm to child). Haw. Rev. Stat. § 707-726(2).	No applicable statute.	<p>No. Haw. Rev. Stat. §707-726. Class C felony. Violate court order and remove child from state. Take minor younger than 11 from lawful custodian. In absence of court order and remove child from state.</p> <p>Haw. Rev. Stat. §707-727 In state: Misdemeanor. Out of state: Class C Felony.</p>	No applicable statute.	The person intentionally or knowingly takes, entices, conceals, or detains a minor less than eleven years old from that minor’s lawful custodian, knowing that the person had no right to do so. Haw. Rev. Stat. § 707-726(1)(b).
<p><b>Idaho</b> Idaho Code § 18-4506. Child custody interference defined, defense, and punishment.</p>	<p>Yes. Idaho Code §18-4506(1).</p>	<p>Yes. Idaho Code § 18-4506(1)(a). Violation if joint custody order exists.</p> <p><i>See State v. Chapman</i> 702 P.2d 879 (Idaho Ct. App. 1985) “The mother in the present case had the custodial right, and the mere fact that the custodial right was temporary does not bar the charge of kidnapping against anyone, including the other parent, who ‘leads,</p>	<p>Yes. Idaho Code § 18-4506(1)(a).</p>	<p>Yes. Idaho Code § 18-4506(2)(a) (imminent physical harm to child).</p> <p>Idaho Code § 18-4506(2)(b) (parent fleeing form imminent physical harm to himself).</p>	<p>Affirmative defense if action is consented to by a lawful custodian. Idaho Code § 18-4506(2)(c).</p> <p>Child is returned within 24 hours after the expiration of authorized visitation. Idaho Code §18 - 4506(2)(d).</p>	<p>No. In state: Misdemeanor if child voluntarily returned prior to arrest; otherwise, Felony. Out of state: Felony. Idaho Code § 18-4506(3).</p>	No applicable statute.	

		takes, entices away or detains [the child]...with intent to keep or conceal it from its parent, guardian or other person having lawful care or control thereof..."						
<p><b>Illinois</b> 720 Ill. Comp. Stat. Ann. 5/10-5. Child abduction.</p> <p>720 Ill. Comp. Stat. Ann. 5/10-5.5. Unlawful visitation interference.</p>	<p>Yes. 720 Ill. Comp. Stat. Ann. 5/10-5(b)(3), (4), (6), (7).</p> <p>Sections listed are limited to certain fact situations.</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>Yes. 720 Ill. Comp. Stat. Ann. 5/10-55(b)(1). Violation by concealing or detaining the child or removing the child from the jurisdiction of the court.</p>	<p>Yes. 720 Ill. Comp. Stat. Ann. 5/10-5.5(b).</p> <p>See People v. Warren 671 N.E. 2d 700 (Ill. S. Ct. 1996) "Purpose of statute criminalizing unlawful interference with court-order child visitation rights is to provide remedy for and to deter violations of interference by any person, including child's custodial parent, with noncustodial parent's right to visitation."</p>	<p>Yes. 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 and takes a child with him or her to housing provided by a domestic-violence program. 720 Ill. Comp. Stat. Ann. 5/10-5(b)(6).</p> <p>Affirmative defense if defendant was fleeing an incident or pattern of domestic</p>	<p>Defendant had custody of child pursuant to court order granting custody or visitation. 720 Ill. Comp. Stat. Ann. 5/10-5(c)(1).</p> <p>Failed to return child as a result of circumstances beyond his or her control and disclosed to other parent the specific whereabouts of the child. 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</p>	<p>No. In or out of state: Class 4 Felony. 720 Ill. Comp. Stat. Ann. 5/10-5(d).</p> <p>Visitation interference: Petty offense. 720 Ill. Comp. Stat. Ann. 5/10-5.5(c).</p> <p>Visitation interference violation after 2 prior convictions: Class A Misdemeanor. 720 Ill. Comp. Stat. Ann. 5/10-5.5(c).</p>	<p>No applicable statute.</p>	<p>Statutes apply if child is younger than 18. 720 Ill. Comp. Stat. Ann. 5/10-5(a)(1).</p> <p>Unlawful to retain in Illinois for 30 days, a child removed unlawfully from another State. 720 Ill. Comp. Stat. Ann. 5/10-5 (b)(9).</p> <p>Aggravating factors to be considered at sentencing listen in 720 Ill. Comp. Stat. Ann. 5/10 (d)(1)-(6).</p>

				violence. 720 Ill. Comp. Stat. Ann. 5/10-5(c)(3). Affirmative defense to visitation interference if protecting child from imminent harm. 720 Ill. Comp. Stat. Ann. 5/10-5.5(g)(1).	visitation. 720 Ill. Comp. Stat. Ann. 5/10-5.5(g)(2).  Affirmative defense to visitation interference if act was otherwise authorized by law. 720 Ill. Comp. Stat. Ann. 5/10-5.5(g)(3).			
<b>Indiana</b> Ind. Code. § 35-42-3-4. Interference with custody.	Yes. If, knowingly or intentionally takes and conceals; or knowingly or intentionally denies and conceals. Ind. Code §35-42-3-4(b).	Yes. Ind. Code. § 35-42-3-4(a) (applies when child is taken out of state). Ind. Code. § 35-42-3-4(b). No explicit mention of joint custody orders.  <i>See Cook v. State</i> 547 N.E. 2d 1118 (Ind. Ct. App. 1989) “Statute punishing removal of a minor ‘to a place outside Indiana when the removal violates a child custody order of a court’ applies only to child custody orders that specifically prohibit removal of child from the State”.	Yes. Ind. Code § 35-42-3-4(b).	No applicable statute.	No applicable statute.	No. In state: Class C Misdemeanor. If violation of court order, Class B Misdemeanor. Ind. Code § 35-42-3-4(b).  Out of state: Class D Felony. Ind. Code § 35-42-3-4(a).	No applicable statute.	Statute applies if child is younger than 18. Ind. Code § 35-42-3-4.  The return of the child in accordance with custody order within 7 days of removal is a possible mitigating circumstance. Ind. Code §35-42-3-4(c).
<b>Iowa</b> Iowa Code Ann. §	No. Iowa Code Ann. §	Yes. Iowa Code Ann.	Yes. Iowa Code Ann.	No applicable statute.	No applicable statute.	No. Violation of court	No applicable statute.	

<p>710.6. Violating custodial order.</p>	<p>710.6 only discusses custody situations arrived at by court order.</p> <p>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>See State v. Dewy 136 N.W. 533 (Iowa S. Ct. 1912) “A father taking possession of his minor child pending a suit for divorce by the wife, and before any order affecting the disposition of the child, is not guilty of kidnapping the child.”</p>	<p>§1710.6. No explicit mention of joint custody orders.</p>	<p>§710.6.</p>			<p>order: Class D Felony. Interference with visitation: Serious Misdemeanor. Iowa Code Ann. § 710.6/</p> <p>Child Stealing: Class C felony. Iowa Code Ann. § 710.5.</p>		
<p><b>Kansas</b> Kan. Stat. Ann. § 21-3422. Interference with parental custody.  Kan. Stat. Ann. § 21-3422a. Aggravated interference with parental custody.  <i>See State v Wiggett</i> 44 P. 3d 381 (Kan. S. Ct. 200) “The crime</p>	<p>Yes. Kan. Stat. Ann. §§21-3422(a); 21-3422(b). Kan. Stat. Ann. § 21-3422a(a)(2)(C) (out of state).</p>	<p>Yes. Kan. Stat. Ann. §21-3422(a). Kan. Stat. Ann. § 21-3422a(a)(2)(C) (Out of state).  Joint custody is not a defense. 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. 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).  In state and person is not entitled to joint custody and in all other cases: Level 10 Person Felony. Kan. Stat. Ann. §21-</p>	<p>No applicable statute.</p>	<p>Statutes apply if child is younger than 16. Kan. Stat. Ann. § 21-3422a.</p>

<p>of interference with parental custody may be accomplished in several ways; the perpetrator may lead the child away, physically take or carry the child away, or decoy or entice the child away.”</p>						<p>3422(C)(2).  Out of state: Level 7 Person Felony Kan. Stat. Ann. § 21-3422a(b).</p>		
<p><b>Kentucky</b> Ky. Rev. Stat. Ann. § 509.070. Custodial interference.</p>	<p>No. Ky. Rev. Stat. Ann. § 509.070.</p>	<p>Yes. 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. §509.070(3).</p>	<p>No applicable statute.</p>	<p><i>See U.S. v Landham</i> 2251 F. 3d 1072, 1081-82 (Ky.6<sup>th</sup> Cir. 2001) “The combined effects of KRS 509.060 and 509.070 are: to render the statutes on unlawful imprisonment and kidnapping inapplicable to situation involving the acquisition of control over another because of familial affection or considerations, and to create a special offense to deal with conduct involving an interference with lawful custody. While eliminating the possibility of child custody disputes</p>

								constituting unlawful imprisonment or kidnapping, these provisions reflect *1082 a judgment that there exist a need to protect 'parental custody against all unlawful interruption, even when the child itself is a willing, undeceived participant in the attack on this interest of its parent."
<p><b>Louisiana</b> La. Stat. Ann. § 14:45. Simple Kidnapping.</p> <p>La. Stat. Ann. § 14:45.1. Interference with the custody of a child.</p>	<p>No. La. Stat. Ann. § 14:45.1(A).</p>	<p>Yes. No violation if joint custody.</p> <p>La. Stat. Ann. § 14:45.1(A).</p> <p><i>See State v. Arceneaux</i>, 695 So.2d 1148 (La. Ct. App. 1997) "Ex parte order initially granting mother provisional custody of parties' child was enforceable and was proper basis for prosecution of father for parental kidnapping; father was aware at all times that mother had</p>	<p>No explicit mention of access interference.</p>	<p>Yes (imminent harm to child). La. Rev. Stat. Ann. § 14:45.1(A).</p>	<p>No applicable statute.</p>	<p>No. If child is not removed from the state, maximum of \$500 fine or 6 months imprisonment or both. La. Stat. Ann §45:45.1(B).</p> <p>If child is removed from state, fine of not more than \$5000, imprisonment with or without hard labor for not more than 5 years or both. La. Stat. Ann. § 45:45(A)(4).</p>	<p>No applicable statute.</p>	

		<p>been awarded custody, yet he never sought review of that order.”</p> <p>L.a. Stat. Ann. § 45:45(A)(4). Applies when parent removes child from state.</p>						
<p><b>Maine</b> 17-A Me. Rev. Stat. Ann. §303. Criminal restraint by parent.</p>	<p>Yes. 17-A Me. Rev. Stat. Ann. § 303(1)(A). State v. Butt, 656 A.2d 1225, 1227 (Me. 1995). “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, 17-A Me. Rev. Stat. Ann § 303(1)(B). 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> Md. Fam. Law Code Ann. § 9-304. Prohibited acts-in this state.</p> <p>Md. Fam. Law Code Ann. § 9-304. Prohibited acts-in this state.</p> <p>Md. Fam. Law Code Ann. § 9-305. Same-outside of this state.</p> <p>Md. Fam. Law Code Ann. § 9-</p>	<p>Yes. Md. Fam. Law Code Ann. § 9-304.</p> <p>Md. Fam. Law Code Ann. § 9-305.</p>	<p>Yes. Md. Fam. Law Code Ann. §9-304.</p> <p>Md. Fam. Law Code Ann. §9-305.</p> <p>No explicit mention of joint custody orders.</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. In state: Misdemeanor. Out of state: Felony. Md. Fam. Law Code Ann. § 9-307.</p>	<p>Md. Fam. Law Code Ann. § 9-305(b).</p>	<p>Statute applies if child is younger than 16. Md. Fam. Law. Code Ann. §9-304.</p> <p><i>See Chajari v State</i> 108 Md. App. 673 A. 2d 709 (Md. App. 1996) and <i>State v Ghajari</i> 695 A.2d 143 (Md. App. 1997) “Noncustodial parent who abducts his child from custodial parent can only be prosecuted under</p>

306. Clear and present danger to child.  Md. Fam. Law Code Ann. § 9-307. Penalties.								statute prohibiting noncustodial parent from taking away child from lawful custodian, unless, prior to abduction, there has been judicial termination of his parental rights.”
<b>Massachusetts</b> Mass. Gen. Law ch. 265 § 26A. Custodial interference by relatives.	No. See Commonwealth v. Beals, 405 Mass. 541 N.E. 2d 1011 (Mass. S. Ct. 1989) “We concluded that G.L. c. 265 § 26A, 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.  No explicit mention of joint custody order.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	No. In State: Fine up to \$1,000 or imprisonment up to 1 year or both.  Out of state: Fine up to \$5,000 or imprisonment up to 5 years or both.  Mass. Gen. Laws ch. 265 § 26A.	No applicable statute.	Statute applies if child is younger than 18. Mass. Gen. Laws ch. 265 § 26.
<b>Michigan</b> 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 (“immediate and actual threat of physical or mental harm, abuse, or neglect”) Mich. Comp. Laws §750.350a(5).	No applicable statute.	No. 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.	Statute applies if child is younger than 14. Mich. Comp. Laws § 750.350.  <i>See People v. McBride</i> , 516 N.W. 2d 148 (Mich. App. 1994) “Parental kidnapping statute does not require that parent be formally served

								with custody order before he or she can be charged with parental kidnapping; it requires only that party from who child is taken have custody or visitation rights pursuant to lawful order at time of taking or retention.”
<b>Minnesota</b> Minn. Stat. § 609.26. Depriving another of custodial or parental rights.	Yes. 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)  <i>See State v. Alladin</i> , 408 N.W. 2d 642 (Minn. App. 1987) “Noncustodial parent may be charged with kidnapping his own child under general kidnapping statute and State is not restricted to charging noncustodial parent under statute prohibiting deprivation of custodial or parental rights.”	Yes. Minn. Stat. § 609.26 (Subd. 1) (1). (3). No explicit mention of joint custody orders.	Yes. Minn. Stat. § 609.26(Subd. 1) (1), (3).	Yes. Minn. Stat. § 609.26 (Subd. 2) (1). (Protect the child from physical or sexual assault or substantial emotional harm)  Minn. Stat. § 609.26(Subd. 2) (2). (imminent harm to parent)	Consent to action by parent seeking prosecution. Minn. Stat. § 609.26(Subd. 2) (3).  Action taken is authorized by a court order issued prior to violation of Subd. 1. Minn. Stat. § 609.26(Subd. 2) (4).	No. Felony in or out of state. Minn. Stat. § 609.26(Subd. 1).	No applicable statute.	Statute applies if child is younger than 16. Minn. Stat. § 609.26 (Subd. 1) (9).
<b>Mississippi</b>	No.	Yes.	No explicit	No applicable	No applicable	Yes.	No applicable	Statute applies if

<p>Miss. Code Ann. § 97-3-51. Interstate removal of child younger than 14 by noncustodial parent or relative.</p>	<p>Relevant statute: Miss. Code Ann. § 97-3-51.</p>	<p>Miss. Code Ann. § 97-3-51(2). No explicit mention of joint custody orders.</p>	<p>mention of access interference.</p>	<p>statute.</p>	<p>statute.</p>	<p>Felony. Miss. Code Ann. § 97-3-51(2).</p>	<p>statute.</p>	<p>child is younger than 14. Miss. Code Ann. § 97-3-51(1)(a).</p> <p>Miss Code Ann. § 97-3-53. “Any person who ,  ***without lawful authority and with or without intent to secretly confine, shall forcibly seize and confine any other person, or shall inveigle or kidnap any other person with intent to cause such person to be***confined or imprisoned against his or her will, or***without lawful authority shall forcibly seize, inveigle or kidnap any child under the age of sixteen (16) years***against the will of the parents or guardian or person having the lawful custody of the child,***upon conviction shall be imprisoned for life in the custody of the Department of</p>
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								Corrections if the punishment is so fixed by the jury in its verdict”
<p><b>Missouri</b></p> <p>Mo. Rev. Stat. § 565.150. Interference with custody.</p> <p>Mo. Rev. Stat. § 565.153. Parental kidnapping.</p> <p>Mo. Rev. Stat. § 565.156. Child abduction.</p> <p>Mo. Rev. Stat. §§ 565.149-565.169. Interference with custodial rights.</p>	<p>Yes.</p> <p>Mo. Rev. Stat. § 565.153(1) (in the absence of a court order determining right of custody or visitation).</p> <p>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).</p> <p><i>See State ex rel. Laws v. Higgins</i> 734 S.W. 2d 274 (Mo. App. 1987) “Unlawful retention of children by noncustodial parent following period of temporary lawful custody is criminal offense.”</p>	<p>Yes.</p> <p>Mo. Rev. Stat. § 565.150(1). Mo. Rev. Stat. § 565.156(1.)(5).</p> <p>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).</p> <p>No explicit mention of joint custody orders.</p>	<p>Yes.</p> <p>Mo. Rev. Stat. § 565.156(1.)(5).</p>	<p>Yes (if “fleeing domestic violence”). Mo. Rev. Stat. § 565.160(3)/</p>	<p>Defense if person had custody pursuant to a valid court order; however, not applicable to a Mo. Rev. Stat. § 565.156(1.)(5) violation. Mo. Rev. Stat. § 565.160.</p> <p>Defense if person is unable to return child due to circumstances beyond his or her control. Mo. Rev. Stat. § 565.160(2).</p>	<p>No.</p> <p>Mo. Rev. Stat. § 565.150(2). In state: Class A Misdemeanor. Out of state: Class D Felony.</p> <p>Mo. Rev. Stat. § 565.153(2). Class D Felony.</p> <p>Mo. Rev. Stat. § 565.156(2). Class D Felony.</p>	<p>No applicable statute.</p>	<p>Statutes apply if child is younger than 17.</p>
<p><b>Montana</b></p> <p>Mont. Code Ann. § 45-5-304. Custodial interference.</p>	<p>Yes.</p> <p>Mont. Code Ann. § 45-5-634(1)(a).</p>	<p>Yes.</p> <p>Mont. Code Ann. § 45-5-304(1).</p> <p>See <i>State v. Price</i> 57 P.3d 42, (Mont. S. Ct. 2002) “[t]he interest protected [by § 45-5-304(1)] is not freedom from physical danger or terrorization by</p>	<p>Yes.</p> <p>Mont. Code Ann. § 45-5-631.</p> <p>Mont. Code Ann. § 45-5-632. (Offense committed by changing the residence of the child without giving proper notice or without</p>	<p>No applicable statute.</p>	<p>Mont. Code Ann. § 45-5-633. Defenses to 631 and 632.</p> <p>Person does not commit interference if acting with consent of person entitled to parent-child contact or under an</p>	<p>No.</p> <p>Mont. Code Ann. § 45-5-304 (2): Imprisonment 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</p>	<p>No applicable statute.</p>	

		abduction, since that is adequately covered by [Montana's kidnapping provisions], but rather <i>the maintenance of parental custody against all unlawful interruption</i> , even when the child is a willing, undeceived participant in the attack on the parental interest." Thus, the focus of the custodial interference is protection of the legal custodian's parental rights, and not the physical removal or sequestering of the child alone. We also note that other states have reached the same conclusion in interpreting similar custodial interference statutes as they relate to venue or jurisdiction."	written consent of the person entitled to the parent-child contact).		existing court order or with reasonable cause.  Only if offense is actor's first commission of interference is return of child before arrest a defense.	imprisonment in county jail not to exceed 5 days or both.  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.  Mont. Code Ann. § 45-5-634 (2): Imprisonment in state prison not to exceed 10 years or fine not to exceed \$50,000 or both.		
<b>Nebraska</b> Neb. Rev. Stat. § 28-316. Violation of custody.	Yes. Neb. Rev. Stat. § 28-316(1).	Yes. Neb. Rev. Stat. § 28.316(3). No explicit mention of joint custody orders.  <i>See State v. Randall</i> 193 N.W. 2d. 766 (Neb. S. Ct. 1972)	No explicit mention of access interference.	No applicable statute.	No applicable statute.	No. Class II Misdemeanor. Neb. Rev. Stat. § 28-316(2). If in violation of a court order: Class IV Felony. Neb. Rev. Stat. § 28-316(3).	No applicable statute.	Statute applies if child is younger than 18. Neb. Rev. Stat. § 28-316(1).

		“Since gist of crime of child stealing is the malicious, forcible, or fraudulent removal of child from custody of its legal custodian, with intent to unlawfully detain or conceal it from such custodian or parent, consent of child was immaterial and did not constitute a defense”						
<b>Nevada</b> Nev. Rev. Stat. § 200.359. Detention, concealment or removal of child from person having lawful custody.	Yes. Nev. Rev. Stat. § 200.359(2).  This statute refers to Nev. Rev. Stat. § 125.465: Married parents have joint legal custody of a child until otherwise ordered by a court.	Yes. Nev. Rev. Stat. § 200.359(1). No explicit mention of joint custody orders.	Yes. Nev. Rev. Stat. § 200.359(1).	Yes. Nev. Rev. Stat. § 2000.359(8) (imminent harm to parent or child, requires reporting detention, concealment or removal to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing or removing the child, or as soon as the circumstances allowed.	No applicable statute.	No. In or out of state: Category D Felony Nev. Rev. Stat § 200.359(1).  Prosecutor may recommend Misdemeanor. Nev. Rev. Stat. §2000.359(6).	No applicable statute.	Nev. Rev. Stat. § 200.359(3) (addresses removal in situation in which child is born out of wedlock).
<b>New Hampshire</b> N.H. Rev. Stat. Ann. § 633:4.	No. Relevant statute: N.H. Rev. Stat. Ann. §	Yes. N.H. Rev. Stat. Ann. § 633:4(I),(II).	Yes. N.H. Rev. Stat. Ann. § 633:4(II).	Yes. N.H. Rev. Stat. Ann. §	No applicable statute.	No. In state: Misdemeanor. N.H.	No applicable statute.	Statute applies if child is younger than 18.

Interference with custody.	633:4(I); (II).	Violation if joint custody. <i>See</i> statute's reference to RSA 461-A.		633:4(III) (imminent harm to child) Defense not available if defendant leaves the state with the child. N.H. Rev. Stat. Ann § 633:4(IV) .		Rev. Stat. Ann. §633:4(II). Out of state: Class B Felony. N.H. Rev. Stat. Ann. §633:4(I).		N.H. Rev. Stat. Ann. § 633:4(I),(II).
<b>New Jersey</b> N.J. Stat. Ann. § 2C:13-4. Interference with custody.	Yes. N.J. Stat. Ann. § 2C:13-4(a)(2) (applies when removal occurs after service of process but prior to issuance of custody order)  See <i>State v Anastasia</i> 813 A.2d 601 (N.J. App. Div. 2003) "Notice of emergency removal of child from mother's custody, handed to mother by an employee of the Division of Youth and Family Services (DYFS), did not constitute "process," under statute making it a crime to conceal a child after being served with process; notice was intended to be used only after child was removed from home and was in DYFS custody."	Yes. N.J. Stat. Ann § 2C:13-4(a)(1); (4). Violation if joint custody.	Yes. N.J. Stat. Ann. § 2C:13-4(a)(4).	Yes. N.J. Stat. Ann. § 2C:13-4(c)(1) (imminent harm to child).  N.J. Stat. Ann. §2C:13-4(d) (imminent harm to parent).	The actor reasonably believed that taking or detaining of the child was consented to by the other parent. N..J. Stat. Ann. § 2C:13-4(c)(2).  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. N.J. Stat. Ann. §2C:13-4(c)(3).	No. Out of country or more than 24 hours: Crime of the second degree. Otherwise: Crime of the third degree. N.J. Stat. Ann. § 2C:13-4(a)(4).	Removal of child out of the country is a crime of the second degree. N.J. Stat. Ann. § 2C:13-4.	
<b>New Mexico</b> N.M. Stat. Ann. §	Yes. N.M. Stat. Ann. § 30-4-	Yes. N.M. Stat. Ann. § 30-	Yes. N.M. Stat. Ann. §	No applicable statute.	No applicable statute.	No. In or out of state: 4 <sup>th</sup>	No applicable statute.	Statute applies if child has not yet

30-4-4. Custodial interference.	4(B). 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).	4-4(B) (applies when the defendant has a right to custody).  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)  See <i>State v. Sanders</i> 628 P.2d 1134 (N.M. Ct. App. 1981) “The words “legal right,” within the statute making a parent guilty of custodial interference if he takes a child from the state with the intention of holding the child permanently or for a protracted period knowing that he has no legal right to do so, means a right according to law.”  No explicit mention of joint custody orders.	30-4-4(B).			degree Felony. N.M. Stat. Ann. §30-4 - 44(B).		reached 18 <sup>th</sup> birthday. N.M. Stat. Ann. §30-4-4(C) (applies when the defendant does not have a right to custody).  N.M. Stat. Ann. § 30-4-4(G): A felony charge under this section may be dismissed if the person voluntarily returns the child within 14 days after the taking.
<b>New York</b> N.Y. Penal Law § 135.45. Custodial interference in the second degree.  N.Y. Penal Law §	Relevant statute: N.Y. Penal Law §§ 135.45; 135.50.  <i>People v. Morel</i> , 164 A.D.2d 677, 682 (N.Y. App. Div. 1991)	Yes. N.Y. Penal Law §§ 135.45; 135.50. 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. N.Y. Penal Law §135.50 (imminent harm	Affirmative defense to custodial interference in the first degree if the victim has been abandoned. Also	No. In state: Class A Misdemeanor (if relative of person under age 16 or incompetent takes that person from his	No applicable statute.	Statute applies if child is younger than 16. N.Y. Penal Law §135.45.

135.50. Custodial interference in the first degree.	“[Penal Law §§ 135.45;135.50] contains 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).			to child).	exist where victim has a relative and the defendant’s sole purpose was to assume control over the victim.	lawful custodian with the intent to wrongfully hold that person permanently for protected period) N.Y. Penal Law §135.45. Out of state: Class E Felony (if a person under age 16 or an incompetent is exposed to a risk that endangers his safety or materially impairs his health or with the intent to permanently remove the victim from the state, the defendant remove s the victim form the state. N.Y. Penal Law §135.50.		
<b>North Carolina</b> N.C. Gen Stat. § 14-320.1. Transporting a child outside the state with intent to violate a custody order.	No. N.C. Gen. Stat. § 14-320.1.  See State v. Walker 241 S.E. 2d. 89 (N.C. Ct. App. 1978) “At least in the absence of a custody order in favor of mother, father of abducted child cannot be guilty of crime of child abduction.”	Yes. N.C. Gen. Stat. § 14-320.1. No explicit mention of joint custody orders.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	Yes. N.C. Gen. Stat. § 14-320.1. Out of state: Class I Felony.	No applicable statute.	Statute applies if child is younger than 16. N.C. Gen. Stat. § 14-320.1.
<b>North Dakota</b> N.D. Cent. Code § 12.1-18-05. Removal of a child from the state in violation	No. N.D. Cent. Code § 12.1-18-05.  <i>See State v. Patten</i> 353 N.W. 2d 30 (N.D. S. Ct.	Yes. N.D. Cent. Code § 12.1-18-05. No explicit mention of joint custody.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	Yes. N.D. Cent. Code §12.1-18.05. Out of state: Class C Felony.	No applicable statute.	Statute applies if child is younger than 16. N.D. Cent. Code §12.1-18-05.

of a custody decree.	1984) “Amended order which granted temporary custody of children to wife clearly constituted a “custody decree”; thus, state could lawfully prosecute defendant husband for removing his children from the state in violation of such order.”							
<b>Ohio</b> Ohio Rev. Code Ann. § 2919.23. Interference with custody.	Relevant statute: Ohio Rev. Code Ann. §2919.23(A).  See <i>State v. Wengatz</i> 471 N.E. 2d 185 (Ohio Ct. App. 1984) “Withhold,” as used in child stealing statute, is to be construed according to common usage and means that a person, including a parent, may not, legally, deprive a custodial parent of custody of a child without authority to consent to do so.	Yes. Ohio Rev. Code Ann. §2919.23(A). No explicit mention of joint custody orders.	No explicit mention of access interference.	Yes (imminent harm to child). Ohio Rev. Code Ann. §2919.23(C).	Affirmative defense to “keeping”: Actor in good faith gave notice to law enforcement within reasonable time. Ohio Rev. Code Ann. § 2919.23(C).	No. In state: First degree Misdemeanor. Out of state (or if offender previously convicted of this offense): Fifth Degree Felony. If child is physically harmed during violation: Forth degree Felony. Ohio Rev. Code Ann. §2919.23(D)(2).	No applicable statute.	Statute applies if child is younger than 18. Ohio Rev. Code Ann. § 2919.23(A)(1).
<b>Oklahoma</b> Okla. Stat. Tit. 21 § 891. Child stealing.	Relevant statute: Okla. Stat. Tit. 21 § 891.  See <i>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	Yes, Okla. Stat. Tit. 21 §891. No explicit mention of joint custody orders.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	No. In or out of state: Felony. Okla. Stat. Tit. 21 §891.	Yes. Okla. Stat. Tit. 21 § 891.	Statute applies if child is younger than 16. Okla. Stat. Tit. 21 § 891.

	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."							
<b>Oregon</b> Or. Rev. Stat. Ann. § 163.245. Custodial interference in the second degree.  Or. Rev. Stat. Ann. §163.257. Custodial interference in the first degree.	Yes. Or. Rev. Stat. Ann. §§ 163.245, 163.257.  <i>See State v. Fitouri</i> , 133 Ore. App. 672, 677 (1995). [The State's] primary response is a reiteration of its legal position at trial: ORS 163.245 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 "concludes[s] that the state's construction of ORS 163.245 is correct...."	Yes. Or. Rev. Stat. Ann. §§ 163.245, 163.257. Violation if joint custody order.	No explicit mention of access interference.	No applicable statute.	No applicable statute.	No. In state: Class C Felony. Or. Rev. Stat. Ann. §163.245(3).  Out of state: Class B Felony. Or. Rev. Stat. Ann. §163.257(3).	No applicable statute.	Statute applies if child is younger than 16. Or. Rev. Stat. Ann. §163.215.
<b>Pennsylvania</b> 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).	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).	No applicable statute.	Statute applies if child is younger than 18. 18 Pa. Consol. Stat. Ann. §2904.

					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).	Out of state: Third Degree Felony. 18 Pa. cons. Stat. §2904(c).		
<p><b>Rhode Island</b></p> <p>R.I. Gen. Laws § 11-26-1.1. Childsnatching.</p> <p>R.I. Gen Laws §11-26-1.2. Abduction of child prior to court order.</p>	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 order).	Yes. R.I. Gen. Laws § 11-26-1.1(a). No explicit mention of joint custody orders.	No explicit mention of access interference.	<p>Yes. R.I. Gen. Law. §11-26-1.1(b)(3) (fleeing incidence or pattern of domestic violence).</p> <p>R.I. Gen. Laws §11-26-1.2(b)(1) (imminent harm to child).</p> <p>R.I. Gen. Laws § 11-26-1.2(b)(2) (imminent harm to parent).</p>	<p>Actor had lawful custody of child pursuant to court order granting legal custody or visitation rights. R.I. Gen. Law § 11-26-1.1(b)(1).</p> <p>Actor had physical custody pursuant to a court granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond his or her control. R.I. Gen. Law. §11-26-1.1(b)(2).</p> <p>Both parents consent. R.I. Gen. Laws §11-26-1.2(b)(4).</p>	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. R.I. Gen. Laws §11-26-1.1.
<p><b>South Carolina</b></p> <p>S.C. Code Ann. §16-17-495. Custodial interference.</p>	Yes. 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. 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. In or out of state: Felony (fined in the discretion of the court or imprisoned not more than five years, or both) S.C.	No applicable statute.	Statute applies if child is younger than 16. S.C. Code Ann. § 16-495(A)(1).  If a violator of

						Code Ann. § 16-495(B).		(A)(1) or (A)(2) returns the child to the legal custodian within three day of the violation the person is guilty of a misdemeanor. S.C. Code Ann. §16-495(C).  If taking is by physical force or threat of force, the person is guilty of a Felony. S.C. Code Ann. § 16-495(D).
<b>South Dakota</b> S.D. Codified Laws. §22-19-9. Taking, enticing away, or keeping of unmarried minor child by a parent— Misdemeanor— Subsequent violation of felony.  S.D. Codified Laws §22-19-10. Removal of child from state.	No. S.D. Codified Laws § 22-19-9.	Yes. S.D. Codified Laws §22-19-9. No explicit mention of joint custody orders.	Yes. S.D. Codified Laws § 22-19-9.	No applicable statute.	No applicable statute.	No. In State: Class 1 Misdemeanor. Any subsequent violation is a Class 6 Felony. S.D. Codified Law N 22-19-9.  Out of state: Class 5 Felony. S.D. Codified Laws §22-19-10.	No applicable statute.	
<b>Tennessee</b> Tenn. Code Ann. § 39-13-306. Custodial interference.	No. Tenn. Code Ann. § 3913-306 only addresses violations of court orders.	Yes. Tenn. Code Ann. § 39-13-306(a). 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 child. Tenn. Code	No. In or out of state: Class E Felony. If the defendant returns the child voluntarily: Class A Misdemeanor. Tenn.	No applicable statute.	Statute applies if child is younger than 18. Tenn. Code. Ann. §39-13-306(a).

					Ann § 39-13-306(b).  <i>See State v Williams</i> 914 S.W. 2d 940 (Tenn. Ct. App. 1995) “[T]he appellant did not “voluntarily and before arrest or the issuance of a warrant for arrest” return the child [...] The appellant still had the child in his custody when he was arrested by the Roane County deputy sheriff. Thus, the evidence is clearly sufficient to support a finding by rational tier of fact that the appellant was guilty of <b>custodial interference</b> beyond a reasonable doubt.”	Code Ann § 39-13-306(e).		
<b>Texas</b> Tex. Penal Code Ann. § 25.03. Interference with child custody.	Yes. 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. Tex. Penal Code Ann. §25.03(a)(1). No explicit mention of joint custody orders.	No explicit mention of access interference.  <i>See, however, Ramsey v. State</i> , 2003 Tex. App. LEXIS 3453, *1 (April 23, 2003)(court of appeals upheld	No applicable statute.	Yes. Tex. Penal Code Ann. § 90.22 (Necessity).  <i>See Schier v State</i> 60 S.W. 3d 340 (Tex. Ct. App. 2001) “The necessity defense [...] provides that	No. In or out of state: State jail Felony. Tex. Penal Code Ann. §25.03(d).	No applicable statute.	Statute applies if child is younger than 18. Tex. Penal Code Ann. § 25.03(a).  Tex. Penal Code Ann. C 25.03(b) applies to noncustodial parents who take a

			jury's conviction of father for interference with child custody after he prohibited the mother from exercising visitation rights).		conduct is justified if, inter alia, "the actor reasonably believes the conduct is immediately necessary to avoid imminent harm." "Imminent" means something that is impending, not pending; something that is on the point of happening, not about to happen. An "imminent harm" occurs when there is an emergency situation and it is "immediately necessary" to avoid that harm, when a split-second decision is required without time to consider the law."			child from lawful custody.
<p><b>Utah</b> Utah Code Ann. § 76-5-303. Custodial interference.</p> <p>Utah Code Ann. § 76-5-305. Defenses.</p>	No.	Yes. Utah Code Ann. § 76-5-303(1). No explicit mention of joint custody orders.	Yes. Utah Code Ann. § 76-5-303(2).	Yes. Utah Code Ann. § 76-5-305(1)(a) (imminent harm to "any person").	<p>Actor reasonably believed that custodial parent would have consented. Utah Code Ann. § 76-5-305(2).</p> <p>Actor reasonably believed act was authorized by law. Utah Code Ann.</p>	No. In state: Class A Misdemeanor. Out of state: Felony of the Third Degree. Utah Code Ann. § 76-5-303(3).	No applicable statute.	Statute applies if child is younger than 16. Utah Code Ann. § 76-5-303(1).

					§76-5-305(1)(b).			
<b>Vermont</b> 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.  <i>See State v Wootten</i> 756 A.2d 1222 (Vt. S. Ct. 2000) “Court had jurisdiction over father, charged with custodial interference, even though father had custody of children at time of flight.”	No explicit mention of access interference.	Yes. Vt. Stat. Ann. tit 13 §2451(c) (imminent harm to child). Defense is 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. Vt. Stat. Ann. tit. 13 § 2451 (a).
<b>Virginia</b> 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). Out of state: Class 6 Felony. Va. Code Ann. §18.2-49.1(A).  <i>See Dunn v. Commonwealth</i> 2003 Va. App. LEXIX 219 (April 2003) “Appellant’s argument that a custodial parent can never violate the felony portion of	No applicable statute.	

						Code §18.2-49.1, even when he or she takes the child out of the Commonwealth in violation of a court order and withholds the other parent’s right of court-mandated visitation, fails to acknowledge the custodial relationship that exists when a non-custodial parent exercises visitation with his or her child pursuant to a court order. Moreover, such a view ignores the recognized importance of visitation by a non-custodial parent and the element of the statute which elevates the crime to a felony, namely taking a child out of the Commonwealth in derogation of a court order granting temporary custody to the non-custodial parent for visitation.”		
<b>Washington</b> Wash. Rev. Code § 9A.40.060. Custodial interference in the first degree.	Yes. Wash. Rev. Code § 9A.40.060(3).  <i>See State v. Ohrt</i> 862 P.2d 140 (Wash. Ct. App. 1993) “Subsection	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,	No. In state: Misdemeanor; second and subsequent convictions of custodial interference	No applicable statute.	Statute applies if child is younger than 18. Wash. Rev. Code § 9A.40/060.  Consent of child

	<p>(2) makes it unlawful for a “parent or other person acting under the directions of the parent”, to take, entice, retain, or conceal a minor child “from the other parent”, where “no lawful custody order has been entered.” Thus, this section focuses on a parent and not just a “relative”, making the parent guilty of custodial interference in the first degree even in the absence of a custody order.”</p>				<p>provided that such failure was not the direct result or the defendant’s denial of access to such person. Wash. Rev. Code § 9A.40.080(2)(b).</p> <p>Complainant consent 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 child, failed to provide access to the child due to reasons that a reasonable e 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>in the second degree: Class C Felony. Wash. Rev. Code § 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>younger than 16 doe not constitute a defense. Wash. Rev. Code § 9A.40.0870(3).</p>
<p><b>West Virginia</b> W. Va. Code § 61-2-14d. Concealment or</p>	<p>No. W. V. Code § 61-2-14d.</p>	<p>Yes. W. Va. Code § 61-2-14(d)(a). No explicit mention of joint</p>	<p>Yes. W. Va. Code § 61-2-14d(c).</p>	<p>Yes (imminent harm to child). W. Va. Code § 61-2-14d(c).</p>	<p>No applicable statute.</p>	<p>No. In state: Felony W. Va. Code § 61-2-14d(a).</p>	<p>No applicable statute.</p>	<p>Statute applies if child is younger than 16. W. Va. Code § 61-2-14.</p>

removal of a minor child from a custodian or person entitled to visitation.		custody orders.				Out of state: Felony W. Va. Code §61-2-14d(b).		The mere failure to return a minor child at the expiration of any lawful custody of visitation period without the intent to deprive another person of lawful custody or visitation rights shall not constitute an offense under W. Va. Code § 61-2-14d
<b>Wisconsin</b> Wis. Stat. Ann. § 948.31. Interference with custody by parent or others.	Yes. Wis. Stat. Ann. §§948.31(3)(b) (applies when removal occurs after process is served but prior to issuance of custody order).	Yes. Wis. Stat. Ann. §§ 948.31(1)(b); (2); (3)(c). Violation if joint custody order.	Yes. Wis. Stat. Ann. § 948.31(3)(c).	Yes. Wis. Stat. Ann. § 948.31(4)(a)(1) (threat of physical harm or sexual assault to child).  Wis. Stat. Ann. § 948.31(4)(a)(2) (threat of physical harm or sexual assault to parent).	Other parent consented. Wis. Stat. Ann. §948.31(4)(a)(3).  Otherwise authorized by law. Wis. Stat. Ann. §948.31(4)(a)(4).	No. In or out of state: Felony. Wis. Stat. Ann. § 948.31.  <i>See, however, State v Inglin</i> 592 N.W. 2d 666 (Wis. Ct. App. 1999) “Where a statute, in addition to prohibiting conduct, includes within its definition of the offense a specific result, then the crime is not completed until that result occurs. If the prohibited result occurs in a place other than the conduct which occasioned it, the location of the result may fairly be deemed the place where the	No applicable statute.	

						<p>crime is “consummated.”</p> <p>There are two possible bases for jurisdiction over a charge of custodial interference. One approach is to consider defendant’s failure to return a child to the child’s lawful custodian a crime of omission occurring in the lawful custodian’s state or residence. An alternative ground for jurisdiction is the recognition that a state may impose criminal sanctions for out-of-state conduct that has a detrimental effect within the state. Acts done outside a jurisdiction, but intended to produce and producing detrimental effects within it, justify a state in punishing the cause of the harm as if he had been present at the effect, if the state should succeed in getting him within its power.”</p>		
<p><b>Wyoming</b> Wyo. Stat. Ann. §6-2-204.</p>	<p>Relevant statute: Wyo. Stat. Ann. §6-2-204.</p>	<p>Yes. Wyo. Stat. Ann. § 6-2-204(a). No explicit</p>	<p>No explicit mention of access interference.</p>	<p>Yes (imminent harm to child). Wyo. Stat. Ann.</p>	<p>The child was not younger than 14 years old and the</p>	<p>No. In or out of state: Felony. Wyo. Stat.</p>	<p>No applicable statute.</p>	<p>Statue applies if child is younger than 18. Wyo.</p>

Interference with custody.		mention of joint custody orders.		§ 6-2-204(c)(i).	child was taken away or was no returned: (A) at his or her own instigation; and (B) without intent to commit a criminal offense with or against the child. Wyo. Stat. Ann. § 6-2-204(c)(ii).	Ann. §6-2-204(d),(e). See Weidt v State 46 P. 3d 846 (Wyo. S. Ct. 2002) “Wyo. Stat. Ann. § 6-2-204(e) is effectively a catchall provision since it provides that any interference with custody not punishable under Wyo. Stat. Ann. § 6-2-204(d) is a felony punishable by imprisonment for not more than one year and one day.”		Stat. Ann. § 14-1-101(a).
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