

Custody Interference - How to Enforce this Law



As a disclosure, we are not attorneys. All this information is available online through a public research.

This presentation is being brought to you by Interference with Child Custody Coalition, 2023.

What is custody interference?

Family abduction occurs when, in violation of a court order, a decree, or other legitimate custodial rights, a member of the child's family, or someone acting on behalf of a family member, takes or fails to return a child. This is also referred to as parental kidnapping and custodial interference. (NCMEC, 2011).

Why is interference with child custody NOT a civil matter?

This presentation is being brought to you by Interference with Child Custody Coalition, 2023.

Is Custodial Interference Criminal or Civil?

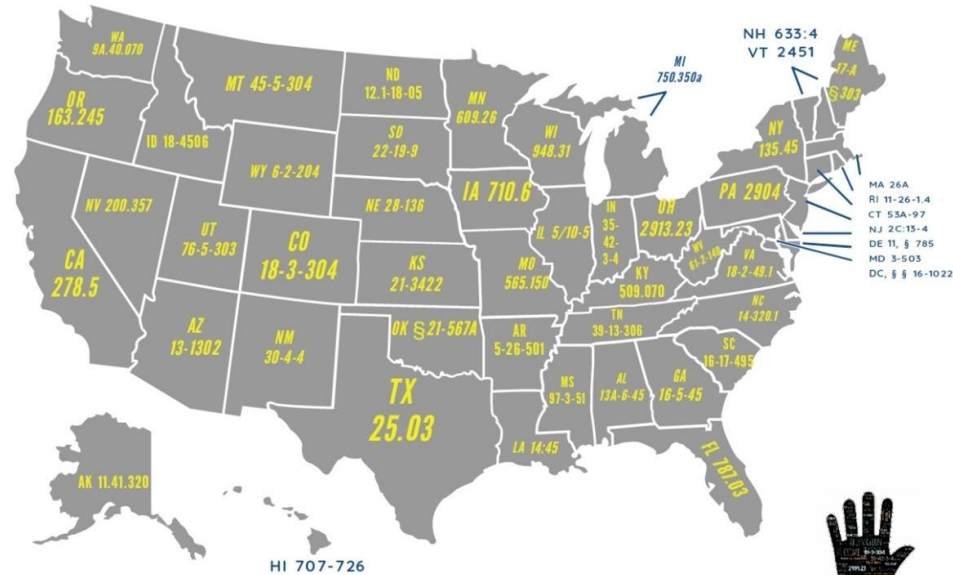
Criminal Law

- Public wrongings
- Prosecuted by the State
- Proof beyond a reasonable doubt
- Right to counsel
- Defendant has a right to silence
- Penalties are based on the seriousness of the offense. (i.e., misdemeanors and felonies)

Civil Law

- Private Matters
- Private Parties file suit
- Preponderance of evidence
- Must hire your own attorney
- Defendant may be forced to testify
- Penalties based on compensation of remedies

DO YOU KNOW YOUR STATE PENAL CODES ON CUSTODY INTERFERENCE?



NDAА PARENTAL KIDNAPPING COMPILATION (2010).

This presentation is being brought to you by Interference with Child Custody Coalition, 2023.

Step by Step Guide to Reporting a Custody Interference

- Identify what law enforcement agency has jurisdiction over your exchange point.
- Call 911 from the location and report the violation, saying: “***I would like to report a crime.***” (Do not accept a report over the phone.)
- Ensure that you do not deviate from your orders.
- Have your court orders on hand.
- Consider a courtesy stand-by if you foresee a denial.
- Cite the law, if law enforcement states it’s a civil matter.
- Prepare yourself in advance and stick to the facts when reporting the crime. Leave the court drama and emotions out of the conversation.

Step by Step Guide continued.....

- Be certain that the officer's body cam is on to record the reporting.
- Request the officer's name, badge number and supervising officer.
- It is very likely that you will leave the scene of the violation without your child, so remain calm, and be respectful when asking if you are being denied your right to report the crime.
- Even if you are denied, request a report number. Do not leave without a documentation.
- Understand that very often law enforcement deems these issues as civil and is unaware that the penal code exists.
- If needed, ask for a supervisor to elevate the reporting process. Again,

This presentation is being brought to you by Interference with Child Custody Coalition, 2023.

get names and badge numbers.

Thank you!
You can find us on Facebook, the Internet & tik tok!

<https://www.facebook.com/enforceICC/>

<https://heroesforchildrensrights.org/>

<https://www.tiktok.com/@ic3.custodycoalition>

Our information is gathered from the following resources:

- The National Center for Missing & Exploited Children - NCMEC (2011) - Law-Enforcement Policy and Procedure for Reports of Missing and Abducted Children.
- NDAA PARENTAL KIDNAPPING COMPILATION (2010) <https://ndaa.org/wp-content/uploads/Parental-Kidnapping-June-2010.pdf>
- OJJDP - Office of Juvenile Justice and Delinquency Prevention (DOJ)<https://ojjdp.ojp.gov/>



This presentation is being brought to you by Interference with Child Custody Coalition, 2023.