

**SENATE BILL REPORT**

**SB 6109**

**AS OF JANUARY 27, 1994**

**Brief Description:** Changing custodial interference.

**SPONSORS:** Senators A. Smith and Talmadge

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Susan Carlson (786-7418)

**Hearing Dates:** January 25, 1994

**BACKGROUND:**

In 1984 the Legislature enacted two degrees of the crime of custodial interference which were defined in terms of interfering with physical custody. Subsequently in 1988 the Legislature enacted the Parenting Act. This act replaced the concepts of physical custody and visitation with the requirement of a parenting plan specifying residential time with each parent. To respond to this change, custodial interference 2nd degree, a gross misdemeanor, was amended in 1989 to make specific reference to parenting plans.

It has been suggested that more serious violations of the residential provisions in a parenting plan should be a felony.

**SUMMARY:**

A parent is guilty of custodial interference in the first degree if the parent takes or conceals a child from the other parent who has a right to time with the child under a parenting plan and the parent: (1) intends to hold the child permanently or for a protracted period; (2) exposes the child to a substantial risk of illness or physical injury; or (3) causes the child to be removed from the state of usual residence. Custodial interference in the first degree is a class C felony.

The warning required on all court orders containing parenting plans that violation of the parenting plan residential provisions may be a criminal offense is amended to include a reference to the custodial interference first degree statute.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested