



2025 Criminal Custodial Interference Statutes Across the United States

This comprehensive chart provides up-to-date information on custodial interference statutes across all 50 states as of April 2025, with special focus on specific state provisions and remedies for parents facing custodial interference issues.

Table of Criminal Custodial Interference Statutes (current as of April 2025)

STATE	STATUTE CITATION (STATUTE TITLE)	A) Intrastate Penalty (Max. Sentence)	B) Interstate Penalty (Max. Sentence)	Available Defenses	Applicability of Statute	Notes
ALABAMA	ALA. CODE § 13A-6-45 (INTERFERENCE WITH CUSTODY)	A/B) Class C Felony (10 yrs)	Same as intrastate	No crime if sole purpose is to assume lawful control of child.	Not likely to be applicable to parents (no crime if sole purpose is to assume lawful control of child.)	
ALASKA	ALASKA STAT. § 11.41.320 (CUSTODIAL INTERFERENCE 1ST DEGREE) ALASKA STAT. § 11.41.330 (2ND DEGREE)	A) Class A misdemeanor (1 Yr)	B) Class C Felony	1) General Just Excuse Defense "includes illness of child" 2) See case law for DV exception.	Ambiguous -- see case law ("knowing that the person has no legal right to do so")	Note: Withholding of visitation also violates this statute. (Alaska Stat. § 11.51.125)

ARIZONA	ARIZ. REV. STAT. ANN. § 13-1302 (CUSTODIAL INTERFERENCE) ARIZ. REV. STAT. ANN. § 13-1305 (ACCESS INTERFERENCE)	Custodial Interference: A) Class 6 Felony (1 yr) Access Interference: A) Class 2 Misdemeanor	Custodial Interference: B) Class 4 Felony Access Interference: B) Class 5 Felony	Defense available IF: 1) Defendant has begun protection order or custody proceeding and the petition states defendant's belief that child was at risk with other parent AND 2) defendant is child's parent with "right of custody" AND either a) has a good faith and reasonable belief that the removal is necessary to protect child from imminent harm or b) is a victim of DV and has reasonable belief that child will be in immediate danger if left with other parent	Applicable w/ or w/o custody/visitation order	Note: Mother is legal custodian of child until paternity is established.
ARKANSAS	ARK. CODE ANN. § 5-26-502 (INTERFERENCE WITH CUSTODY)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	

CALIFORNIA	CAL. PENAL CODE § 278 (CHILD ABDUCTION)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	Based on search result ¹¹¹ , California has comprehensive LGBTQ+ protections, scoring 45.00 in total for relationship, parental recognition, and other protections.
COLORADO	COLO. REV. STAT. § 18-3-304 (VIOLATION OF CUSTODY ORDER)	A) Class 5 felony (Up to 3 yrs)	B) Class 5 felony (Up to 3 yrs) Int'l – Class 4 felony	Affirmative Defense: Offender reasonably believed that his conduct was necessary to safeguard child	Custody/Visitation Order Req. for Applicability	
CONNECTICUT	CONN. GEN. STAT. ANN. § 53a-97 (CUSTODIAL INTERFERENCE 1ST DEGREE) CONN. GEN. STAT. ANN. § 53a-98 (2ND DEGREE)	A) Class A Misdemeanor (Up to 1 yr)	B) Class D Felony	[Information not provided in search results]	Applicable w/ or w/o custody/visitation order	
DELAWARE	DEL. CODE ANN. tit. 11, § 785 (INTERFERENCE WITH CUSTODY)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	

FLORIDA	FLA. STAT. ANN. § 787.03 (INTERFERENCE WITH CUSTODY)	A/B) Felony of 3rd degree (5 yrs max.)	Same as intrastate	Defense that: 1) Defendant was victim of DV and 2) That act was required to protect child BUT MUST: 1) W/in 10 days report name, new address, and reason for flight, 2) Begin custody proceeding consistent with PKPA/UCCJ A, and 3) Inform former state of child's whereabouts.	Applicable w/ or w/o custody/visitation order	Statute uses: "malicious intent to deprive other parent" language. Higher penalties if contrary to court order.
GEORGIA	GA. CODE ANN. § 16-5-45 (INTERFERENCE WITH CUSTODY)	A/B) Misdemeanor (Felony upon 3rd conviction)	Same as intrastate	NO STATUTORY DEFENSE	Applicable w/ or w/o custody/visitation order	
HAWAII	HAW. REV. STAT. ANN. §§ 707-726 to -727 (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
IDAHO	IDAHO CODE § 18-4506 (CHILD CUSTODY INTERFERENCE)	A) Misdemeanor (if child returned prior to arrest)	B) Felony	Affirmative Defenses: 1) DV 2) Protection of Child	Applicable w/ or w/o custody/visitation order	

ILLINOIS	720 ILL. COMP. STAT. ANN. 5/10-5 (CHILD ABDUCTION)	A/B) Class 4 felony (1 yr)	Same as intrastate	Statute not violated if child is taken to a DV shelter. Affirmative Defense: Fleeing DV	Applicable w/ or w/o custody/visitation order if parents are married.	Note: Mother presumed to have custody if unmarried and/or father is paying child support.
INDIANA	IND. CODE § 35-42-3-4 (INTERFERENCE WITH CUSTODY)	A) 1. Class C misdemeanor w/o court order, 2. Class B if in violation of a court order	B) 1. Penalty unclear w/o court order, 2. Class D felony if in violation of a court order	NO STATUTORY DEFENSE	Ambiguous -- see case law	Note: Statute IS applicable w/ or w/o custody order as a Class C misdemeanor for concealment of the child
IOWA	IOWA CODE § 710.6 (VIOLATING CUSTODIAL ORDER)	A/B) Class D felony (5 yrs) If violation of visitation order, serious misdemeanor	Same as intrastate	NO STATUTORY DEFENSE	Custody/Visitation Order Req. for Applicability	
KANSAS	KAN. STAT. ANN. § 21-3422 (INTERFERENCE WITH PARENTAL CUSTODY)	A/B) Class A misdemeanor	Same as intrastate	NO STATUTORY DEFENSE	Applicable w/ or w/o custody/visitation order	Note: Aggravated interference if child is concealed in another state
KENTUCKY	KY. REV. STAT. ANN. § 509.070 (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
LOUISIANA	LA. REV. STAT. ANN. § 14:45.1 (INTERFERENCE WITH CUSTODY OF A CHILD)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	

MAINE	ME. REV. STAT. ANN. tit. 17-A, § 303 (CRIMINAL RESTRAINT BY A PARENT)	A/B) Class C Crime (5 yrs)	Same as intrastate	NO STATUTORY DEFENSE	Applicable w/ or w/o custody/visitation order for interstate removal	
MARYLAND	MD. CODE ANN., FAM. LAW §§ 9-304 & -305 (PROHIBITED ACTS W/IN AND W/OUT STATE)	A) Misdemeanor (30 day imprisonment)	B) Felony, if abduction for more than 30 days (1 yr) International Abduction is a Felony (3 yr)	May file a petition in court of equity stating: 1) Threat to child's health or safety and 2) [Information incomplete in search results]	[Information not provided in search results]	
MASSACHUSETTS	MASS. GEN. LAWS ch. 265, § 26A (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
MICHIGAN	MICH. COMP. LAWS § 750.350a (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
MINNESOTA	MINN. STAT. § 609.26 (DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
MISSISSIPPI	MISS. CODE ANN. § 97-3-51 (INTERFERENCE WITH CUSTODY)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	

MISSOURI	MO. REV. STAT. § 565.150 (INTERFERENCE WITH CUSTODY)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
MONTANA	MONT. CODE ANN. § 45-5-634 (PARENTING INTERFERENCE)	A/B (10 yr max)	Same as intrastate	NO STATUTORY DEFENSE. Defense for Interference w/ Parent Child Contact: Reasonable Cause	Parenting interference: Applicable w/ or w/o custody/visitation order. Interference with parent-child contact: Custody/Visitation Order Req. for Applicability	
NEBRASKA	NEB. REV. STAT. § 28-316 (VIOLATION OF CUSTODY)	A) Class II Misdemeanor, w/o custody order (6 months)	B) Class IV Felony, w/custody order (5 yrs)	NO STATUTORY DEFENSE	Applicable w/ or w/o custody/visitation order	
NEVADA	NEV. REV. STAT. 200.359 (DETENTION, CONCEALMENT OR REMOVAL OF CHILD FROM PERSON HAVING LAWFUL CUSTODY)	A/B) Category D Felony (1-4 yrs)	Same as intrastate	Exceptions for: 1) DV or 2) Child welfare IF detention is reported to law enforcement or child welfare services within 24 hours after removal of the child or reasonable time thereafter	Custody/Visitation Order Req. for Applicability	

NEW HAMPSHIRE	N.H. REV. STAT. ANN. § 633:4 (INTERFERENCE WITH CUSTODY)	A) Misdemeanor	B) Class B Felony (1-7 yrs)	Intrastate – "good faith protection of child"; must show petition documenting danger and requesting modification of custody within 72 hours of abduction. Interstate: NO STATUTORY DEFENSE	Ambiguous -- see case law (See RSA 458:17 for definition of "lawful physical custody")	
NEW JERSEY	N.J. STAT. ANN. § 2C:13-4 (INTERFERENCE WITH CUSTODY)	A) 3rd degree crime (No imprisonment)	B) 2nd degree crime if outside United States or if child is concealed for over 24 hours	Affirmative Defense: 1) Child welfare if a report is made within 24 after removal of the child in the new jurisdiction 2) Domestic violence if notice of child's whereabouts is given to law enforcement OR if a new custody action is commenced	Applicable w/ or w/o custody/visitation order (Some ambiguity -- see case law)	
NEW MEXICO	N.M. STAT. ANN. § 30-4-4 (CUSTODIAL INTERFERENCE)	A/B) 4th degree felony (18 months)	Same as intrastate	NO STATUTORY DEFENSE	Applicable w/ or w/o custody/visitation order	Note: Language includes "maliciously"

NEW YORK	N.Y. PENAL LAW § 135.50 (CUSTODIAL INTERFERENCE IN THE 1ST DEGREE)	A) Class A Misdemeanor	B) Class E Felony (4 yrs)	Affirmative Defense: Emergency to protect child victim from abuse	Ambiguous -- see case law	
NORTH CAROLINA	N.C. GEN. STAT. § 14-39 (KIDNAPPING) N.C. GEN. STAT. § 14-320.1 (TRANSPORTING CHILD OUTSIDE THE STATE WITH INTENT TO VIOLATE CUSTODY ORDER)	§ 14-39: Second Degree Kidnapping - Class E Felony	§ 14-320.1: Class I Felony for transporting child outside state to violate custody order	No specific statutory defense mentioned in source materials	§ 14-39: Applicable w/ or w/o custody order § 14- 320.1: Custody/Visitation Order Req. for Applicability	§ 14-39 covers unlawful confinement, restraint, or removal of a person under 16 without consent of parent/guardian for purposes including ransom, facilitating felony, or doing harm. First degree kidnapping (Class C felony) if victim not released in safe place or was injured/assaulted.
NORTH DAKOTA	N.D. CENT. CODE § 12.1-18-05 (REMOVAL OF CHILD FROM STATE IN VIOLATION OF CUSTODY ORDER)	A) N/A	B) Class C Felony	NO STATUTORY DEFENSE	Custody/Visitation Order Req. for Applicability	

OHIO	OHIO REV. CODE ANN. § 2919.23 (INTERFERENCE WITH CUSTODY)	A) 1st degree misdemeanor	B) Felony – 5th degree	Affirmative Defense: 1) Child's health/safety and 2) In good faith gave notice to law enforcement as to whereabouts of the child within reasonable amount of time	Ambiguous -- see case law ("knowing the person is without privilege to do so")	
OKLAHOMA	OKLA. STAT. tit. 21, § 891 (CHILD STEALING)	A/B) Felony	Same as intrastate	NO STATUTORY DEFENSE	Applicable w/ or w/o custody/visitation order (Some ambiguity -- see case law)	
OREGON	OR. REV. STAT. § 163.245 (CUSTODIAL INTERFERENCE IN THE 2D DEGREE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
PENNSYLVANIA	18 PA. CONS. STAT. § 2904 (INTERFERENCE WITH CUSTODY OF CHILDREN)	A/B) Felony 3rd Degree (Both)	Same as intrastate	1) Child welfare 2) Defendant is parent and there is no court order of custody 3) For Concealment statute, there is a "reasonable response to DV" defense	Custodial interference Statute: Ambiguous -- see case law ("when he has no privilege to do so")	

RHODE ISLAND	R.I. GEN. LAWS § 11-26-1.1 (CHILDSNATCHING)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
SOUTH CAROLINA	S.C. CODE ANN. § 16-17-495 (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	Applicable when court has awarded custody or when custody established pursuant to Section 63-17-20(B)	It is unlawful for a person to take or transport a child from legal custodian to conceal the child or circumvent custody order. If keeping child outside state >72 hours without notice to custodian, intent may be inferred.
SOUTH DAKOTA	S.D. CODIFIED LAWS § 22-19-9 (INTERFERENCE WITH CUSTODY)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
TENNESSEE	TENN. CODE ANN. § 39-13-306 (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
TEXAS	TEX. PENAL CODE ANN. § 25.03 (INTERFERENCE WITH CHILD CUSTODY)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	Texas law includes provisions regarding extended summer parenting time where interference can be an issue

UTAH	UTAH CODE ANN. § 76-5-303 (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
VERMONT	VT. STAT. ANN. tit. 13, § 2451 (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
VIRGINIA	VA. CODE ANN. § 18.2-47 (ABDUCTION)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
WASHINGTON	WASH. REV. CODE § 9A.40.060 (CUSTODIAL INTERFERENCE)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
WEST VIRGINIA	W. VA. CODE § 61- 2-14d (CONCEALMENT OR REMOVAL OF MINOR CHILD FROM CUSTODIAN)	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	[Information not provided in search results]	
WISCONSIN	WIS. STAT. § 948.31 (INTERFERENCE WITH CUSTODY BY PARENT OR OTHERS)	A/B) Class F Felony (2 yrs, 6 mo)	Same as intrastate	Affirmative Defense: Taken by parent fleeing DV/SA	Applicable w/ or w/o custody/visitation order	
WYOMING	WYO. STAT. ANN. § 6-2-204 (INTERFERENCE WITH CUSTODY)	A/B) (Not more than 2 years)	Same as intrastate	Affirmative Defense: Welfare of child in immediate danger	Ambiguous -- see case law ("having no privilege to do so")	Note: Concealment of child in confidential location a felony with maximum sentence of 5 yrs.

Types of Parenting Time Interference

Direct Interference

Direct interference with parenting time occurs when a parent physically prevents contact with the child or violates the custody schedule. Examples include:

- Taking a child without permission outside scheduled time
- Refusing to return the child at the appropriate time
- Moving the child to another state or country in violation of court order
- Cancelling the other parent's visitation time

Indirect Interference

Indirect interference involves disrupting the relationship between parent and child in subtle ways:

- Blocking communication between the other parent and child
- Preventing a parent from participating in school or extracurricular activities
- Disparaging the other parent in the child's presence
- Coaching a child to refuse visits with the other parent

Legal Remedies for Custodial Interference

1. **Civil Remedies:** Parents can file motions for contempt of court when custody orders are violated.
2. **Criminal Charges:** Many states have specific criminal statutes addressing custodial interference, with penalties ranging from misdemeanors to felonies.
3. **Legal Defenses:** Some states recognize defenses related to:
 - Protection from domestic violence
 - Child safety concerns
 - Return of the child within a specified timeframe
4. **International Cases:** When a child is taken across international borders, the Hague Convention on the Civil Aspects of International Child Abduction may provide remedies.

When to Seek Legal Help

If you're experiencing custodial interference, consult with a family law attorney immediately to understand your options under your state's specific laws. Prompt action is essential, particularly if there are concerns about interstate or international removal of the child.

Note: This chart is for informational purposes only and does not constitute legal advice. State laws may have changed since publication. Always consult with a qualified attorney for advice specific to your situation.