

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 524

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CHILD CUSTODY; PROVIDING LEGISLATIVE INTENT; AMENDING SEC-
2 TION 18-4506, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHILD CUSTODY
3 INTERFERENCE AND TO ESTABLISH PROVISIONS REGARDING PENALTIES AND EN-
4 FORCEMENT; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF
5 A NEW SECTION 32-717F, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
6 ADDITIONAL PERIODS OF PHYSICAL CUSTODY OR VISITATION; AND DECLARING AN
7 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
11 strengthen Idaho's child custody interference law by clarifying enforcement
12 duties, providing uniform guidance, establishing objective timelines for
13 response and compliance, and implementing a graduated penalty structure
14 that ensures proportional accountability. The Legislature affirms that
15 child custody interference is a criminal offense under Title 18, Idaho Code,
16 and is distinct from kidnapping. The Legislature further intends to ensure
17 that children subject to custodial interference receive prompt welfare
18 checks and that parents deprived of lawful parenting time receive timely
19 restoration without requiring modification of custody orders.

20 SECTION 2. That Section 18-4506, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 18-4506. CHILD CUSTODY INTERFERENCE DEFINED -- DEFENSES -- PUNISH-
23 MENT. ~~1-~~ (1) A person commits child custody interference if the person,
24 whether a parent or other, or agent of that person, intentionally and without
25 lawful authority:

26 (a) Takes, entices away, keeps or withholds any minor child from a
27 parent or another person or institution having custody, joint cus-
28 tody, visitation or other parental rights, whether such rights arise
29 from temporary or permanent custody order, or from the equal custodial
30 rights of each parent in the absence of a custody order; or

31 (b) Takes, entices away, keeps or withholds a minor child from a parent
32 after commencement of an action relating to child visitation or custody
33 but prior to the issuance of an order determining custody or visitation
34 rights.

35 ~~2-~~ (2) It shall be an affirmative defense to a violation of the provi-
36 sions of subsection ~~1-~~ (1) of this section that:

37 (a) The action is taken to protect the child from imminent physical
38 harm;

39 (b) The action is taken by a parent fleeing from imminent physical harm
40 to himself;

41 (c) The action is consented to by the lawful custodian of the child; or

1 (d) The child is returned within ~~twenty-four (24)~~ four (4) hours after
2 expiration of an authorized visitation privilege or custody period.

3 ~~3. A violation of the provisions of subsection 1. of this section shall~~
4 ~~be a felony, unless the defendant did not take the child outside the state,~~
5 ~~and the child was voluntarily returned unharmed prior to the defendant's ar-~~
6 ~~rest in which case the violation shall be reduced to a misdemeanor.~~

7 ~~4. (3) Any reasonable expenses incurred by a lawful custodian in locat-~~
8 ~~ing or attempting to locate a child taken in violation of the provisions of~~
9 ~~subsection 1. of this section may be assessed against the defendant at the~~
10 ~~court's discretion in accordance with chapter 53, title 19, Idaho Code.~~

11 (4) (a) A person guilty of child custody interference shall be punished
12 as follows:

13 (i) For a first offense, such person shall be subject to an in-
14 fraction punishable by a fine not to exceed one hundred dollars
15 (\$100).

16 (ii) For a second offense, such person shall be subject to an in-
17 fraction punishable by a fine not to exceed three hundred dollars
18 (\$300).

19 (iii) For a third offense, such person shall be guilty of a mis-
20 demeanor punishable by a fine not to exceed one thousand dollars
21 (\$1,000) and imprisonment not to exceed two (2) days.

22 (iv) For a fourth offense, such person shall be guilty of a misde-
23 meanor punishable by a fine not to exceed two thousand five hundred
24 dollars (\$2,500) and imprisonment not to exceed two (2) days.

25 (v) For a fifth offense and subsequent offenses, such person
26 shall be guilty of a felony punishable by a fine not to exceed five
27 thousand dollars (\$5,000), imprisonment not to exceed one (1)
28 year, or both such fine and imprisonment.

29 (b) For any report of child custody interference, law enforcement offi-
30 cers shall, within four (4) hours of receipt of the report:

31 (i) Verify the location of the minor child, if possible;

32 (ii) Check the safety and well-being of the child; and

33 (iii) Complete a written offense report based on the law enforce-
34 ment officer's findings. Such report shall include, at a minimum:

35 1. The date and time of the safety check;

36 2. The location of the child;

37 3. The observable physical condition of the child; and

38 4. Any statements made by the child or caregivers relevant
39 to the child's safety or well-being.

40 (5) Failure by a law enforcement agency to comply with the requirements
41 and timelines of this section shall be subject to review under applicable
42 state oversight, training, or disciplinary procedures.

43 (6) Additional periods of physical custody or visitation of the minor
44 child to compensate for the denial of physical custody or visitation to the
45 lawful custodian of the minor child in violation of this section shall be
46 governed pursuant to section 32-717F, Idaho Code.

47 SECTION 3. That Chapter 7, Title 32, Idaho Code, be, and the same is
48 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
49 ignated as Section 32-717F, Idaho Code, and to read as follows:

1 32-717F. ADDITIONAL PERIODS OF PHYSICAL CUSTODY OR VISITATION. (1)
2 Unless a party shows good cause why the order should not be rendered, the
3 court shall order additional periods of physical custody or visitation of a
4 minor child or children to compensate for the denial of court-ordered physi-
5 cal custody or visitation that resulted from:

6 (a) An investigation by the Idaho department of health and welfare, any
7 law enforcement agency, or any authorized investigative agency that did
8 not result in a substantiated finding of abuse, neglect, or other legal
9 basis to withhold contact; or

10 (b) Child custody interference pursuant to section 18-4506, Idaho
11 Code.

12 (2) A court may order additional periods of physical custody or visita-
13 tion to compensate for the denial of court-ordered physical custody or visi-
14 tation of the minor child or children in instances not covered by the provi-
15 sions of subsection (1) of this section.

16 (3) The additional periods of physical custody or visitation ordered
17 pursuant to this section:

18 (a) Must be of the same type and duration of the physical custody or vis-
19 itation that was denied;

20 (b) Must occur within two (2) years of the date the court finds that
21 court-ordered physical custody or visitation of the minor child or
22 children has been denied; and

23 (c) May include weekends, holidays, and summers.

24 (4) The person granted additional physical custody or visitation pur-
25 suant to this section shall be entitled to decide the time and dates of such
26 additional physical custody or visitation, subject to the limitations of
27 subsection (3) of this section.

28 (5) Nothing in this section shall:

29 (a) Create a cause of action against the Idaho department of health and
30 welfare, any agency, or any agency employee; or

31 (b) Waive any sovereign immunity.

32 (6) This section shall not be construed as a modification of a custody
33 order and shall not constitute a material and substantial change of circum-
34 stances to warrant a modification of a court order or a portion of a decree
35 relating to physical custody or visitation of a minor child or children.

36 (7) The clerk of the court shall accept complaints alleging denial of
37 court-ordered physical custody or visitation under this section. Accep-
38 tance of such complaints is an ministerial act and does not require a notice
39 of appearance.

40 SECTION 4. An emergency existing therefor, which emergency is hereby
41 declared to exist, this act shall be in full force and effect on and after
42 July 1, 2026.