

STATEMENT OF PURPOSE

RS33038 / H0524

This legislation strengthens Idaho's response to child custody interference by clarifying definitions, defenses, enforcement duties, and penalties. It amends current code to clearly define custodial interference, including order violations, and establishes a graduated penalty framework that begins with infractions for first offenses and escalates to misdemeanors and felonies for repeat conduct.

The bill requires law enforcement to promptly verify the child's location and safety and to complete a written offense report within four hours, ensuring that children are seen, assessed, and not left unaccounted for, while also providing accountability through existing oversight and disciplinary mechanisms.

The legislation further adds a new family-law provision requiring courts to restore parenting time that was wrongfully denied due to custodial interference or unsubstantiated investigations. Restoration must be of the same type and duration as the time lost and is expressly not treated as a custody modification. This ensures children do not permanently lose time with a fit parent due to procedural delays, enforcement failures, or investigations that do not result in findings of abuse or neglect.

FISCAL NOTE

This legislation causes no increase or decrease in revenue, or additional expenditure of funds at the state or local level of government; therefore, this legislation has no fiscal impact.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).