*To Honorable Members of the State of \_\_\_\_\_\_\_\_*

 **Parental Child Abduction Petition**

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This is a petition to be presented for consideration into law.

We, the people of \_\_\_\_\_ ask the distinguished members of this great state to make this petition, a bill to be enacted into law, which protects all minors, in the absence of a court order, regarding the custody and visitation of a child;

**Request**

We request that a parent or legal guardian, having the right of custody of the child commits a crime of parental child abduction, if the parent or legal guardian removes, detains, conceals, entices away, or withholds their child within or outside of the residing state, without good cause, and with the intent to deprive the access and custody right of the other parent or legal guardian, or a public agency also having a similar custodial right.

We are requesting to charge a person who commits the act of parental child abduction with a class D Felony.

We are also requesting to charge any person who aids in the concealment, enticement, or withholding, or depriving the access and right of custody to the child with a class A misdemeanor.

We are also asking that a person who assists a parent who is fleeing an abusive or otherwise dangerous situation be exempted from charges.

**Requirements**

The legal right of custody, paternity, maternity, and guardianship, must be established. We ask that a valid birth certificate which bears the name of the child, father and mother, filed with the appropriate state agency, or a notarized guardianship bearing the authorization establishing the full guardianship of the child, establish sufficient evidence of the right of custody to the child.

**Eligibility**

A parent, having the right of custody to the minor child, who is seeking to change the residence and school of the child, this person must;

 (1) Be seeking legal separation and divorce from the marriage with the other parent.

 (2) Be seeking separation of the cohabitation whereas both parents of the child are not married.

 (3) Is a victim of physical, emotional, psychological abuse or other criminal activity where the abused

 intends to file a report of such acts with local, or state police officials, judicial officials, and medical

 personnel.

**Accessory**

We are also asking to punish any person who commits the act of assisting in parental child abduction, if this person;

1. Before or during the commission of a parental child abduction, with the intent to create, promote, or facilitate such act by intentionally assisting another in the planning or commission of child abduction, unless before the commission of the act, the person and other person have properly met the eligibility requirements that would exempt them from being charged with violation of parental child abduction; or
2. With the intentional act to prevent the apprehension of a person who has committed the act of child abduction or parental child abduction, or with the intent to obstruct, prevent, or hinder by any manner, all efforts to locate the child victim of an abduction, or knowingly creates falsified information, destroys, alters, conceals, or disguises such physical evidence.

**Exemption**

A parent, guardian, or assessor who aids a parent or guardian as described in the Eligibility section, who is fleeing an abusive, neglectful, or dangerous situation, and commits the act of parental child abduction is exempted from, and is not required to return the child to the other parent, or guardian, and can conceal the whereabouts of the child to the other parent and guardian if any one of the following conditions apply;

1. Criminal activity as described by the Penal Code.
2. Neglect, physical, and emotional abuse.
3. Child endangerment.
4. Prior Child Protective Services investigations, where there is sufficient evidence warranting further CPS investigation.

We ask that any person who makes this exemption claim, file with law enforcement agencies, medical, and legal officials, all offenses and violations that affected them or which was witnessed, no more than 72 hours after the date the child was removed from the residence. We also ask that a police report, medical report, Retraining Order, or Protective Order provide sufficient evidence to exempt a parent or guardian from violating the parental child abduction rule.

We ask that the person that meets the requirements under this section, send notice that does not require divulging their location or phone number, stating their intent to file for custody of the child within 72 hours of the change of the child’s residence. This party must file a petition for custody no more than the thirtieth day after this notice was sent.

**Enforcement**

We ask that it to be mandatory for all law enforcement agencies to assist in the return of the child to the other parent having the right to custody of the child, or public agency that has the same right to custody of the child. We ask that the District Attorney for the residential county of the filing person maintain jurisdiction in charging an offense.

**Falsified Claims and Punitive Assessment**

If a parent as described in the eligibility section, files a false statement, creates a false document, or files a false allegation with law enforcement officials, medical officials, school officials, CPS or judicial officials with the intent to obtain possession of the child;

We ask that punitive damages be assessed against the person making the claim of $500.00 per violation in which is payable to the court.

We also ask that class B felony charges be assessed against the person making the false statement. The child must be returned to the other parent and back to the original residence and school.

**Closing**

We the people of the State of \_\_\_\_\_\_\_ request this petition to be presented into law. We the citizens of this great State also request an amendment to the current Amber Alert system to include all minors, who are missing and in danger.

Signed,

We the People of the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_