



### **Interference with Child Custody information, questionnaire and affidavit**

The attached Interference with Child Custody packet is being given to you because you may have been the victim of an Interference with Child Custody offense.

**Penal Code section 25.03** – Interference with Child Custody provides: A person commits an offense if the person takes or retains a child younger than 18 years when the person: (1) knows that the person’s taking or retention violates the express terms of a judgment or order of a court disposing of the child’s custody; or (2) has not been awarded custody of a child by a court of competent jurisdiction, knows a suit for divorce or a civil suit or application for habeas corpus to dispose of the child’s custody has been filed, and takes the child out of the geographic area of the counties composing the judicial district if the court is a district court or the county if the court is a statutory county court, without the permission of the court and with the intent to deprive the court of authority over the child.

The statute does not provide guidance as to what degree of interference justifies prosecution and appears to allow prosecution for any interference. It is not in the best interest of justice to prosecute every interference incident reported. In order that this statute be applied in a manner that considers the entire incident, several questions have been provided below to assist the investigator in making a determination for filing a case. The questions are not exclusive and a “yes” answer to any of the questions would not mean that a case should automatically be filed.

The decision to file a criminal case should be made based on the totality of the circumstances and on a case by case basis.

For an investigator to file a criminal case for Interference with Child Custody the **COMPLAINANT WILL NEED TO OBTAIN – AND PROVIDE TO THE CRIMINAL INVESTIGATOR -- A “CERTIFIED TRUE COPY” OF THE COURT ORDER.** Because incidents involving family issues have the potential of escalation to serious violence, it is extremely important that a thorough investigation take place at the inception. The answers to the below listed questions should guide the investigator whether to file a case directly, let the civil courts handle the incident, file a Grand Jury referral or file only an incident report.

Information obtained from you will be used only for law enforcement purposes and will be regarded as confidential, but if the information is needed for action to be taken by law enforcement or judicial personnel, it will be used for those purposes, as well.

Detach this page from the Interference with Child Custody packet and retain it for your records. Mail the completed information page, questionnaire, affidavit and a certified true copy of the Court order to:

**Grand Prairie Police Department  
Attn: Child Crime Unit  
1525 Arkansas Lane  
Grand Prairie, Texas 75052**

If you have any questions concerning Interference with Child Custody please contact the supervisor of the Child Crime Unit at (972) 237-8750.



**Interference with Child Custody complainant information**  
**I hereby declare under penalty of perjury the following facts:**

My full name is \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)

(If different from above) When the events described in this affidavit took place, I was

known as \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)

My date of birth is \_\_\_\_\_.  
(day/month/year)

My social security number is \_\_\_\_\_.

My driver's license/State identification number is \_\_\_\_\_.

My current address is \_\_\_\_\_ in

City \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_.

I have lived at this address since \_\_\_\_\_.  
(month/year)

(If different from above) When the events described in this affidavit took place, my

address was \_\_\_\_\_ in City \_\_\_\_\_,

State \_\_\_\_\_, Zip Code \_\_\_\_\_.

My daytime telephone number is (\_\_\_\_\_) \_\_\_\_\_.

My email address is \_\_\_\_\_.

My alternate phone number is (\_\_\_\_\_) \_\_\_\_\_.

**The Other Parent's Information is:**

Full name: \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)

Date of birth: \_\_\_\_\_.  
(day/month/year)

Current address is \_\_\_\_\_ in

City \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_.



**Interference with Child Custody questionnaire**

**I hereby declare under penalty of perjury the following information about this case:**

**THE ORDER OR JUDGMENT**

- A. Is there a valid order in place?
  
- B. Is the order an out of state or in state order?
  
- C. How old is the order? Is the order presented to police the most recent order?
  
- D. How was the defendant notified of the order or judgment? (circle one)
  - 1. Appeared in court
  - 2. Default
  - 3. Represented by attorney only
  
- E. Has the defendant been abiding by the judgment or order?
  
- F. What are the express terms in the judgment regarding custody?
  
- G. Have the parties been following the express terms in the judgment of has there been a voluntary deviation from the express terms?
  
- H. Does the order or judgment contain the language “unless the parties agree?” (“yes” or “no” answer)
  
- I. Are there conflicting orders in place?
  
- J. Are there any pending motions on file?

**HISTORY**

Has there been a history of interference? YES or NO (circle one)



1. Were the incidents reported to the police?
2. Did patrol make a report?
3. How was the issue resolved?
4. How many times has an incident occurred?

### **THE "INTERFERENCE"**

What was the magnitude of the interference?

1. Was the child returned at all?
2. How was the child returned?
3. Was the child minutes, hours or days late?
4. Did the defendant communicate the reason for failing to return the child? If so, when?
5. What appears to be the motivation of the interference? (circle all that apply)
  - a. anger
  - b. spite
  - c. circumstances beyond defendant's control
  - d. poor judgment
6. How did the child get into the defendant's custody? Was it by the terms of the judgment or by deceptive means?
7. Was a third party involved?
8. Are both parties deviating from the orders?



9. Has there ever been basic compliance with the order or judgment?
10. Did the child want to go with the defendant? Did the child ask to go with the defendant or not to be returned to the complainant?
11. What do the complainant and defendant say is the reason for the interference?
12. How frequently does defendant deviate from the terms?
13. Is there evidence the defendant has moved with the child to a location outside of Dallas/Tarrant County?
14. Is there evidence indicating that the defendant is preparing or planning to move with the child?



