

RCW 9A.40.070 Custodial interference in the second degree. (1)

A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person. This subsection shall not apply to a parent's noncompliance with a court order making residential provisions for the child.

(2) A parent of a child is guilty of custodial interference in the second degree if: (a) The parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court order making residential provisions for the child; or (b) the parent has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under RCW 26.09.160(3); or (c) if the court finds that the parent has engaged in a pattern of willful violations of a court order making residential provisions for the child.

(3) Nothing in subsection (2)(b) of this section prohibits conviction of custodial interference in the second degree under subsection (2)(a) or (c) of this section in absence of findings of contempt.

(4)(a) The first conviction of custodial interference in the second degree is a gross misdemeanor.

(b) The second or subsequent conviction of custodial interference in the second degree is a class C felony. [2015 c 38 § 3; 2003 c 53 § 66; 1989 c 318 § 2; 1984 c 95 § 2.]

Intent—2015 c 38: See note following RCW 9A.40.060.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Severability—1989 c 318: See note following RCW 26.09.160.

Severability—1984 c 95: See note following RCW 9A.40.060.