

8.11 Definition Of Child Abduction

A person commits the offense of child abduction when:

[1] he intentionally violates any terms of a court order granting sole or joint custody, care, or possession of a child to another, by concealing or detaining the child or removing the child from the jurisdiction of the court.

[or]

[2] he intentionally violates a court order prohibiting him from concealing or detaining a child or removing a child from the jurisdiction of the court.

[or]

[3] he intentionally conceals, detains, or removes the child without the consent of the child's mother or lawful custodian if the person is a putative father and [(paternity of the child has not been legally established) (paternity of the child has been legally established but no custody order has been entered)].

[or]

[3a] she is a mother who has [(abandoned a child) (relinquished custody of a child)] and intentionally [(conceals) (removes)] the child from an unadjudicated father who has provided sole ongoing care and custody of the child in the mother's absence.

[or]

[4] he intentionally [(conceals) (removes)] a child from a parent, after [(filing a petition) (being served with process)] in an action affecting [(marriage) (paternity)], but before issuance of a [(temporary) (final)] order determining custody.

[or]

[5] he intentionally [(fails to return) (refuses to return) (impedes the return of)] the child to the child's lawful custodian in Illinois at the expiration of visitation rights outside the State.

[or]

[6] he, being a parent of a child and [(being) (having been)] married to the child's other parent, knowingly conceals the child for 15 days when there has been no court order of custody, and fails to make reasonable attempts within the 15 day period to notify the other parent as to the specific whereabouts of the child, including a means by which to [(contact such child) (arrange reasonable visitation) (arrange reasonable contact)] with the child.

[or]

[7] he, being a parent of the child, [(being) (having been)] married to the child's other

parent and there has been no court order for custody, knowingly [(conceals) (detains) (removes)] the child with [(physical force) (threat of physical force)].

[or]

[8] he knowingly [(conceals) (detains) (removes)] a child for [(payment) (promise of payment)] at the instruction of a person who has no legal right to custody of the child.

[or]

[9] he knowingly retains in this State for 30 days a child removed from another state [(without the consent of the lawful custodian) (in violation of a court order of custody)].

[or]

[10] he intentionally [(lures) (attempts to lure)] a child [(under the age of 17) (while traveling to or from a primary or secondary school)] into a [(motor vehicle) (building) (house trailer) (dwelling place)] without the consent of the child's [(parent) (lawful custodian)] for other than a lawful purpose.

[or]

[11] he knowingly [(destroys) (alters) (conceals) (disguises)] physical evidence (furnishes false information)] with the intent to [(obstruct) (prevent)] efforts to locate the abducted child.

Committee Note

720 ILCS 5/10-5 (West 2020).

Give Instruction 8.16.

When applicable, give Instruction 8.12, defining “putative father,” Instruction 8.13, defining the word “child,” and Instruction 8.14, defining the word “detains”.

When the defendant is charged with child abduction under Section 10-5(b)(10), give IPI 8.11A.

Several subsections of Section 10-5 refer to the existence of a valid court order. The Committee believes that the court, and not the jury, should determine whether a court order is valid, so that the word “valid” has been omitted from instructions on this offense.

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of the court and counsel and should not be included in the instruction submitted to the jury.