

# St. Joseph, Missouri Police Department



DIRECTIVE TYPE: SPECIAL ORDER		INDEX NUMBER: SO0701
SUBJECT: CHILD CUSTODY VIOLATIONS		
ISSUE DATE: December 14, 2007	REVISED: 05/11/10,	AMENDS/RESCINDS: N/A
Revisions continued:		DISTRIBUTION: B (Commissioned)

## I. POLICY:

The St. Joseph Police Department investigates custody-related crimes, as they may be consistent with the health, safety, and welfare of the involved children.

## II. DEFINITION:

**Child Custody Violation** - A report classification used to report statutory offenses of: Interference with Custody; Parental Kidnapping; Child Abduction; and Assisting in Child Abduction or Parental Kidnapping.

## III. PROCEDURE:

1. Investigation of Custody-Related Crimes
  - 1.1 Members shall fully investigate and document custody-related crimes, including:
    - a) Interference with Custody, RSMO 565.150;
    - b) Parental Kidnapping, RSMO 565.153;
    - c) Child Abduction, RSMO 565.156;
    - d) Assisting in Child Abduction or Parental Kidnapping, RSMO 565.165.
  - 1.2 Members shall fully investigate the applicability of available defenses to parental kidnapping and child abduction, RSMO 565.160.
  - 1.3 If extensive follow-up investigation is required, members may forward the case to the Family Crimes Unit.
  - 1.4 Generally, members should not make arrests for custody violations without an arrest warrant or where otherwise reasonably necessary.

2. Disputes Involving Orders of Protection or Child Orders of Protection
  - 2.1 Members shall enforce ex-parte and full orders of protection and child orders of protection, including the custody orders contained therein.
  
3. Disputes Where No Divorce Judgment, Custody Order Exists or no Paternity has been established
  - 3.1 Where the parents have never been married or where the parents are currently married:
    - a) Members shall not become involved in transferring custody of any children;
    - b) Members should suggest the involved parties seek legal counsel; and
    - c) Members will not transfer custody of children. If it appears that the children would be placed in danger of suffering harm or there is a legitimate fear the children may be removed from the jurisdiction, members may take the children into protective custody and notify juvenile authorities
  
4. Disputes Involving Divorce Judgment or Custody Order
  - 4.1 An officer who is presented with a custody order or divorce judgment containing child custody provisions, that was issued by the court of any state of the United States, shall examine the order or judgment and determine whether one parent is in possible violation of the order.
  - 4.2 If an officer determines that a valid court order exists and that there is a possible violation of the order, the officer should prepare an offense report and initiate a criminal investigation.
  - 4.3 Members will not transfer custody of children. If it appears that the children would be placed in danger of suffering harm or there is a legitimate fear the children may be removed from the jurisdiction, members may take the children into protective custody and notify juvenile authorities.
  
5. Protective Custody
  - 5.1 Members may take protective custody of a juvenile in accordance with law and existing policy.

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Chris Connally, Chief of Police

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Date