

Parental Kidnapping Attorney in Utah

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At the [Law Offices of Eric Swinyard](#), we understand how awful a parental kidnapping can make the other parent feel, how desperate you are to get your child back safe, and how **urgent** the case is. ***Eric Swinyard is an experienced, compassionate parental kidnapping attorney in Utah with a knowledgeable and resourceful legal team.*** [Contact](#) our law offices in Provo or Salt Lake City, Utah today at (801) 833-0948, so we can begin helping you get your children back.

Understanding Child Custody and Parental Kidnapping Laws

Child custody matters are emotional, trying times for parents, but nothing is more emotional than when one parent kidnaps or abducts a child. Parental kidnapping or parental abduction of a child occurs more than you may think and parental child abduction laws in Utah are more complex than you may think, too. [Eric Swinyard](#) is a resourceful, compassionate, and persistent family law and divorce attorney in SLC and Provo, Utah. ***He understands the complexity and nuances of the parental child abduction laws and will help you through this process until your child is home safe with you*** — this means explaining how to file parental kidnapping charges, among other things. ***Contact the Law Offices of Eric Swinyard*** for a ***free initial consultation*** today.

What is Parental Kidnapping & Its Legal Definition in Utah?

Parental kidnapping, also known as parental child abduction, according to [Utah Department of Public Safety](#) and in spite of child custody rights or a custody agreement, ***involves one parent, a family member, or an agent of the former:***

- ***taking,***

- ***retaining, and/or***
- ***concealing the child.***

This is *custodial interference*, which is a *class A misdemeanor* in Utah unless the child is *taken across Utah state lines, in which case it is a felony in the third degree*. Custodial interference is an offense defined by Utah Code Ann. § 76-5-303.

Taking of Your Own Child in Utah: When is it Considered Kidnapping by a Parent?

According to Utah's code on custodial interference, kidnapping by a parent occurs when a person, a parent or other person, "takes, entices, conceals, or detains a child" without good cause from his or her "parent, guardian, or other lawful custody. The child ***must be under the age of 16***, and the alleged kidnapper must:

- Know he or she has no right to take the child; and
- Intend "to hold the child for a period substantially longer than [sic] the visitation or custody period previously awarded by a court of competent jurisdiction."

In other words, ***a parent can be found guilty of kidnapping (or custodial interference) when he or she knowingly takes a child under the age of 16 for a longer period of time than what a custody agreement permits.***

What are the Consequences of Parental Kidnapping?

For the innocent parent praying for the safe return of his or her child, the consequences are dire and real with the fear you will never see your child again.

For the guilty parent who kidnapped the child, the consequences are just as real and manifold.

Parental kidnapping is typically a misdemeanor, but it can be charged as a felony. As a Class A misdemeanor, a conviction of the same can lead to 365 days in jail, a fine of up to \$4,750, plus surcharges.

But ***taking child out of state without custody agreement is a felony in the third degree***, which — if convicted — carries a prison sentence of up to 5 years, fines of up to \$5,000, and an additional 90% surcharge.

In addition to a criminal sentence, a parental kidnapping conviction can mean the ***complete loss of child custody or child visitation rights***. The court may also order the parent to ***pay restitution*** for any personal injury damages.

Can a Parent Keep a Child from the Other Parent Legally in Utah?

Generally, the answer would be no so long as there is a custody order or agreement in place . If there is no custody order, then if your child is under your control and custody, then you can keep the child from the other parent. If there is a custody order, then you **must show good cause** for keeping the child from the other parent when he or she is legally allowed custody of the child, but you may **still** suffer consequences of **violating the terms** of the custody order or agreement.

When Should You Seek the Help of an Experienced Child Custody Attorney in Utah?

You should see assistance from an experienced child custody attorney **long before** the non custodial parent refuses to return child or long before custody issues arise and you experience parental kidnapping without custody order.

By retaining an experienced lawyer, you can first ensure that you have a proper custody order or agreement in place so that if the other parent, for instances, tries taking child out of state without custody agreement, you have something **solid to fall back on** when you go to law enforcement authorities.

Child custody laws for unmarried parents exist for a reason: your child's protection. These laws are designed with your child's best interests in mind — or at least are supposed to be. Our experienced Utah attorneys can outline and explain these laws for you so that you know the answers to common questions like: Can a parent take a child out of state?

Apart from Utah's child **custody laws**, there are **federal laws** that matter just as much:

- the Uniform Child Custody Jurisdiction Act;
- Parental Kidnapping Prevention Act; and
- International Parental Kidnapping Crime Act, the latter of which outlines custody and international parental child abduction laws.

Contact a Client-Focused Parental Kidnapping Attorney in Utah

Parental child abduction is serious. **Children are not always safe simply because they are with a parent or family member**. Without good cause, a child's kidnapping by a parent is alarming and potentially dangerous.

You deserve to have an experienced and compassionate attorney by your side during this difficult time. Attorney Eric M. Swinyard provides affordable, high-quality legal services. We conveniently have offices in Provo and Salt Lake City, Utah.

Protect your children and your rights, call Eric today for a free 30-minute case evaluation at (801) 833-0948