

9.22.010 – Unlawful Visitation Interference

- A. As used in this section, the terms “child,” “detain,” and “lawful custodian” shall have the meanings ascribed to them in 720 ILCS 5/10-5.5
- B. Every person who, in violation of the visitation provisions of a court order relating to child custody, detains or conceals a child with the intent to deprive another person of his or her rights to visitation shall be guilty of unlawful visitation interference.
- C. A person committing unlawful visitation interference is guilty of a petty offense.
- D. Any law enforcement officer who has probable cause to believe that a person has committed or is committing an act in violation of this ordinance shall issue to that person a notice to appear.
- E. The notice shall:
 - 1. Be in writing;
 - 2. State the name of the person and his address, if known;
 - 3. Set forth the nature of the offense;
 - 4. Be signed by the officer issuing the notice; and
 - 5. Request the person to appear before a court at a certain time and place.
- F. Upon failure of the person to appear, a summons or warrant of arrest may be issued.
- G. It is an affirmative defense that:
 - 1. A person or lawful custodian committed the act to protect the child from imminent physical harm, provided that the defendant’s belief that there was physical harm imminent was reasonable and that the defendant’s conduct in withholding visitation rights was a reasonable response to the harm believed imminent;
 - 2. The act was committed with the mutual consent of all parties having a right to custody and visitation of the child; or
 - 3. The act was otherwise authorized by law.
- H. A person convicted of unlawful visitation interference shall not be subject to a civil contempt citation for the same conduct for violating visitation provisions of a court order issued under the Illinois Marriage and Dissolution of Marriage Act.

(2005-M-4 : § 1)