

8.24
Affirmative Defenses To The Charge Of Unlawful Visitation Or
Parenting Time Interference

It is an affirmative defense to the charge of unlawful visitation or parenting time interference that the defendant committed

[1] the act to protect _____ 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) (parenting time) (custody time)] was a reasonable response to the harm believed to be imminent.

[or]

[2] the act was committed with the mutual consent of all parties having a right to custody and [(visitation of) (parenting time with)] _____.

[or]

[3] the act that was otherwise authorized by law.

Committee Note

720 ILCS 5/10-5.5(g) (West 2020).

Give Instructions 8.22 and 8.23.

Give this instruction and Instruction 8.24A when any of the affirmative defenses in 720 ILCS 5/10-5.5(g) are raised by the evidence.

Insert in the blanks the name of the child or the person with a severe or profound intellectual disability.

Use applicable bracketed material.

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