

## 8.17

### Affirmative Defenses To Child Abduction

It is a defense to the charge of child abduction that

[1] at the time of the alleged violation, the defendant had custody of \_\_\_\_\_ pursuant to a court order granting legal custody or visitation rights.

[or]

[2] prior to the time of the alleged violation, the defendant had physical custody of \_\_\_\_\_ pursuant to a court order granting legal custody or visitation rights; that the defendant failed to return \_\_\_\_\_ as a result of circumstances beyond his control; and that the defendant [(notified and disclosed to the other parent or legal custodian the specific whereabouts of \_\_\_\_\_ and a means by which \_\_\_\_\_ could be contacted) (within 24 hours after the visitation period had expired, made a reasonable attempt to notify the other parent or lawful custodian of such circumstances and returned \_\_\_\_\_ as soon as possible)].

[or]

[3] the defendant was fleeing an incidence or pattern of domestic violence.

[or]

[4] the defendant [(lured) (attempted to lure)], \_\_\_\_\_ who was under the age of 17, into a [(motor vehicle) (building) (housetrailer) (dwelling place)] for a lawful purpose.

### Committee Note

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

Give Instruction 8.16.

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

When this instruction is given, add a proposition to Instruction 8.16.

*See also* 720 ILCS 5/3-2, and the Introduction to IPI Criminal Chapters 24-25.00.

Use applicable paragraphs and bracketed material.

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