

# CALIFORNIA PENAL CODE

## **§278.7. Inapplicability**

- (a) Section 278.5 does not apply to a person with a right to custody of a child who, with a good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or emotional harm, takes, entices away, keeps, withholds, or conceals that child.
- (b) Section 278.5 does not apply to a person with a right to custody of a child who has been a victim of domestic violence who, with a good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or emotional harm, takes, entices away, keeps, withholds, or conceals that child. “Emotional harm” includes having a parent who has committed domestic violence against the parent who is taking, enticing away, keeping, withholding, or concealing the child.
- (c) The person who takes, entices away, keeps, withholds, or conceals a child **shall do all of the following:**
- (1) Within a reasonable time from the taking, enticing away, keeping, withholding, or concealing, make a report to the office of the district attorney of the county where the child resided before the action. The report shall include the name of the person, the current address and telephone number of the child and the person, and the reasons the child was taken, enticed away, kept, withheld, or concealed.
  - (2) Within a reasonable time from the taking, enticing away, keeping, withholding, or concealing, commence a custody proceeding in a court of competent jurisdiction consistent with the federal Parental Kidnapping Prevention Act (Section 1738A, Title 28, United States Code) or the Uniform Child Custody Jurisdiction Act (Part 3 (commencing with Section 3400) of Division 8 of the Family Code).
  - (3) Inform the district attorney’s office of any change of address or telephone number of the person and the child.
  - (d) For the purposes of this article, a reasonable time within which to make a report to the district attorney’s office is at least 10 days and a reasonable time to commence a custody proceeding is at least 30 days. This section shall not preclude a person from making a report to the district attorney’s office or commencing a custody proceeding earlier than those specified times.
  - (e) The address and telephone number of the person and the child provided pursuant to this section shall remain confidential unless released pursuant to state law or by a court order that contains appropriate safeguards to ensure the safety of the person and the child.

*(Added by Stats. 1996, Ch. 988, Sec. 9. Effective January 1, 1997.)*



Official Use Only

Has Orders # \_\_\_\_\_

No Orders \_\_\_\_\_

Expires \_\_\_\_\_

Investigator \_\_\_\_\_

## Shasta County District Attorney's Office Investigation Division

**\*\*CONFIDENTIAL GOOD CAUSE REPORT \*\***

California Penal code 278.7

PC §278.5 (a) does not apply to a person with a right to custody of a child who, with a good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or emotional harm, takes, entices away, keeps, withholds, or conceals that child.

PC §278.5(b) does not apply to a person with a right to custody of a child who has been a victim of domestic violence who, with a good faith and reasonable belief that the child, if left with the other person, will suffer immediate bodily injury or emotional harm, takes, entices away, keeps, withholds, or conceals that child. "Emotional harm" includes having a parent who has committed domestic violence against the parent who is taking, enticing away, keeping, withholding, or concealing the child.

In order to fulfill the "Good Cause" defense to a prosecution under PC§278.5, the person with a right to custody who takes, entices away, keeps, withholds, or conceals that child shall do the following:

- (1) Make a report of the taking, within a reasonable time, to the District Attorney's Office of the county where the child resided before the action.
- (2) Commence a custody proceeding in a court of competent jurisdiction within a reasonable time from the taking.
- (3) Inform the District Attorney's office of any change of address or telephone number of the person and the child.
- (4) For the purpose of this article, a reasonable time within which to make a report to the District Attorney's office is at least 10 days and a reasonable time to commence a custody proceeding is at least 30 days. This section shall not preclude a person from making a report to the District Attorney's office or commencing a custody proceeding earlier than those specified times.
- (5) Failure to comply with these requirements will cause your Confidential "Good Cause" Report to be classified as invalid. Should a complaint be filed against you for Child Abduction, you could be charged with a felony. If convicted, you could receive up to 3 years in prison and a fine of \$10,000.00.

**THE "GOOD CAUSE" REPORT DOES NOT CHANGE OR ESTABLISH CUSTODY**

I \_\_\_\_\_ Date \_\_\_\_\_ acknowledge reading page 1 outlining the requirements of PC§278.7. I acknowledge that I could be charged with a violation of PC§148.5 if I make a false report that a crime has been committed.

I \_\_\_\_\_ Date \_\_\_\_\_ DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.



**Name(s) of Child/Children:**

(1) \_\_\_\_\_

**DOB:** \_\_\_\_\_ **Sex:** \_\_\_\_\_ **Race:** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **SS#** \_\_\_\_\_

**Last School Attended:** \_\_\_\_\_

(2) \_\_\_\_\_

**DOB:** \_\_\_\_\_ **Sex:** \_\_\_\_\_ **Race:** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **SS#** \_\_\_\_\_

**Last School Attended:** \_\_\_\_\_

(3) \_\_\_\_\_

**DOB:** \_\_\_\_\_ **Sex:** \_\_\_\_\_ **Race:** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **SS#** \_\_\_\_\_

**Last School Attended:** \_\_\_\_\_

(4) \_\_\_\_\_

**DOB:** \_\_\_\_\_ **Sex:** \_\_\_\_\_ **Race:** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **SS#** \_\_\_\_\_

**Last School Attended:** \_\_\_\_\_

(5) \_\_\_\_\_

**DOB:** \_\_\_\_\_ **Sex:** \_\_\_\_\_ **Race:** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **SS#** \_\_\_\_\_

**Last School Attended:** \_\_\_\_\_

(6) \_\_\_\_\_

**DOB:** \_\_\_\_\_ **Sex:** \_\_\_\_\_ **Race:** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **SS#** \_\_\_\_\_

**Last School Attended:** \_\_\_\_\_

(7) \_\_\_\_\_

**DOB:** \_\_\_\_\_ **Sex:** \_\_\_\_\_ **Race:** \_\_\_\_\_ **Hair** \_\_\_\_\_ **Eyes** \_\_\_\_\_ **SS#** \_\_\_\_\_

**Last School Attended:** \_\_\_\_\_



