

# Germantown Police Department

## Policies and Procedures

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**Number:** 10--2  
**Effective Date:** January 1, 2003  
**Subject:** Custodial Interference Reports  
**Previous Revisions:**

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### **I. PURPOSE**

The purpose of this policy is to establish responsibilities and guidelines for the investigation of custodial interference.

### **II. POLICY**

It is the policy of the Germantown Police Department that officers responding to calls of custodial interference should be prudent in determining the all of the necessary facts surrounding the alleged interference, and the officer should make a complete and accurate report of the alleged interference.

### **III. PROCEDURE**

- A. Custodial Interference (Tenn. Code Ann. 39-13-306) is the offense when a child younger than eighteen (18) years of age is taken by another member of the child's immediate family in defiance of a court custody ruling. This may include natural or adoptive parent, stepparent, grandparent, brother, sister, aunt, uncle, niece, or nephew (cousin is not included).
- B. When an officer receives a call of this type, the reporting officer should attempt to determine who has been awarded custody of the child by viewing the custody papers, if possible. A Custodial Interference Report should then be taken which should include:
  - 1. Relationship of the complainant to the child.
  - 2. Relationship of the person believed to be responsible for taking the child.
  - 3. Person who has been awarded custody of the child.
  - 4. When the child was taken and any details which may aid in the investigation.

5. Is the child believed to be in any danger with present caretaker.
  6. Has this happened in the past, and if so under what conditions was the child returned.
- C. After a report has been taken, the complainant should contact the Investigative Division and have the custody papers available. The Investigative Division will obtain a warrant, when necessary. A physical arrest should not be made on the scene, except in cases where the subject may leave the jurisdiction or if the child is in danger, at which time the child may be placed in protective custody.

#### **IV. REVIEW PROCESS**

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.