

The County of Yuba

OFFICE OF THE DISTRICT ATTORNEY



CLINTON J. CURRY
DISTRICT ATTORNEY
BRANDT LOWE
CHIEF INVESTIGATOR

(530) 749-7770
FAX (530) 749-7363

TO ANY LAW ENFORCEMENT OFFICER - THIS IS NOT A COURT ORDER

NOTICE IS HEREBY GIVEN THAT:

On (date) [REDACTED], (Print name) [REDACTED], pursuant to section 278.7 of the California Penal Code, filed a confidential " Good Cause" report with the Yuba County District Attorney's Office Child Abduction Unit., that they intend to conceal, keep or withhold a child from a person with legal right to custody.

The individual named above acknowledges that: (Review and initial each)

- The confidential "Good Cause" report is NOT a court order, and does not change custody or establish custody. Initial [REDACTED]
- All information contained in the "Good Cause" report will remain confidential and on file with the District Attorney's Child Abduction Unit at 215 5th St., Suite 152, Marysville, CA. 95901. This form SHALL NOT be distributed nor used in any future custody proceedings. Initial [REDACTED]
- I understand that ANY intentionally false statements provided on this form will constitute a violation of California Penal Code 148.5; Making a false report of a crime or California Penal Code 148.9, making a false report to a Peace Officer. Initial [REDACTED]
- Failure to comply with 278.7 PC will cause your confidential "Good Cause" report, to be classified as invalid. Should a criminal 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. Initial [REDACTED]

If you require additional information pertaining to the confidential "Good Cause" report, you may contact the Yuba County District Attorney's Office Child Abduction Unit (530) 749-7770.

Dated: _____

Issued by: _____

Yuba County District Attorney's Child Abduction Unit.

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REPORTING PARENT INFORMATION:

NAME: [REDACTED] DATE OF BIRTH: [REDACTED]

ADDRESS: [REDACTED] TELEPHONE: [REDACTED]

DRIVER'S LICENSE NUMBER: [REDACTED] SSN: [REDACTED]

RELATIONSHIP TO CHILD(REN): [REDACTED]

The listed person, with lawful right to custody of the following children, has complied with California Penal Code Section 278.7 by notifying the Yuba County District Attorney that they intend to keep, conceal, or withhold the child(ren) from:

OTHER PARENT'S NAME: [REDACTED] DATE OF BIRTH: [REDACTED]

ADDRESS: [REDACTED] TELEPHONE: [REDACTED]

DRIVER'S LICENSE NUMBER: [REDACTED] SSN: [REDACTED]

NAMES OF CHILDREN WITH REPORTING PARENT: (Please print clearly)

NAME: [REDACTED] DOB: [REDACTED] RACE: [REDACTED]

GENDER: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]

NAME: [REDACTED] DOB: [REDACTED] RACE: [REDACTED]

GENDER: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]

NAME: [REDACTED] DOB: [REDACTED] RACE: [REDACTED]

GENDER: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]

NAME: [REDACTED] DOB: [REDACTED] RACE: [REDACTED]

GENDER: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]

NAME: [REDACTED] DOB: [REDACTED] RACE: [REDACTED]

GENDER: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]

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SUMMARY OF GOOD FAITH BELIEF

(Summary of why it's necessary to withhold or conceal the child(ren))

Have you reported the above stated conduct to Law Enforcement (Y/N):

Law enforcement agency and report number if available:

I understand all statements provided above are true and correct(Y/N)

By signing this form, the listed person with a right to custody acknowledges, that it is necessary that they have "good and reasonable" belief that the child(ren), is left with the other parent, will suffer immediate bodily injury or emotional harm.

Signed: Date:

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PLEASE READ AND ACKNOWLEDGE THE FOLLOWING:

This form is NOT a court order, and does NOT change custody or establish custody. ALL PRE-EXISTING ORDERS REMAIN IN EFFECT. You MUST commence a new, or modify the current custody order within 30 days. [REDACTED] (initial)

All information contained in this notification of intent to conceal will remain confidential and on file with the Yuba County District Attorney's Child Abduction Unit at 215 5th Street, Marysville, CA 95901 unless it is needed for a criminal prosecution, or ordered by the court. I acknowledge that the Yuba County District Attorney's Office Child Abduction Unit may release my name and my child(ren)'s name(s) and the fact that I have made a Good Cause Report pursuant to Penal Code Section 278.7 to law enforcement. [REDACTED] (initial)

Any law enforcement office may conduct an investigation, field inquiry, or obtain information that is contrary to the intent of the concealing person. The officer may take whatever action they deem necessary for the protection of the child(ren), up to and including placement of the child(ren) with Yuba County Children's Protective Services per California Penal Code Section 279.6. [REDACTED] (initial)

Nothing in this notice shall limit any law enforcement officer from performing their duties or limit any department policy. [REDACTED] (initial)

I understand that I must inform the District Attorney's Office Child Abduction Unit if ANY change of address or telephone number of person requesting concealment and the child(ren) identified in the document. [REDACTED] (initial)

I acknowledge that I have been advised to obtain a court order, or modify a current custody order as soon as possible. (From Family / Superior Court in County where I reside with the child(ren).) [REDACTED] (initial)

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California Penal Code Section 278.7

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.

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.

The person who takes, entices away, keeps, withholds, or conceals a child shall do all of the following: 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.

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).

Inform the district attorney's office of any change of address or telephone number of the person and the child. 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.

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.

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California Penal Code Section 279.6

A law enforcement officer may take a child into protective custody under any of the following circumstances:

It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child, or, by flight or concealment, evade the authority of the court.

There is no lawful custodian available to take custody of the child.

There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.

The child is an abducted child.

When a law enforcement officer takes a child into protective custody pursuant to this section, the officer shall do one of the following:

(1) Release the child to the lawful custodian of the child, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.

Obtain an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code ordering placement of the child with an interim custodian who agrees in writing to accept interim custody.

Release the child to the social services agency responsible for arranging shelter or foster care.
Return the child as ordered by a court of competent jurisdiction.

Upon the arrest of a person for a violation of Section 278 or 278.5, a law enforcement officer shall take possession of an abducted child who is found in the company of, or under the control of, the arrested person and deliver the child as directed in subdivision (b).

Notwithstanding any other law, when a person is arrested for an alleged violation of Section 278 or 278.5, the court shall, at the time of the arraignment or thereafter, order that the child shall be returned to the lawful custodian by or on a specific date, or that the person show cause on that date why the child has not been returned as ordered. If conflicting custodial orders exist within this state, or between this state and a foreign state, the court shall set a hearing within five court days to determine which court has jurisdiction under the laws of this state and determine which state has subject matter jurisdiction to issue a custodial order under the laws of this state, the Uniform Child Custody Jurisdiction

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Act (Part 3 (commencing with Section 3400) of Division 8 of the Family Code), or federal law, if applicable. At the conclusion of the hearing, or if the child has not been returned as ordered by the court at the time of arraignment, the court shall enter an order as to which custody order is valid and is to be enforced. If the child has not been returned at the conclusion of the hearing, the court shall set a date within a reasonable time by which the child shall be returned to the lawful custodian, and order the defendant to comply by this date, or to show cause on that date why he or she has not returned the child as directed. The court shall only enforce its order, or any subsequent orders for the return of the child, under subdivision (a) of Section 1219 of the Code of Civil Procedure, to ensure that the child is promptly placed with the lawful custodian.

An order adverse to either the prosecution or defense is reviewable by a writ of mandate or prohibition addressed to the appropriate court.

CHILD ABDUCTION UNIT TO COMPLETE (Y / N)

Was form completed with the aid of a translator? _____

Was a copy of photo identification obtained from parent requesting concealment? _____

Was a copy of this form provided to parent requesting concealment? _____

Was parent provided with copy of P.C. 278.7 and P.C. 279.6? _____

Was parent advised to contact law enforcement agency in jurisdiction in which they reside? _____

If parent has copy of current custody order, is it attached? _____

Signature of person taking report

Printed name and ID number

If you require additional information pertaining to this confidential notification of intent to conceal document, you may contact the Yuba County District Attorney, Child Abduction Unit. Monday thru Friday 8 A.M.. thru 5 P.M.