

## **MENS REA**

### **CUSTODIAL INTERFERENCE/INTENT**

[State v. O'Dell](#), 2007 VT 34, (May 4, 2007)

The Supreme Court held that DCF is a lawful custodian under the custodial interference statute and therefore not complying with an EDO, transferring custody of the defendant's children to the Commissioner of DCF, issued on a Friday afternoon for educational neglect, constituted custodial interference. Justices Johnson and Skoglund dissented finding that there was no way the defendant could have formed the requisite intent in the charged and chaotic atmosphere created when the police and DCF stormed the defendant's mother's home seeking to remove her kids with an EDO in hand on Friday afternoon, based upon educational neglect.