

Preface

My goal in writing this book was to provide family law practitioners with the knowledge and tools they need to analyze the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and the Parental Kidnapping Prevention Act (PKPA). Case law in many states is evolving and will continue to evolve for the foreseeable future. Many states have yet to address significant portions of the UCCJEA and PKPA. Some sections, such as most of Article 3, Enforcement, of the UCCJEA, have yet to be addressed in depth by any state supreme court. Thus, family law practitioners should not depend solely on this book when making legal arguments in their jurisdictions.

In this book I primarily focus on state supreme court decisions because they are the law of the land in the state in which those decisions were issued and because state supreme court cases carry much more persuasive authority weight in sister states.

When determining how much weight to grant a sister state's decision, judges should keep in mind the purpose of the acts. The UCCJEA explicitly states in Section 401, Application and Construction, “[i]n applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.”¹ The PKPA was also drafted with the explicit purpose of creating uniformity across the states.

Ultimately, I hope that this book facilitates a uniform and consistent application of the UCCJEA and PKPA across the United States and that, in turn, more children involved in interstate custody disputes are able to maintain the stability necessary for a healthy childhood.

1. UCCJEA § 401.