

## THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

With 44 adoptions of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), the importance of establishing national uniformity with regard to interstate custody matters grows increasingly important. The act, which replaces the previous UCCJA (1968), provides a consistent and predictable legal framework for the resolution of interstate jurisdiction issues as well as a robust mechanism for the expedited return of children taken (or retained) across state lines in violation of custody orders.

- UCCJEA avoids potential conflicts by making the child's home state the priority ground for original jurisdiction, consistent with federal law.
- UCCJEA provides for continuing exclusive jurisdiction by the original state and temporary emergency jurisdiction by any state.
- UCCJEA expands protections for victims of domestic violence.
- UCCJEA clarifies the rules under which a second state can modify an existing custody order.
- UCCJEA details interstate enforcement procedures with a range of options, including explicit registration provision, enhanced court remedies, expedited enforcement hearings, warrants to compel the production of the child, and civil enforcement authority for prosecutors and law enforcement.

NCCUSL is making a special effort in 2006 to promote the adoption of the UCCJEA in all the jurisdictions that have not yet done so. In the 2005 legislative session, there were four new enactments of the act – in Ohio, South Dakota, Wyoming, and the U.S. Virgin Islands. The act is also still pending in Wisconsin, which has a year-round legislature.

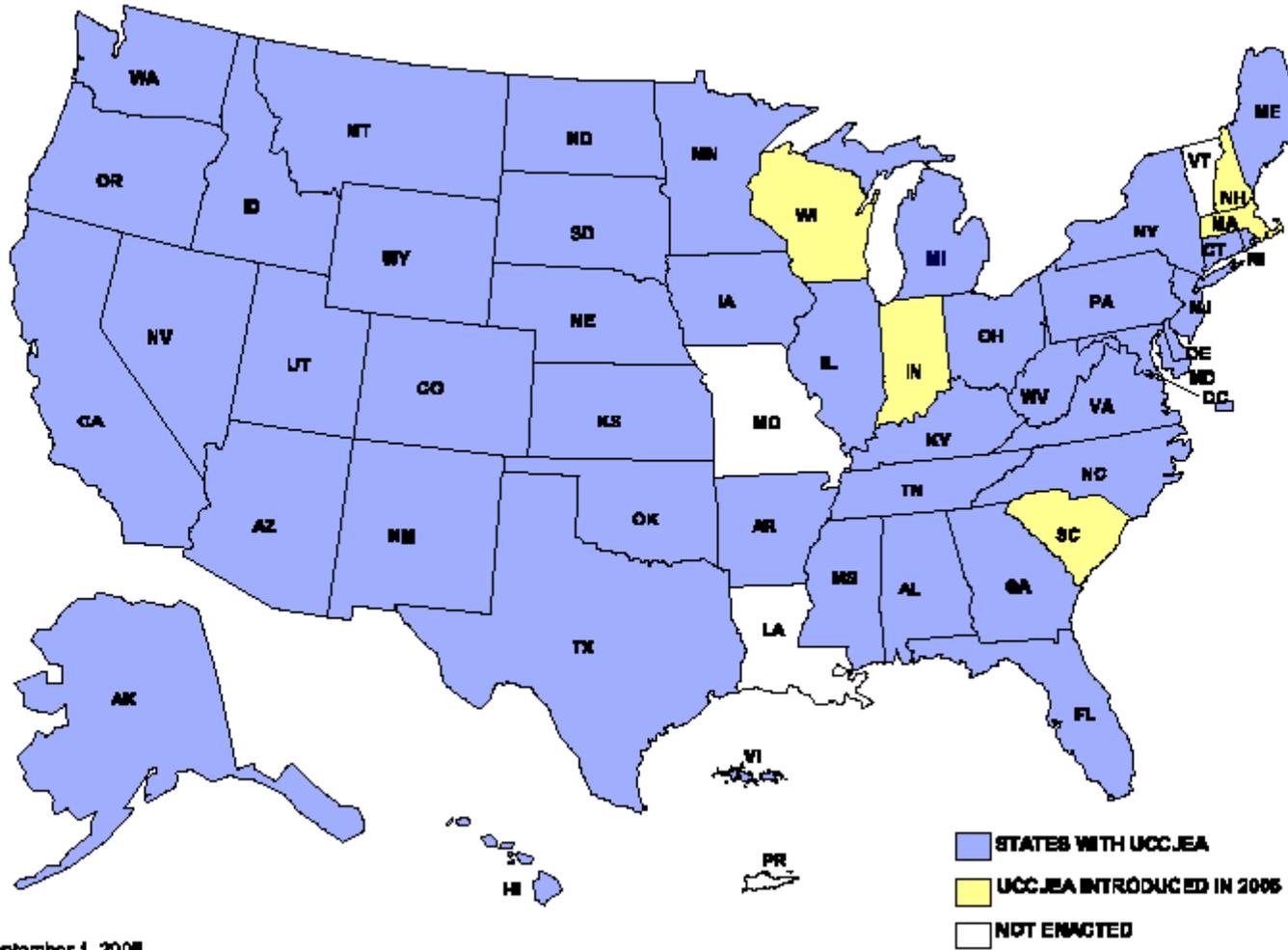
Even with these new enactments, eight states have not yet enacted the UCCJEA. With the exception of Vermont, the act has been introduced (at one time or another) in each of these states. While there is no significant substantive opposition to the act, in some cases it is difficult to convince legislatures to focus on the act and move it forward in the process. Now that the vast majority of the country has the act, however, it becomes increasingly important for the remaining states to harmonize their laws on this subject – especially with regard to jurisdictional rules on modification and enforcement remedies – in order to prevent their becoming 'haven states' for those looking to circumvent the law of their home states or federal statutes such as the Parental Kidnapping Prevention Act (PKPA).

If there are ABA Family Law Section members in non-UCCJEA states who would like to assist with the adoption of the act in their jurisdiction, NCCUSL would welcome your help. For example, it might be hugely helpful to simply put the uniform law commissioners of a particular state in touch with appropriate family law practitioners (many NCCUSL commissioners have no background in family law); other ways to help might include calling your own state legislators about the act, submitting letters of support, asking your state or local bar association to become active on the issue, or even testifying at a hearing. Each state has a NCCUSL legislative liaison who can be contacted for further information about the effort to enact UCCJEA in that state.

Indiana: Legislative Contact: Senator Vi Simpson ([vsimpson@worldnet.att.net](mailto:vsimpson@worldnet.att.net))  
Louisiana: Legislative Contact: Henry D. Gabriel ([Gabriel@loyno.edu](mailto:Gabriel@loyno.edu))  
Massachusetts: Legislative Contact Edwin E. Smith ([Edwin.smith@bingham.com](mailto:Edwin.smith@bingham.com))  
Missouri: Legislative Contact: Patricia B. Fry ([fryp@missouri.edu](mailto:fryp@missouri.edu))  
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Vermont: Legislative Contact: Richard Cassidy ([rcassidy@hoffcurtis.com](mailto:rcassidy@hoffcurtis.com))  
Wisconsin: Legislative Contact: Joanne Huelsman ([Joanne@bergmanagement.com](mailto:Joanne@bergmanagement.com))

For further information on the UCCJEA, please contact Michael Kerr, NCCUSL Deputy Executive Director, at 312-915-0195.

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