

To: Members of Drafting Committee
Advisors and Observers

From: Battle Robinson

Re: Draft of Proposed Act to Implement the Hague Convention on Protection of
Children for the May 2013 Meeting

Date: April 29, 2013

Attached is the draft of the proposed Act which encompasses some of the decisions the Committee made at the February meeting in Tucson.

During a teleconference with the Style Committee Chairperson and our Style liaison, we were unsuccessful in convincing them to reconsider the numerous style changes made to the existing, non-amended sections of the UCCJEA. They were not convinced that legislators might be encouraged by the styling changes to amend substantive portions of the Act. I am hopeful that a drafting note will be attached to the bill so legislative drafters and legislators will be aware that many of the amendments to the draft act are stylistic only and not substantive.

The Style Committee representatives also quashed the Drafting Committee's decision that certain provisions which appear in Article 3 of the UCCJEA be incorporated by reference in Article 4. They felt that full incorporation would be more helpful to practitioners and judges.

Accordingly, you will note that the current draft contains all the changes to the UCCJEA and, for the most part, incorporates Article 3's procedures into Article 4.

And be aware that there may be additional changes following the recent meeting of the full Style Committee.

As for the Agenda at our meeting, we need to give thorough consideration to Section 401 (Scope) and take another look at Section 105 (International Application). We should also be certain that we are comfortable with the differing tests for non-enforcement of orders from non-convention and convention countries (Sections 303 and Section 423(3)(d)), as I anticipate that questions about the difference will arise from the floor.

Finally, I anticipate making assignments for the reading of the draft Act at the annual meeting.