

To: Standby Committee on the Child-Custody Jurisdiction and Enforcement Act (With 2013 Amendments Pertaining to International Proceedings)

From: Battle R. Robinson

Re: Resolution of changes made by the Committee on Style to the Act

Date: March 10, 2014

This is to bring you up to date on how things stand with respect to the differences between the Drafting Committee and the Style Committee with respect to the amendments to the UCCJEA which implement the Protection of Children Convention. As you are aware, the Committee on Style made numerous stylistic changes to sections of the UCCJEA which were not amended by the drafting committee. These stylistic changes are not substantive and are not essential to implement the Convention.

Recently, Rich Cassidy, Chair of the Executive Committee, met with Lee Yeakel, Chair of the Style Committee, and me. We have come up with a proposal that we hope will resolve the matter and will be acceptable to both Committees. The proposal is as follows:

1. The Act which will be submitted to the states for enactment will contain only those provisions required to implement the Convention, namely those sections added or amended by our committee. These are the sections that will be part of any federal requirement that the states must enact. We envision the Act will be titled something like "2013 Amendments to the UCCJEA Pertaining to International Proceedings."
2. The Act will be accompanied by a legislative note which will set out in some form what is necessary to have the existing UCCJEA conform to the current drafting style of the ULC. A state can then decide if it wants to restyle its existing statute.
3. Our diligent reporter and David Biklen of Style will meet in the near future to come up with the form of the more limited act and to draft the legislative note.

Some of the issues that will need to be resolved are the form of the amendments and of the legislative note; how the documents will be submitted to the states; and how to deal with the parallel sections that appear in the existing UCCJEA and the new Article 4 (Section 106-112 and 403-409; Secs. 208-209 and 418-419,)

You will have an opportunity to review the new form of the Act and the legislative note before they are submitted to the Executive Committee. And, if we are unable to reconcile differences, there may still be a need for an appeal to the Executive Committee.

I hope the proposed course meets with your approval. Please let Bob and me know ASAP of any concerns you may have.

Also, attached is a recent memo from Mike Coffee of the U.S. Department of State expressing concern about how the numerous style changes may impact both federal legislation and the State Department's subsequent determination whether or not states are in compliance with that legislation.