



WHY STATES SHOULD ADOPT UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

The Uniform Child Custody Jurisdiction Act (UCCJA), approved by the Uniform Law Commissioners (ULC) in 1968 and the law in every state, was completely revised in 1997. The new act, the **Uniform Child Custody Jurisdiction and Enforcement Act**, goes much further than simply updating the UCCJA. It also contains provisions on the enforcement of custody orders, an issue the original UCCJA did not address, and it eliminates differences between the uniform act and the federal Parental Kidnapping Prevention Act.

There are a number of reasons why every state should adopt the **Uniform Child Custody Jurisdiction and Enforcement Act**.

- **ENHANCED RULES FOR CUSTODY DETERMINATIONS**

Updated Home State Provisions. The new act gives prioritization to the home state as a ground for taking jurisdiction.

Continuing Exclusive Jurisdiction. A new provision has been added which provides that a state which makes the initial custody determination has continuing exclusive jurisdiction so long as a party to the original custody determination remains in that state. A state with continuing exclusive jurisdiction is the only state which can modify a custody order. If it determines that another state has a more significant connection to the child, it may relinquish its authority.

Emergency Jurisdiction. The new act clarifies the provisions regarding emergency jurisdiction, allowing a court to take jurisdiction even though it is not the home state, if the child is present in the state and has been abandoned, or is subjected to or threatened with mistreatment or abuse. An order issued by a court with emergency jurisdiction is temporary.

- **NEW ENFORCEMENT PROVISIONS**

Expedited Enforcement Hearings. At an enforcement hearing, a petitioner only needs to show a certified copy of the custody determination to be enforced, evidence of a violation by the respondent, and show the remedy sought. The court will then decide whether the remedy sought should be granted.

Enhanced Court Remedies. If the enforcing court is concerned that the parent, who has physical custody of the child, will flee or harm the child, a warrant to take physical possession of the child is available.

Duty to Enforce. The new act provides that a court has the duty to enforce a custody determination of another state. However, a child custody order of another state is not subject to modification.

Civil Enforcement of Custody Orders. Under the new act, a prosecutor (or other appropriate public official) is authorized to locate a child and enforce the custody determination. The prosecutor is authorized to utilize any civil proceeding to secure the enforcement of the custody determination. Law enforcement officials may assist in locating a child and enforcing a custody determination.

- UNIFORMITY

This act will provide uniformity of law, necessary in a time when the mobility of the American public makes it imperative to have laws regarding child custody determinations uniform from state to state.

Lack of uniformity muddies the child custody waters in many ways: it increases the costs of the enforcement action; it decreases the certainty of outcome; and it often turns enforcement of a child custody or visitation order into a long and drawn out process.

Every state should act quickly to adopt the Uniform Child Custody Jurisdiction and Enforcement Act.