



WHY YOUR STATE SHOULD ADOPT THE UNIFORM NONPARENT CUSTODY AND VISITATION ACT (2018)

The Uniform Nonparent Custody and Visitation Act (UNCVA) (2018) addresses issues raised when courts are asked to grant custody or visitation to nonparents. The act recognizes a right to seek custody or visitation for two categories of individuals: (1) nonparents who have acted as consistent caretakers of a child without expectation of compensation, and (2) other nonparents who have a substantial relationship with the child and who demonstrate that denial of custody or visitation would result in harm to the child; a nonparent who is not a relative of the child and who is seeking custody or visitation on the basis of a substantial relationship must have formed that relationship without expectation of compensation. Below are some of the important reasons why your state should adopt the UNCVA (2018).

- **A balanced approach to the issue.** The act seeks to balance, within constitutional restraints, the interests of children, parents, and nonparents with whom the children have a close relationship.
- **Relevant to addressing a current American crisis – the opioid abuse epidemic.** The vital role of nonparents in children’s lives has been accentuated by the opioid epidemic. With millions of adults experiencing opioid addiction in this country, many relatives have stepped forward to care for children because of their parents’ addictions. This act addresses issues of critical importance to relative caregivers, whose legal status is often otherwise in limbo.
- **Provides helpful criteria for judges asked to decide whether visitation or custody should be granted.** Existing statutes in some states specify the circumstances in which visitation by a nonparent may be sought—circumstances which often involve some disruption of the family—e.g., divorce, separation, death of a parent, or a child born outside of marriage. Such broad descriptions of circumstances in which visitation may be sought do not, by themselves, provide a reliable indicator of whether nonparental visitation (or custody) should be allowed. This act provides courts with helpful guidance.
- **Complies with important Supreme Court precedent recognizing the rights of parents.** The U.S. Supreme Court has recognized a right of a fit parent to make decisions regarding the rearing of his or her child. *Troxel v. Granville*, 530 U.S. 57 (2000). The act provides a rebuttable presumption that the parent’s decision about custody or visitation is in the best interest of the child and imposes a burden of proof on the nonparent of clear-and-convincing evidence in order to obtain relief
- **Thoughtfully drafted to work in harmony with other statutory frameworks,** including state abuse, neglect, dependency and guardianship laws. It also carefully coordinates with existing uniform acts adopted in many states, such as the Uniform Child Custody Jurisdiction and Enforcement Act, the Uniform Deployed Parents Custody and Visitation Act, and others.
- **Useful to pro se litigants navigating the law without legal representation.** The act was written carefully in order to be accessible to non-lawyers seeking guidance or resolution under the statute.

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