

Minutes of the Fall Meeting of the Joint Editorial Board for Uniform Family Law Acts

Seattle, WA

October 18, 2003

Chairman Tindall called the meeting to order at approximately 8:30 a.m. Present at the meeting were Harry Tindall, Robert Spector, Jeff Atkinson, Frank McGuane, Linda Elrod, Barbara Handschu, and Joan Kessler. Also attending were Michael Kerr and Jack Sampson; Patricia Apy of from the ABA and Sandra Morris from the AAML also appeared before the board during the meeting.

1. After approving the minutes from the last meeting without objection, the board discussed several ongoing NCCUSL projects.

First, it noted that NCCUSL had appointed a study committee to review the new ABA Standards for the Representation of Children; after discussing the possible scope of a drafting project in this area (the consensus of the board was that such a project should start with a wide scope – including dependency and neglect hearings – to be narrowed as the project progresses) the board by resolution urged the NCCUSL Committee on Scope and Program to recommend the rapid creation of a drafting committee in this area.

Second, the board heard a presentation by Patricia Apy concerning the work of the ABA Task Force on the Needs of Deployed Military Personnel. Apparently, the new ABA Task Force will have a uniform laws committee that will seek to work with NCCUSL concerning the possible need for a freestanding act or a series of amendments to existing acts, including some of the uniform family law acts. No action was taken.

Third, the board discussed a second new NCCUSL study committee, this one concerned with the prevention of child abduction in international custody disputes. By resolution the board urged the NCCUSL Committee on Scope and Program to recommend the rapid creation of a drafting committee in this area.

2. The board reviewed an ongoing question regarding section 202(a)(1) of the UCCJEA, in which several states had adopted non-uniform versions of a portion of the language contained therein. After significant discussion, the board elected to take no action on this question, as the intent of the section under either version of the language is maintained. The consensus of the board was to review this question again if and when a court decision is reported which misconstrued the intent of this section.

3. The board discussed several new and ongoing suggestions for uniform law study and drafting projects for consideration by the NCCUSL Committee on Scope and Program.

- A. Third party custody and visitation
- B. Relocation Procedures
- C. Collaborative Law
- D. Possible Family Law-specific Arbitration act with rights of appeal
- E. Domestic Partner Recognition and property division

With regard to the first and second proposals, members of the board agreed to formulate proposals on behalf of the board for future submission to NCCUSL. Bob Spector and Jeff Atkinson will prepare a proposal on third party custody, while Linda Elrod will prepare a proposal on relocation. Harry Tindall will continue to monitor developments in collaborative law. No further action on the remaining items was taken.

4. The second edition of the Uniform Family Laws Update newsletter was distributed and reviewed; Jeff Atkinson suggested several minor edits and suggestions were made on how to increase circulation. Mike Kerr will confer with Lorraine West (AAML) and Kate Hagan (ABA-FLS) for circulation.

5. The board voted not to have a spring meeting in 2004, and to plan its fall 2004 meeting to be held in conjunction with the AAML meeting planned in Chicago. A conference call will be held instead, at a date to be determined.

The meeting of the JEB-UFL was concluded at approximately 12:15 on October 18, 2003.