

# SENATE BILL REPORT

## SB 5348

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As Passed Senate, March 12, 2001

**Title:** An act relating to the uniform child custody jurisdiction and enforcement act.

**Brief Description:** Updating the uniform child custody jurisdiction and enforcement act.

**Sponsors:** Senators Costa, Long, Patterson, Kastama, Hargrove, Sheahan, McCaslin, Prentice, Kohl-Welles, Haugen, Kline, Johnson, Zarelli and Oke.

**Brief History:**

**Committee Activity:** Judiciary: 2/1/01, 2/6/01 [DP].

Passed Senate: 3/12/01, 49-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

**Staff:** Lidia Mori (786-7755)

**Background:** The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) was developed and approved by the National Conference of Commissioners on Uniform State Laws in 1997. It is similar to the Uniform Child Custody Jurisdiction Act (UCCJA) and makes changes mainly in the jurisdiction and enforcement provisions. One of the purposes of the UCCJEA is to avoid conflict between states regarding custody cases, promote cooperation and communication between states, and deter child abductions.

**Summary of Bill:** Jurisdiction: The UCCJEA establishes when a state has continuing exclusive jurisdiction over custody matters. It gives priority regarding jurisdiction to the child's home state. Home state— is defined as the state in which a child lived with a parent or a person acting as a parent for at least six months immediately before commencement of the child custody proceeding. The state that issued the initial order remains the state with continuing jurisdiction until the child, the child's parent, and any person acting as a parent no longer has significant connections with the state and substantial evidence about the child's care, training, and personal relationships is no longer available in that state. Jurisdiction also ceases if the child and the parents no longer reside in the issuing state. A state may not modify a custody order issued by another state unless the other state no longer has exclusive jurisdiction or declines jurisdiction.

Temporary Emergency Jurisdiction: The UCCJEA allows a state to obtain jurisdiction temporarily when the child is present in the state and is abandoned or needs protection because the child, a sibling or parent of the child is subjected to abuse. The emergency custody order lasts until an order is obtained from a state having jurisdiction over the custody proceedings.

Enforcement: A court must enforce a custody determination from another state if that state exercised jurisdiction in substantial conformity with the provisions of the UCCJEA. Procedures are set out in the UCCJEA for registration of a child custody determination issued by a court of another state. If a custody order is properly registered, the court in Washington must enforce it as if it were issued by this state.

Simultaneous Proceedings: If a court of this state has been asked to make a child custody determination and is informed that a custody proceeding has been commenced in another state having jurisdiction substantially in accordance with the UCCJEA, the court in this state must immediately communicate with the court in the other state to determine the more appropriate forum.

Application to Indian Tribes: A child custody proceeding that pertains to an Indian child is not subject to the UCCJEA to the extent that it is governed by the federal Indian Child Welfare Act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) is consistent with the Parental Kidnaping Prevention Act. The UCCJEA was developed and approved by the National Conference of Commissioners on Uniform State Laws. It clarifies certain issues pertaining to jurisdiction. Temporary emergency jurisdiction may occur when a child needs protection but it ends when a state that has jurisdiction under the UCCJEA issues an order.

**Testimony Against:** None.

**Testified:** Rick Bartholomew, Family Law Section, WSBA.