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## Civil Rights & Judiciary Committee

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### HB 1042

**Brief Description:** Revising the international application of the uniform child custody jurisdiction and enforcement act to protect families from facing the death penalty in certain foreign jurisdictions on the basis of religious beliefs, political beliefs, or sexual orientation.

**Sponsors:** Representatives Thai, Walen, Ortiz-Self and Lekanoff.

#### Brief Summary of Bill

- Allows Washington courts to refrain from applying Uniform Child Custody Jurisdiction and Enforcement Act standards in international custody matters if a parent or child are at demonstrable risk of being subject to laws of a foreign country that carry a death sentence for apostasy or homosexuality.

**Hearing Date:** 1/13/21

**Staff:** Ingrid Lewis (786-7289).

#### Background:

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by Washington in 2001, establishes procedures to determine when one state has jurisdiction to enter or modify a child custody order and when it must recognize another state's order. The UCCJEA gives exclusive and continuing jurisdiction over child custody to the courts of the child's home state, defined for the most part as the state where the child has lived with a parent for six consecutive months prior to the commencement of the proceeding. It also provides a uniform procedure to register and enforce child custody orders across state lines. The UCCJEA provides a court with temporary emergency jurisdiction, even if another state has issued a custody order, if a child is present in the state and needs protection due to abuse or abandonment.

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Under the UCCJEA, courts must recognize and enforce the custody decrees from a foreign country as if it were a state, provided that the foreign jurisdiction is in substantial conformity with the jurisdictional standards set out by the UCCJEA, and the child custody laws of the country do not violate fundamental principles of human rights.

**Summary of Bill:**

Washington courts are permitted to refrain from applying UCCJEA standards in international custody matters if the foreign country holds that apostasy or homosexuality are punishable by death, and a parent or child may be at demonstrable risk of being subject to such laws. Apostasy is defined as "the abandonment or renunciation of a religious or political belief".

Provisions apply to child custody proceedings or proceedings to enforce a custody determination pending or commenced after the effective date of the act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.