

FINAL BILL REPORT

HB 1042

C 23 L 21

Synopsis as Enacted

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, Lekanoff, Gregerson, Callan, Frame, Santos and Macri.

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) 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.

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:

Washington courts are permitted to refrain from applying the UCCJEA standards in international custody matters if the foreign country holds that apostasy, a sincerely held

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

religious belief or practice, 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.

Votes on Final Passage:

House	95	3	
Senate	49	0	(Senate amended)
House	96	2	(House concurred)

Effective: April 14, 2021