

# UCCJEA: A New Approach to Custody Jurisdiction and Interstate Custody and Visitation

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## I. INTRODUCTION

The increased number of parents moving from state to state and internationally has caused an increase in the number of interstate custody and visitation disputes. The Uniform Child Custody Jurisdiction Enforcement Act (“UCCJEA”) was enacted in Illinois on July 8, 2003, and took effect on January 1, 2004.<sup>1</sup> It was promulgated to end custody jurisdictional disputes between states, to promote cooperation between states in determining custody issues, and to enhance the ability of states to enforce custody orders expeditiously.<sup>2</sup>

This article outlines the history, purpose, and application of three uniform and federal acts governing interstate custody disputes: the Uniform Child Custody Jurisdiction Act (“UCCJA”), the Parental Kidnapping Prevention Act (“PKPA”),<sup>3</sup> and the UCCJEA. It also discusses changes to Illinois law resulting from the enactment of the UCCJEA, focusing on differences between the former UCCJA and the newly enacted UCCJEA in Illinois.

## II. HISTORY OF THE UNIFORM AND FEDERAL ACTS GOVERNING INTERSTATE CUSTODY DISPUTES

Three laws govern interstate jurisdictional disputes in the context of custody and visitation orders: the Uniform Child Custody Jurisdiction Act (“UCCJA”), the Parental Kidnapping Prevention Act (“PKPA”), and the Uniform Child Custody Jurisdiction Enforcement Act (“UCCJEA”).

### A. UCCJA

The Uniform Child Custody Jurisdiction Act (“UCCJA”) is a model act approved in 1968 by the National Conference of Commissioners on Uniform State Laws, whose function it is to develop

uniform acts and attempt to secure their voluntary enactment by each state government in order to promote uniformity in laws and cooperation between states.<sup>4</sup> The UCCJA was developed to deal with the increasing number of interstate child custody arrangements and jurisdictional disputes that arise in the child custody and visitation context. Illinois enacted its adaptation of the UCCJA in 1979<sup>5</sup> with essentially no substantive changes from the uniform law.<sup>6</sup> Some of the principal purposes of the UCCJA are to avoid jurisdictional competition and conflict between states, to protect the child's best interest, and to discourage forum shopping.<sup>7</sup> The UCCJA involves a two-step process described below in which the court must first determine whether it has jurisdiction to make a child custody determination<sup>8</sup> by initial or modification judgment and then, if it does, the court must determine whether it should decline to exercise jurisdiction.

The first question as to jurisdiction involves an analysis of the facts under Section 4 of the Illinois UCCJA, which provides the court has jurisdiction if: (1) Illinois is the home state of the child at the time the proceeding commenced or had been the home state within six months before commencement of the proceeding and the child is absent from Illinois but a parent or person acting as a parent continues to live in Illinois; (2) it is in the best interest of the child that an Illinois court assume jurisdiction; (3) the child is physically present in Illinois and has been abandoned or it is necessary in an emergency to protect the child; and (4) it appears no other state would have jurisdiction or has declined to exercise jurisdiction and it is in the child's best interest for Illinois to assume jurisdiction.<sup>9</sup> While a child's physical presence in Illinois is desirable, it is not a prerequisite for jurisdiction.<sup>10</sup> Once the jurisdiction of a court attaches, it continues until all issues of fact and law are decided and the mere movement of a party or the child cannot automatically divest jurisdiction.<sup>11</sup>

The second question assumes jurisdiction and considers whether under the circumstances of the case the court should decline to exercise jurisdiction. This inquiry involves an analysis of the facts under Sections 7 and 8 of the UCCJA.<sup>12</sup> Section 7 of the UCCJA proscribes the courts of Illinois from exercising jurisdiction if, at the time the petition is filed, a custody proceeding concerning the same child is pending in another state court exercising jurisdiction substantially in accord with the UCCJA. This section requires the Illinois court to communicate with the other state court so that the issues may be litigated in the more appropriate forum.

Under Section 8 of the UCCJA, an Illinois court may decline to exercise jurisdiction if it finds that it is an inconvenient forum. The purpose of this section is to encourage judicial restraint in exercising jurisdiction where another state appears to be in a better position to determine custody. This analysis requires the Illinois court to consider the connections and evidence concerning the child in the other state and whether its exercise of jurisdiction will contravene the

purposes of the UCCJA. Like Section 7, Section 8 of the UCCJA also directs the Illinois court to exchange information and communicate with the courts of other states to assure the most appropriate state court is the one to exercise jurisdiction. Once a court in Illinois obtains jurisdiction over a child, it retains jurisdiction unless it concedes jurisdiction to another state or none of the parties, including the child, remain in Illinois.<sup>13</sup> The decision to decline jurisdiction in favor of another state court is within the trial court's discretion.<sup>14</sup>

## **B. PKPA**

In 1980, the federal government enacted the Parental Kidnapping Prevention Act ("PKPA"),<sup>15</sup> which requires states to give full faith and credit to other states' custody decrees if they are made consistent with the PKPA.<sup>16</sup> A decision is consistent with the PKPA if the state court had jurisdiction under the PKPA's provisions, which are similar to the UCCJA's jurisdictional requirements.<sup>17</sup>

The purpose of the PKPA is not only to prevent kidnapping, but it applies generally to situations of interstate custody disputes.<sup>18</sup> The PKPA was intended to remedy problems the UCCJA failed to solve, including the issue of continuing jurisdiction and the potential for courts in two different states to have concurrent jurisdiction. For example, under the UCCJA, an Illinois court has jurisdiction to modify a child custody order of another court if Illinois was the home state of the child or had been the home state within six months before the commencement of the action and a parent continues to live in Illinois.<sup>19</sup> This could lead to jurisdictional competition and conflict with courts of the other state that continue to have jurisdiction over the child custody matter.

Under the PKPA, a state court may modify the custody decision of another state court only if the second state court has jurisdiction and the first state no longer has jurisdiction.<sup>20</sup> Thus, under the PKPA, the foreign court's right to modify its custody or visitation order is exclusive and Illinois may not modify the order unless the foreign court no longer has jurisdiction or declines to exercise jurisdiction. If a party believes that another state is a more appropriate forum to decide an interstate custody or visitation dispute, that party may ask the court with exclusive continuing jurisdiction to decline jurisdiction.<sup>21</sup>

Under the supremacy clause of the United States Constitution,<sup>22</sup> a federal law, such as the PKPA, preempts a conflicting state law, such as Illinois' UCCJA, and the state law is nullified to the extent it conflicts with federal law.<sup>23</sup> Because there is a conflict between the aforementioned jurisdiction provisions relating to modification of a foreign decree under the Illinois UCCJA and the PKPA, the PKPA preempts the provisions of the UCCJA that allow concurrent jurisdiction of more

than one state.<sup>24</sup> This conflict of laws was part of the reason the National Conference of Commissioners on Uniform State Laws adopted the UCCJEA in July of 1997. The UCCJEA has been enacted in approximately thirty states and Illinois is one of the latest states to adopt it.

## **C. UCCJEA**

### **1. Purpose of the UCCJEA**

The Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”) was created in an effort to clarify ambiguous provisions in the UCCJA and to rectify conflicting state interpretations of the UCCJA and conflicts between the UCCJA and the PKPA. The Illinois legislature adopted its version of the UCCJEA on July 8, 2003, which repeals and replaces the Illinois UCCJA.<sup>25</sup> The UCCJEA took effect in Illinois on January 1, 2004, and applies only to motions or other requests for relief that are commenced on or after January 1, 2004.<sup>26</sup> Motions or other requests for relief filed before January 1, 2004, will continue to proceed within the framework of the UCCJA and the PKPA.<sup>27</sup>

Essentially the UCCJEA clarifies inconsistent provisions and interpretations of the UCCJA and PKPA, conforming the UCCJA to the PKPA with respect to home state priority and exclusive continuing jurisdiction to modify a custody or visitation order. The UCCJEA makes compliance with full faith and credit explicit<sup>28</sup> and also creates new and modernized procedures to assist in expedited interstate enforcement of custody and visitation orders, including a remedy for civil enforcement by prosecutors and law enforcement officials.<sup>29</sup> The UCCJEA further incorporates protections for victims of domestic violence in accord with the federal Violence Against Women Act (“VAWA”)<sup>30</sup> and is intended to follow the Hague Convention,<sup>31</sup> which focuses on expedience in resolution of international child custody conflicts.

### **2. Four Articles of the UCCJEA**

The UCCJEA is broken down into four articles. Article 1, titled “Definitions,” contains more definitions than the UCCJA does, and the definitions are clearer than those set forth in the UCCJA. Article 1 provides that questions of jurisdiction in interstate custody cases must be given priority on the court’s calendar and handled expeditiously.<sup>32</sup> It sets up detailed procedures for communications between courts, gives parties the opportunity to participate in the communications between courts, requires a record of inter-court communications, and provides for the taking of evidence in another state and use of modern communications technology, such as depositions and testimony by telephone, audiovisual means, or other electronic means.<sup>33</sup> Article 1 further provides that Illinois does not have general personal jurisdiction over a party solely by reason of that party appearing in a UCCJEA proceeding.<sup>34</sup>

Article 2 deals with jurisdiction and the notice requirements of the UCCJEA. The jurisdiction provisions for initial and modification of a child custody determination is discussed in detail below in part II(C)(3) of this paper and is the heart of the UCCJEA. As with all jurisdiction laws, the UCCJEA must satisfy due process concerns, such as personal and subject matter jurisdiction and the procedural protections of notice and the opportunity to be heard. A review of cases and commentary under the UCCJA and the UCCJEA reach the conclusion that personal jurisdiction based on minimum contacts is not required and that the “status” exception to the minimum contacts rule of *International Shoe*<sup>35</sup> applies to interstate child custody cases.<sup>36</sup> The UCCJEA contains more general notice provisions than the UCCJA<sup>37</sup> and refers and defers to local civil procedure law in determining who is entitled to notice.<sup>38</sup>

Article 3 of the UCCJEA sets forth the enforcement provisions for interstate custody and visitation orders. These provisions are much more creative and effective enforcement procedures than those provided for in the UCCJA. For example, under the UCCJEA, state courts shall treat a foreign country as if it were a state for purposes of jurisdiction and enforcement.<sup>39</sup> The UCCJEA has a more simplified procedure by which to register a custody determination in another state and gets rid of the registry that few people used under the UCCJA.<sup>40</sup> It also contains provisions for temporary visitation to make up for lost visitation,<sup>41</sup> provides for the issuance of warrants to take physical custody of a child who is imminently likely to suffer serious physical harm or be removed from the state,<sup>42</sup> and provides for the state’s attorney and other government officials to take lawful action to locate a child, obtain the child’s safe return, and enforce a child custody order.<sup>43</sup>

Article 4 is titled “Miscellaneous Provisions.” It contains a severability clause<sup>44</sup> and transitional provision,<sup>45</sup> and provides that, in addition to repealing the UCCJA,<sup>46</sup> the UCCJEA amends the Illinois Marriage and Dissolution of Marriage Act, the Criminal Code and Criminal Code of Procedure, the Public Aid Code, the Illinois Domestic Violence Act, and the Intergovernmental Missing Child Recovery Act to bring them into compliance and provide for consistency.<sup>47</sup>

### **3. Multi-Step Process to Determine Jurisdiction Under the UCCJEA**

Article 2 of the Illinois UCCJEA provides the jurisdictional framework for deciding whether a court has jurisdiction to make an initial or modification child custody determination. The multi-step process a court must follow in interstate custody disputes in determining whether it has jurisdiction and whether it should exercise jurisdiction under the UCCJEA is similar to the two-step process described above under the UCCJA. The biggest difference is that the UCCJEA, like the PKPA but unlike the UCCJA, prioritizes home state jurisdiction, requiring that a court in a non-home state defer to a home state’s right to make an initial custody determination, and providing for exclusive continuing jurisdiction to modify a custody order once a home state has made a

custody determination. The drafters of the UCCJEA made every effort to construct the statute so that there is only one qualifying home state.<sup>48</sup>

The UCCJEA eliminates the UCCJA's best-interest-of-the-child criteria for assuming jurisdiction when the forum is not located in the child's home state. The best-interest criteria tended to create confusion between the jurisdiction and substantive issues in making a custody determination under the UCCJA. Because the language was unnecessary, it was removed from the UCCJEA. Under the Illinois UCCJEA, a court must first determine whether it has home state jurisdiction. 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 consecutive months immediately before the commencement of a child-custody proceeding.<sup>49</sup> A period of temporary absence is part of the period,<sup>50</sup> thereby protecting victims of domestic violence who temporarily flee the state.

If the court has home state jurisdiction and makes a child custody determination,<sup>51</sup> it has exclusive continuing jurisdiction until the child, the child's parents, and the person acting as a parent no longer reside in the state or the state determines that neither the child, the child's parents, and any person acting as a parent do not have a significant connection with the state and the state no longer has substantial evidence concerning the child's care, protection, training, and personal relationships.<sup>52</sup> Thus, if Illinois is the state to render the original decree, it will retain exclusive continuing jurisdiction even if the child acquires a new home state, so long as the general requirements of the substantial-connection jurisdictional provisions are met.<sup>53</sup> However, Illinois will lose its exclusive continuing jurisdiction under the UCCJEA if the relationship between the child and the person remaining in Illinois becomes so extenuated that a court can no longer find significant connections and substantial evidence concerning the child. This process is consistent with the continuing jurisdiction requirements of the PKPA.<sup>54</sup>

In addition, even if Illinois has exclusive continuing jurisdiction, it may decline to exercise its jurisdiction if it determines that it is an inconvenient forum and another state is a more appropriate forum for the action. In making the determination of inconvenient forum, the court shall consider all relevant factors, including but not limited to whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;<sup>55</sup> the length of time the child has resided outside the state; distances between courts; and financial circumstances of the parties.<sup>56</sup> The UCCJEA also provides that a court shall decline to exercise jurisdiction if jurisdiction is invoked because of a person's unjustifiable conduct or "unclean hands."<sup>57</sup> This provision seeks to ensure that parents who abduct, hide, restrain, or retain their children will not receive a jurisdictional advantage for their unjustifiable conduct.

The UCCJEA retains the UCCJA concept of jurisdiction by necessity.<sup>58</sup> This default jurisdiction only occurs if no other state has jurisdiction under the other jurisdiction provisions of the act.

The UCCJEA further addresses temporary emergency jurisdiction;<sup>59</sup> the UCCJA does not. It defines the temporary nature of emergency jurisdiction and extends to situations where there must be protection for the child or the child's sibling or parent from mistreatment or abuse.<sup>60</sup> If Illinois issues an emergency order where there is a previous child-custody determination that is entitled to be enforced or a child-custody proceeding has been commenced in a court of another state, the order must specify a time period for obtaining an order from the other state and Illinois shall immediately communicate with the other court.<sup>61</sup> However, if Illinois becomes the home state and no custody proceeding is commenced in another state that has UCCJEA jurisdiction, Illinois' temporary emergency jurisdiction will become continuing jurisdiction and the order will become permanent.<sup>62</sup>

### **III. MOVING FROM UCCJA TO UCCJEA**

The former UCCJA created the possibility of concurrent jurisdiction, giving preference to the home state of the child and also employing the best-interest-of-the-child criteria in determining jurisdiction. The PKPA eliminated the chance for concurrent jurisdiction and resolved the potential conflict by focusing on home state jurisdiction and providing for exclusive continuing jurisdiction.<sup>63</sup> Illinois courts have held that the PKPA preempts the UCCJA and, therefore, a child's home state has exclusive jurisdiction in child custody cases.<sup>64</sup> The UCCJEA, which replaced the UCCJA, makes compliance with full faith and credit more explicit;<sup>65</sup> it is consistent with the PKPA and grants continuing exclusive jurisdiction to the home state.<sup>66</sup> The UCCJEA also eliminates the best-interest-of-the-child criteria for assuming jurisdiction, which existed under the UCCJA and created confusion and jurisdictional conflicts among state courts.

#### **A. Making Improvements To The UCCJA and Creating New Provisions**

A major improvement in moving from the UCCJA to the UCCJEA in Illinois is the more extensive and uniform enforcement powers afforded under the UCCJEA,<sup>67</sup> which seek to expedite the speedy enforcement of custody orders. New enforcement mechanisms under the UCCJEA include: the issuance of a temporary order enforcing a visitation order or providing for makeup visitation;<sup>68</sup> the registration of an out-of-state child custody determination, which is a simpler and more effective procedure than the registry established by the UCCJA;<sup>69</sup> the immediate communication between states where there are simultaneous proceedings<sup>70</sup> and the expedited enforcement of a child custody determination;<sup>71</sup> the issuance of a warrant to take physical custody of the child pending final relief;<sup>72</sup> assessing the cost of litigation to the losing party by

awarding attorney fees and costs to the prevailing party;<sup>73</sup> and directing public officials, including the state's attorney and law enforcement officers, to enforce custody determinations.<sup>74</sup> The authorization of prosecutors and law enforcement officers to play a role in the civil enforcement of child custody and visitation orders is modeled after a unique and innovative California law.<sup>75</sup>

In addition to creating new enforcement mechanisms, the Illinois UCCJEA includes other provisions with no counterpart in the UCCJA. Some of the most significant new provisions include: the provision that a party is not subject to personal jurisdiction in Illinois for another proceeding or purpose solely by reason of participating in an UCCJEA proceeding; the concept of exclusive continuing jurisdiction; and the creation of temporary emergency jurisdiction where a child is present in Illinois and has been abandoned or it is necessary in an emergency to protect the child because he or she or the child's sibling or parent is subjected to or threatened with mistreatment or abuse. The UCCJEA also creates an express provision by which a court must decline jurisdiction if the court has jurisdiction by reason of a person's unjustifiable conduct, such as, kidnapping or sequestration of the child.

#### **B. Coverage and Communication Between Courts Under the UCCJEA**

The UCCJEA contains more definitions than the UCCJA,<sup>76</sup> and defines "person" broadly enough to include DCFS as a person who may be ordered to appear in court with or without the child even when they are not a party.<sup>77</sup> It also expressly governs divorce, separation, paternity, guardianship, termination of parental rights, and other types of proceedings,<sup>78</sup> and its application is broader than the UCCJA. For instance, the UCCJEA expressly deals with Indian tribes and allows a state court to enforce an order for the return of a child made under the Hague Convention.<sup>79</sup>

The UCCJEA also adopts more liberal and general notice provisions than the UCCJA and allows for notice by publication. It explicitly allows the admission of out-of-state evidence and the taking of evidence by telephone, audiovisual means, or other electronic means,<sup>80</sup> which was not previously permitted under the UCCJA. The UCCJEA further allows communications between courts and permits the parties to participate in them.<sup>81</sup> Moreover, if there are inter-court communications, the UCCJEA mandates that a record be made of them.<sup>82</sup>

#### **C. Pointers For Drafting A Petition Or Affidavit**

The UCCJEA essentially mirrors the UCCJA with respect to information that must be submitted to a court in a pleading or affidavit in interstate custody proceedings.<sup>83</sup> The first pleading or attached affidavit pertaining to the custody proceeding must contain the following information attested to under oath: the child's present address or whereabouts; the places where the child

has lived during the last five years; and the names and present addresses of the persons with whom the child has lived during that period.<sup>84</sup>

The pleading or affidavit must also state whether the party: (1) has participated in any capacity in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any; (2) knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and (3) knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.<sup>85</sup>

Finally, each party has a continuing duty to inform the court of any proceeding in Illinois or any other state that could affect the current proceeding.<sup>86</sup> If a party does not provide the information required, as set forth above, the court may stay the proceeding until the information is furnished.<sup>87</sup>

#### **IV. CONCLUSION**

After nearly 25 years of using the UCCJA, the Illinois legislature has repealed and replaced it with the UCCJEA in an effort to accomplish three important goals: to end custody jurisdictional disputes between states; to promote cooperation between states in determining custody issues; and to enhance the ability of states to enforce custody orders expeditiously. The UCCJEA took effect in Illinois on January 1, 2004, and applies only to motions or other requests for relief that are commenced on or after January 1, 2004.

The Illinois UCCJEA expressly provides that full faith and credit be given to out-of-state custody determinations,<sup>88</sup> rectifying the jurisdictional conflict between the former Illinois UCCJA and the federal PKPA. Essentially the UCCJEA conforms the UCCJA to the PKPA with respect to home state priority and exclusive continuing jurisdiction to modify a custody or visitation order. Importantly, it creates new uniform and modernized procedures to expedite interstate enforcement of custody and visitation orders, including a remedy for civil enforcement by prosecutors and law enforcement officials, which did not exist before in Illinois under the UCCJA.

## ENDNOTES

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- <sup>1</sup> PA 93-108 (eff Jan 1, 2004).
- <sup>2</sup> For a comprehensive discussion of the UCCJEA legislation, consult Barbara Ellen Handshu, *Important Interstate (International) Custody Law Enacted: Essentials About the UCCJEA*, 34 NYSBA Fam L Rev 1 (2002); Kelly Gaines Stoner, *The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA)*, 75 ND L Rev 301 (1999); and Patricia M. Hoff, *The ABC's of the UCCJEA: Interstate Child-Custody Practice Under the New Act*, 32 Fam L Q 267 (Summer 1998).
- <sup>3</sup> 28 USC §1738A.
- <sup>4</sup> Hoff, *The ABC's of the UCCJEA: Interstate Child-Custody Practice Under the New Act*, 32 Fam L Q at 269.
- <sup>5</sup> PA 81-541 (eff Sept 11, 1979), codified at 750 ILCS 35/1 *et seq.*
- <sup>6</sup> *In re Marriage of Bozarth*, 182 IllApp3d 345, 350, 538 NE2d 785, 788 (2d D 1989), citing 9 ULA 123 *et seq.*
- <sup>7</sup> 750 ILCS 35/2(a).
- <sup>8</sup> 750 ILCS 35/3.02 (“custody determination” means a court decision and court orders providing for custody and visitation rights).
- <sup>9</sup> 750 ILCS 35/4(a).
- <sup>10</sup> 750 ILCS 35/4(d).
- <sup>11</sup> *In re Marriage of Ludwinski*, 329 IllApp3d 1149, 1153, 769 NE2d 1094, 1099 (4<sup>th</sup> D 2002).
- <sup>12</sup> 750 ILCS 35/7 and 35/8.
- <sup>13</sup> 750 ILCS 35/4(b).
- <sup>14</sup> *In re Marriage of Mattmuller*, 336 IllApp3d 984, 992, 785 NE2d 196, 203 (5<sup>th</sup> D 2003).
- <sup>15</sup> 28 USC §1738A.
- <sup>16</sup> 28 USC §1738A(a).
- <sup>17</sup> 28 USC §1738A(c).
- <sup>18</sup> *In re Marriage of Wiseman*, 316 IllApp3d 631, 638, 737 NE2d 325, 332 (2d D 2000).
- <sup>19</sup> 750 ILCS 35/4(a)1.
- <sup>20</sup> 28 USC §1738A(f) and (h).
- <sup>21</sup> See *In re Marriage of Kneitz*, 341 IllApp3d 299, 793 NE2d 988 (2d D 2003).
- <sup>22</sup> US Const, art VI.
- <sup>23</sup> *Wiseman*, 316 IllApp3d at 637, 737 NE2d at 331.
- <sup>24</sup> *Id.* at 636, 737 NE2d at 330.
- <sup>25</sup> In addition to repealing the UCCJA, Public Act 93-108 amends the Illinois Marriage and Dissolution of Marriage Act, the Criminal Code, the Public Aid Code, and other statutes to bring them into compliance and provide for consistency. PA 93-108, UCCJEA §402.1-402.6.
- <sup>26</sup> PA 93-108, UCCJEA §405.
- <sup>27</sup> *Id.*
- <sup>28</sup> PA 93-108, UCCJEA §313.
- <sup>29</sup> PA 93-108, UCCJEA Article 3.
- <sup>30</sup> 18 USC §2265.
- <sup>31</sup> PA 93-108, UCCJEA §302.
- <sup>32</sup> PA 93-108, UCCJEA §107.
- <sup>33</sup> PA 93-108, UCCJEA §110-§112. Review of the trial court's jurisdiction decision is made easier under the UCCJEA because of the requirement that communications between courts of different states be recorded. *Shanosky v. Miller*, 780 A 2d 275 (Me 2001).
- <sup>34</sup> PA 93-108, UCCJEA §109.
- <sup>35</sup> *International Shoe v. Washington*, 326 US 714, 734-35 (US 1945).
- <sup>36</sup> See Stoner, *The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA)*, 75 ND L Rev at 306-07.
- <sup>37</sup> See PA 93-108, UCCJEA §205; compare PA 93-108, UCCJEA §108 and 750 ILCS 35/6.
- <sup>38</sup> PA 93-108, UCCJEA §108 and §205.
- <sup>39</sup> PA 93-108, UCCJEA §105.
- <sup>40</sup> PA 93-108, UCCJEA §305.
- <sup>41</sup> PA 93-108, UCCJEA §304.
- <sup>42</sup> PA 93-108, UCCJEA §311.
- <sup>43</sup> PA 93-108, UCCJEA §315.
- <sup>44</sup> PA 93-108, UCCJEA §402.
- <sup>45</sup> PA 93-108, UCCJEA §405.
- <sup>46</sup> PA 93-108, UCCJEA §404.

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- <sup>47</sup> PA 93-108, UCCJEA §402.1-§402.6.
- <sup>48</sup> *Atkins v. Vigil*, 59 P3d 255 (Al S Ct 2002).
- <sup>49</sup> PA 93-108, UCCJEA §102(7).
- <sup>50</sup> *Id.*
- <sup>51</sup> PA 93-108, UCCJEA §102(3).
- <sup>52</sup> PA 93-108, UCCJEA §202(a).
- <sup>53</sup> See PA 93-108, UCCJEA §202.
- <sup>54</sup> 28 USC §1738A(d), and (f)-(h)
- <sup>55</sup> See *Stoneman v. Drollinger*, 314 Mont 139, 64 P 3d 997 (Mont S Ct 2003) (Montana court erred in assuming jurisdiction over custody and visitation issues involving an out-of-state mother and children where father, who lived in Montana, had an extensive history of domestic abuse and the former wife and children could be better protected from domestic violence by the out-of-state court).
- <sup>56</sup> PA 93-108, UCCJEA §207(b).
- <sup>57</sup> PA 93-108, UCCJEA §208.
- <sup>58</sup> Compare PA 93-108, UCCJEA §201(a)(4) and 750 ILCS 35/4(a)4.
- <sup>59</sup> PA 93-108, UCCJEA §204.
- <sup>60</sup> PA 93-108, UCCJEA §204(a).
- <sup>61</sup> PA 93-108, UCCJEA §204(c) and (d).
- <sup>62</sup> PA 93-108, UCCJEA §204(b).
- <sup>63</sup> David Carl Minneman, Anno, *Pending Proceeding in Another State as Ground for Declining Jurisdiction Under §6(a) of the Uniform Child Custody Jurisdiction Act (UCCJA) or the Parental Kidnapping Prevention Act (PKPA)*, 28 USC §1738A(g), 20 ALR 5<sup>th</sup> 700, 731 (1994).
- <sup>64</sup> *Wiseman*, 316 IllApp3d at 637, 737 NE2d at 331.
- <sup>65</sup> PA 93-108, UCCJEA §313.
- <sup>66</sup> PA 93-108, UCCJEA §202.
- <sup>67</sup> PA 93-108, UCCJEA Article 3.
- <sup>68</sup> PA 93-108, UCCJEA §304.
- <sup>69</sup> PA 93-108, UCCJEA §305 and §306.
- <sup>70</sup> PA 93-108, UCCJEA §307.
- <sup>71</sup> PA 93-108, UCCJEA §308.
- <sup>72</sup> PA 93-108, UCCJEA §311.
- <sup>73</sup> PA 93-108, UCCJEA §312 and §317.
- <sup>74</sup> PA 93-108, UCCJEA §315 and §316.
- <sup>75</sup> Hoff, *The ABC's of the UCCJEA: Interstate Child-Custody Practice Under the New Act*, 32 Fam L Q at 273, 295-98.
- <sup>76</sup> PA 93-108, UCCJEA Article I.
- <sup>77</sup> PA 93-108, UCCJEA §102(12) and §210.
- <sup>78</sup> PA 93-108, UCCJEA §301(4).
- <sup>79</sup> PA 93-108, UCCJEA §105 and §302.
- <sup>80</sup> PA 93-108, UCCJEA §111.
- <sup>81</sup> PA 93-108, UCCJEA §110.
- <sup>82</sup> *Id.*
- <sup>83</sup> Compare PA 93-108, UCCJEA §209 and 750 ILCS 35/10.
- <sup>84</sup> PA 93-108, UCCJEA §209(a) and (c).
- <sup>85</sup> *Id.*
- <sup>86</sup> PA 93-108, UCCJEA §209(d).
- <sup>87</sup> PA 93-108, UCCJEA §209(b).
- <sup>88</sup> PA 93-108, UCCJEA §313.