

UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

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In July of 1997, the National Conference of Commissioners of Uniform State Laws unanimously adopted the Uniform Child Custody Jurisdiction and Enforcement Act, and updated an enhanced version of the Uniform Child Custody Jurisdiction Act (UCCJA). The Act was approved by the American Bar Association in February of 1998 and has now been made available to each State Legislature in the United States for purposes of review and adoption. The Act has been adopted, with nominal revisions, in Alaska and Oklahoma. As of July 1998, the Act has been introduced in eleven States as well as the U.S. Virgin Islands. It is anticipated that New Jersey will be adopting the UCCJEA shortly.

The Act was adopted by the national Conference to conform the UCCJA with two important Federal Statutes, the Parental Kidnaping Prevention Act and the Violence Against Women Act, as well as to clarify various sections of the UCCJA in such a way that good practice techniques and sound case law authority have now been codified in the Act.

A Higher-Archy has now been established for purposes of initial jurisdiction. The home State now takes priority and is superior to any significant connection jurisdiction. In fact, a Court can exercise significant connection jurisdiction only if a home state declines jurisdiction. There are also emergency and alternative jurisdiction provisions within the Statute.

There have been significant changes with regard to modification jurisdiction, procedures for declining jurisdiction, judicial communications and cooperation, pleadings and interstate enforcement.

Of course, when reviewing the Uniform text, the New Jersey Legislature is free to make modifications. However, most uniform laws prepared by the National Conference are generally adopted with nominal modifications.

The best discussion of the UCCJEA can be found in the American Bar Association Family Law Quarterly, volume 32, #2, Summer of 1998 edition. Requests for the text should be directed to the American Bar Association at 312-988-6101 or e-mail at rvittenson@staff.abanet.org.