

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1942

SPONSOR: Senator Campbell

SUBJECT: Uniform Child Custody & Enforcement Jurisdiction Act

DATE: March 28, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>Johnson</u>	<u>JU</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill creates the Uniform Child Custody Jurisdiction and Enforcement Act to replace the outdated Uniform Child Custody Jurisdiction Act in chapter 61, Florida Statutes. The UCCJEA updates and remedies many areas of conflict based on inconsistent interpretations of the UCCJA, discrepancies among other state and federal enactments affecting interstate custody jurisdiction and enforcement. The major provisions of the bill include: the establishment of priority court jurisdiction based on the child’s home state, mechanisms for granting temporary emergency jurisdiction, and procedures for the enforcement of out-of-state custody orders, including assistance from a state attorney and law enforcement in locating a child and enforcing an out-of-state decree.

This bill creates yet unnumbered sections and repeals the following sections of the Florida Statutes: ss. 61.1302 - 61.1348. The bill also amends sections 39.502, 61.13 and 741.30 of the Florida Statutes.

II. Present Situation:

Chapter 61, F.S., provides for the Uniform Child Custody Jurisdiction Act (UCCJA). *See* ss. 61.1302-61.1348, F.S. The UCCJA is based on a 1968 draft of a uniform law by the National Conference of Commissioners on Uniform State Laws¹ (“NCCUSL”). The Act was intended to avoid jurisdictional competition and conflict among state courts in matters of interstate child custody matters, to discourage forum shopping and to deter interstate kidnaping of children by their non-custodial parents. In 1977, Florida adopted the UCCJA. *See* ch. 77-433, *Laws of Florida* (1977). By 1981, all 50 states had adopted the uniform Act. Florida UCCJA has not been substantively amended since it was first adopted.

¹The NCCUSL is comprised of commissioners from each state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. The Commission’s purpose is to promote uniformity in state law and interstate cooperation by developing uniform acts and securing enactment by voluntary action of each state government.

Over the last 30 years, specific problems have developed with the Act. The following have been identified as major areas of concern: the application of the Act, the lack of procedures for identifying out-of-state custody proceedings or registering or prioritizing among court orders; confusion among states regarding continuing modification jurisdiction and temporary emergency jurisdiction; ambiguity and inconsistency in interpreting the Act against the Parental Kidnaping Prevention Act² and the Violence Against Women Act, and the Hague Convention on the Civil Aspects of International Child Abduction³; lack of effective enforcement procedures; and lack of uniformity due to state variations of the UCCJA.⁴ Examples follow:

Proceedings subject to the Act: Under the Act, a custody proceeding includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage or separation, and includes child neglect and dependency proceedings. *See* § 61.1306(3), F.S. (1999). However, there is no general agreement among the states as to whether the UCCJA automatically applies to proceedings involving neglect, abuse, dependency, guardianship, termination of parental rights, and protection from domestic violence.

Jurisdiction: Under the Act, jurisdiction can be established in one of four ways based on: 1) whether the court is the child's home state; 2) whether the child has significant connections with the state; 3) whether the court has emergency jurisdiction; or 3) whether a court can assume jurisdiction because no other state court has jurisdiction or another state has declined jurisdiction because it is in the best interest of the child. *See* s. 61.1308, F.S. (1999). The UCCJA provides no priority among the possible jurisdictions nor does the Act address whether and for how long a decree-granting state court retains exclusive continuing jurisdiction. The ambiguity and lack of express guidelines as to when jurisdiction is established and when it is relinquished have resulted in conflicting interpretations among the state courts and in competing proceedings and overlapping and conflicting custody orders.

Emergency Jurisdiction: Under the Act, emergency jurisdiction can be established: 1) if the child is physically present in the state and the child has been abandoned or 2) if it is necessary in an emergency to protect the child because he or she has been subjected to or threatened with mistreatment or abuse or is otherwise neglected. *See* § 61.1308(1)(c), F.S. (1999). There is no clarification as to whether this jurisdiction is permanent or temporary and whether domestic violence against a child's parent or sibling may be taken into account.

Role of "best interest": The UCCJA provides that a court of this state has jurisdiction to make a child custody determination by initial or modification decree if it is in the best interest of the child

²Congress enacted the Parental Kidnaping Prevention Act ("PKPA") in 1980 to resolve conflicts among states claiming jurisdiction on different grounds. 28 U.S.C. §1738A. The PKPA based priority jurisdiction in the child's home state. *Id.* Under the PKPA, courts are required to enforce and not modify out-of-state custody determinations that are consistent with the act. *Id.* The PKPA also provides for warrants for unlawful flight to avoid prosecution in parental kidnaping cases and investigations by the Federal Bureau of Investigations in interstate and international parental abduction cases. *Id.*

³In 1980, the United States signed the Hague Convention on the Civil Aspects of International Child Abduction, a treaty designed to address the problem of international parental abduction. 42 U.S.C. §11601 et seq. The Convention requires the return of abducted children to their country of "habitual residence," but enforcement is limited to countries that have signed the treaty. *Id.*

⁴Based in part on the findings and conclusions of a two-year study begun in 1990 by the federal Office of Juvenile Justice and Delinquency Prevention which identified many continuing problems in interstate and international custody issues. *See Research Summary: Obstacles to the Recovery and Return of Parentally Abducted Children* (OJJDP) (1994).

because there is significant connection with this state and because there is substantial evidence within the state concerning the child's present or future care, protection, training, and personal relationships. *See* s. 61.1308(1)(b), Fla. Stat. (1999). Although not intended, the "best interest" language has been construed among the states as a way to address the merits of the custody dispute rather than limiting it to the initial jurisdictional issue.

Enforcement: Under the Act, enforcement of custody orders are entered in accordance with mandated jurisdictional prerequisites and due process, but the Act does not provide enforcement procedures or remedies. *See* ss. 61.1328 and 61.1332, F.S. (1999). Without uniform enforcement procedures or remedies, enforcement mechanisms differ from state to state. Some states tend to limit consideration in enforcement proceedings to whether the court which issued the decree had jurisdiction to make the custody determination, while others broaden the considerations to scrutiny of whether enforcement would be in the best interests of the child.

In 1997, in response to the *Obstacles* study, *supra*, disparate state law interpretation of the UCCJA, and the impact of conflicting state and federal law, the NCCUSL revisited the UCCJA. *See* Patricia M. Hoff, *The ABC's of the UCCJEA: Interstate Child-Custody Practice Under the New Act*, 32 Fam. L. Q. 267 (1998). The NCCUSL drafted the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) which reflects a revision of the UCCJA. The UCCJEA conformed to the PKPA and the Violence Against Women Act, 18 U.S.C. §§ 2265-2266. The UCCJEA also addressed many areas of conflict and strengthened provisions regarding jurisdiction and enforcement.

In 1998, the UCCJEA was endorsed by the American Bar Association House of Delegates. To date, 29 states and territories have introduced the UCCJEA of which 17 states have already enacted the law. There is currently pending identical legislation in the House. *See* HB 377 (R-Nancy Detert).

III. Effect of Proposed Changes:

Overall, the bill amends a substantial part of chapter 61, F.S. relating to the Uniform Child Custody Jurisdiction Act. The cumulative effects of the bill are that it replaces the UCCJA with the updated and revised Uniform Child Custody Jurisdiction and Enforcement Act, to govern the jurisdiction and enforcement of interstate custody issues. The major areas addressed are enumerated and a section-by-section analysis follows:

- *Home State Priority Jurisdiction:* Priority jurisdiction is given to the home state of the child in child custody determinations. All other states must defer to the home state of the child, if there is one. If there is no home state, jurisdiction is then based on the presence of a significant connection between the child, the child's parents, or person acting as a parent, and a state.
- *Continuing Exclusive Jurisdiction:* Continuing exclusive jurisdiction is expressly retained by the state that took jurisdiction over the custody as long as the parties maintain a significant connection with the state or until all parties have moved away from the state.

- *Temporary Emergency Jurisdiction*: Temporary emergency jurisdiction is expressly provided and may evolve into continuing exclusive jurisdiction if no other state with grounds for continuing jurisdiction can be found or, if found, declines to take jurisdiction. The child's presence and his or her abandonment, mistreatment, or abuse, or threats to siblings or a parent, necessitate the taking of emergency jurisdiction. However, any such emergency jurisdiction is temporary until the matter can be taken up by the state with continuing jurisdiction. If there is a home state, continuing exclusive jurisdiction remains with the home state. If the state with temporary emergency jurisdiction becomes the home state, then as such, it will become the exclusive jurisdiction for any further custody matters.
- *Proceedings subject to the Act*: Custody proceedings subject to the Act are clarified to include interstate custody issues as may arise under a proceeding for dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence. Virtually all custody cases are included, with the exception of adoption, proceedings involving juvenile delinquency, contractual emancipation, and enforcement as described in this act.
- *Role of "Best Interest"*: All references to the child's best interest have been deleted. A court should not consider the merits of the case, before finding it has jurisdiction to do so.
- *Enforcement*: An expedited enforcement proceeding is provided whereby the scope of the court's inquiry is limited solely to determining whether the decree-granting court had jurisdiction and complied with due process in rendering the original custody decree. The burden is on the respondent to show that the custody determination is not entitled to enforcement. The only defenses available to the respondent are that the order was vacated, stayed, or modified by a court with jurisdiction to do so under the act, or that there was lack of notice to the person entitled to notice and lack of opportunity to be heard at the original custody determination. However, the notice requirements may be temporarily waived and a warrant issued to take physical custody in those cases where it is believed that the child will suffer imminent, serious physical harm or be removed from the jurisdiction once the parent with physical custody learns that a petition to enforce a custody determination has been filed. Immediately following execution of the warrant, the respondent must receive notice of the proceedings. A state attorney has authority to locate a child and enforce a child custody determination on behalf of the court. The state attorney is not involved in the proceedings leading up to enforcement or the merits of the case. The involvement of the state attorney may encourage parties to abide by the terms of a custody determination. Law enforcement is also authorized to assist the state attorney in the location of a child and the enforcement of a child custody determination. The state attorney and law enforcement may recover costs and expenses from the non-prevailing party.

Section 1 provides for the act to be cited as the "Uniform Child Custody Jurisdiction and Enforcement Act" (UCCJEA).

Section 2 provides a list of purposes for the UCCJEA.

Section 3 provides new definitions to be used in the act, including "abandoned," "child," "child custody determination," "child custody proceeding," "commencement," "court," "home state,"

“initial determination,” “issuing court,” “issuing state,” “modification,” “person,” “person acting as a parent,” “physical custody,” “state,” “tribe,” and “warrant.”

A number of definitions are either taken from or derived from definitions in the PKPA, the Uniform Interstate Family Support Act, and other federal laws.

Section 4 specifies that the UCCJEA does not apply to adoption proceedings or proceedings relating to authorization of emergency medical care for a child.

Adoption proceedings involved a specialized area of law which has been thoroughly covered by the Uniform Adoption Act or specific State law although there may be a few circumstances in which the UCCJEA will apply. Proceedings for authorization to emergency medical care are considered outside the scope of the UCCJEA and not a part of custody determinations.

Section 5 provides that UCCJEA does not apply to a child-custody proceeding involving an Indian child except to the extent that the Indian Child Welfare Act is applicable. Tribes are to be afforded the status of a state for purposes of this act and a child custody determination made by a tribe in substantial conformity with this act is to be recognized and enforced under this act.

Section 6 provides that a foreign country is to be afforded the status of a state for purposes of the UCCJEA. A child custody determination made by a foreign country in substantial conformity with the UCCJEA is to be recognized and enforced, unless the foreign country violates fundamental principles of human rights.

Section 7 provides that a custody determination made by a court that has jurisdiction is binding on all persons who have been served, notified, or have submitted to jurisdiction, and who have had an opportunity to be heard.

No substantive changes have been made in this area.

Section 8 requires expedited judicial review and process of an interstate custody proceeding in which jurisdiction is questioned.

No substantive changes have been made in this area.

Section 9 authorizes notice and proof of service by any method allowed by either the state which issued the notice or the state where the notice is received.

This section eliminates the need to specify the type of notice by allowing either method of either State to be used.

Section 10 states that participation by the court in a custody proceeding does not, by itself, give the court jurisdiction over any issue for which personal jurisdiction over the individual is required first. If there is personal jurisdiction in this state over a person on a basis other than physical presence, that person is not immune from service of process in this state. If another state has

jurisdiction over a person present in this state, that person is not immune from service of process allowable under the laws of the first state.

This section establishes a general principal that participation in a custody proceeding does not, by itself, establish court jurisdiction. This section also provides immunity comparable to that in the Uniform Interstate Family Support Act.

Section 11 provides authority for a court of this state to communicate with a court of another state. The court may allow the parties to participate in the communication. If the parties do not participate, they must be given the opportunity to present facts and legal arguments before a decision regarding jurisdiction is made. A record of a communication between courts must be made unless the communication is regarding schedules, calendars, court records, or similar matters. A definition of “record” is provided.

This section emphasizes the role of judicial communications.

Section 12 provides that a party to a child custody proceeding may offer, or the court on its own motion may order, testimony of witnesses located in other states, by deposition or other means allowable in this state. This section provides the modes of communication which are permissible in the taking of testimony and the transmittal of documents.

No substantive changes have been made in this area.

Section 13 specifies what proceedings a court of this state may ask an out-of-state court to hold. This section also prescribes what documents a court of this state must preserve and authorizes the court to provide certified copies to an out-of-state court.

This section is to encourage judicial cooperation to facilitate the decision-making in an efficient and less costly manner for the parties.

Section 14 provides jurisdictional rules for an initial child custody proceeding. Priority is given to the child’s home state. If home state jurisdiction is not available, jurisdiction may be assumed by a state with which the child has a significant connection. If significant connection jurisdiction is not available, or the court having jurisdiction has declined such jurisdiction, then this state may exercise jurisdiction. Physical presence of or personal jurisdiction over a child is not necessary or sufficient to make a child custody determination.

This section provides mandatory jurisdictional rules for the original child custody proceeding and replaces the optional bases for establishing jurisdiction with home state priority jurisdiction or significant connect jurisdiction.

Section 15 provides that the continuing jurisdiction of the original decree state is exclusive and continues until either: the child, the child’s parent, and any person acting as a parent no longer has a significant connection to this state and substantial evidence regarding the child is no longer available in this state; or the child, the child’s parent, and any person acting as a parent no longer reside in this state.

This section specifically addresses an area that was not addressed by the UCCJA.

Section 16 prohibits a court of this state from modifying a child custody determination from another state unless a court of this state has exclusive jurisdiction to make an initial child custody determination and the out-of-state court no longer has exclusive, unless continuing jurisdiction or a court of this state would be a more convenient forum; or unless the child, the child's parent, and any person acting as a parent no longer reside in the other state.

This section clarifies the circumstances under which modification of a child custody determination may be done.

Section 17 provides criteria for establishing temporary emergency jurisdiction in a court of this state. Temporary emergency jurisdiction may be established to protect the child even though the state is not the child's home state and there is no significant connection jurisdiction. A custody determination made under this section is temporary, and remains in effect until the state that has jurisdiction to make an initial child custody determination enters an order. This section requires the court who has or establishes temporary emergency jurisdiction to communicate with and inform the court which has jurisdiction to make an initial child custody determination about the emergency proceedings. If there is no child custody determination, and a custody proceeding has not been filed in a state that has jurisdiction under this act, an emergency custody determination under this section becomes a final determination when this state becomes the home state of the child. This section also allows the court to take temporary emergency custody if the child's parent or sibling has been subjected to or threatened with mistreatment or abuse.

This section codifies and clarifies several aspects of what has become common practice in emergency jurisdiction cases under the UCCJA and the PKPA. First a court may take jurisdiction to protect the child even though it can claim neither home State nor significant connection jurisdiction. Second, the need to enter a temporary emergency order to protect the child takes precedence over the duty to enforce a custody determination of another State. The definition of "emergency" has been revised to harmonize with the definition for "emergency" under the PKPA which encompasses mistreatment or abuse. This section reflects the current circumstances that domestic violence proceedings may be a procedural vehicle for invoking child custody jurisdiction. The UCCJA predated the advent of domestic violence protective orders.

Section 18 generally continues the notice provisions of the old UCCJA by requiring notice and opportunity to be heard for all persons entitled to notice under the laws of this state in regards to child custody proceedings. In addition, joinder of parties and the right to intervene in these child custody proceedings are to be governed by the laws of this state.

Section 19 prohibits a court of this state from exercising jurisdiction if a child custody proceeding has been commenced in another state having jurisdiction under this act, unless those proceedings have been terminated or stayed. This section also provides criteria for a court of this state to determine whether proceedings in this state may continue or must be stayed or dismissed.

This section represents the remnants of the simultaneous proceedings of the UCCJA. Most of the issues surrounding the simultaneous proceedings have been addressed by the new

provisions governing prioritization of home state jurisdiction, exclusive jurisdiction, and prohibition against modification.

Section 20 continues the focus of the UCCJA by authorizing courts to defer to another State if that State is in a better position to make a custody determination based on the relative circumstances of the parties. If a court of this state determines that it is an inconvenient forum and that a court of another state is more appropriate, the proceedings should be stayed.

Section 21 requires a court of this state to decline to invoke jurisdiction, if jurisdiction is available only because of unjustifiable conduct of one of the parties unless all parties have acquiesced to jurisdiction in this state, a court of a state having jurisdiction determines that this state is a more appropriate forum; or no court of any other state would have jurisdiction. This section also authorizes a court of this state, that declines jurisdiction due to unjustifiable conduct, to fashion a remedy for the safety of the child and to prevent a repetition of the unjustifiable conduct. This section authorizes an assessment of fees, costs, and expenses against the party who acted unjustifiably.

Although the potential for multiple States to take jurisdictions over a child custody proceeding is minimized by the changes in the new Act, this section tries to ensure that the abducting parents do not receive an advantage for removing or retaining a child unjustifiably or inappropriately in another forum.

Section 22 sets forth what information must be given to a court of this State regarding custody, status of any other proceedings regarding the child, and other identifying information about the child and the parties, subject to state laws regarding confidentiality of information in certain cases.

This section retains the general pleading requirements of the UCCJA but makes the information subject to the state laws as different States have enacted laws relating to the protection of the confidentiality, names, addresses and other information of domestic violence and child abuse victims.

Section 23 authorizes a court of this state to order any party to a child custody proceeding to appear before the court. In addition, the court is authorized to enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

This section makes no major change to the UCCJA other than to allow a court to require a non-party who has physical custody of the child to produce the child and to order an alternative to appearance if the safety of the child and the person is at issue.

Section 24 provides definitions for “petitioner” and “respondent” in regards to an enforcement proceeding.

These definitions are offered to clarify certain aspects of the notice and hearing sections.

Section 25 authorizes a court of this state to enforce an order for the return of a child under the International Child Abduction Remedies Act (ICARA), 42 U.S.C. s. 111601 et seq., implementing the Hague Convention on the Civil Aspects of International Child Abduction.

This section applies the enforcement remedies of this Act to enforce orders requiring the return of a child as noted.

Section 26 imposes a duty on a court of this state to enforce an out-of-state child custody determination, if the court of the other state had jurisdiction in substantial conformity with this act. In addition, a court of this state may use any remedy available under laws of this state to enforce a child custody determination of another state.

This section retains the “duty to enforce” language of the UCCJA which is consistent with the federal law in the PKPA.

Section 27 authorizes a court of this state to enter a temporary order enforcing a visitation schedule or nonspecific visitation provisions within an out-of-state child custody determination. The court must specify how long the order is effective.

This section allows the court to issue a temporary visitation order if necessary to enforce visitation rights without violating the rules on nonmodification in the Act, or to provide a visitation schedule if one was not included in the initial custody determination. However, the court can not make a permanent change in the visitation; the parties must go back to the court with exclusive, continuing jurisdiction.

Section 28 authorizes a simple registration procedure to be used to predetermine the enforceability of a child custody determination in another location or from another location for purposes of confirming its enforceability should the need arise.

Section 29 allows a registered child-custody determination to be enforced as if it was a child-custody determination of this state but restricts its modification except under specified circumstances. The court can not modify a registered determination unless it has jurisdiction to make an initial determination and the decree-granting state has determined that it no longer has exclusive, continuing jurisdiction or that this state would be a more convenient forum, or either court determines that the child, the child’s parents, and any person acting as a parent do not currently reside in the decree-granting state.

Section 30 requires a court in which a proceeding for enforcement has begun to contact the court in which a simultaneous modification proceeding is pending. The enforcement proceeding will continue unless the enforcing court stays or dismisses the proceeding in order to defer to the modifying court.

This section is consistent with the pleading rules of the UCCJEA which require the parties to disclose any pending proceedings. The enforcement proceeding takes precedence over a modification proceeding although requiring the courts to communicate will minimize duplicative litigation.

Section 31 provides the usual expedited remedy for petitioning for enforcement of an out-of-state child custody determination and the production of a child based on habeas corpus claim.

Section 32 requires the service and process must be made in accordance the state law.

Section 33 provides the scope of inquiry and the procedure for an enforcement hearing to be consistent. The court must order the petitioner to take immediate physical custody of the child, if it finds that the petitioner is entitled to such custody. This section also provides exceptions. This section provides that the court may draw an adverse inference from a party's refusal to answer on the ground of self-incrimination. The privilege against disclosure of communications between spouses and defenses of immunity based on the husband and wife relationship or the parent or child relationship are eliminated. This provision only applies to enforcement proceedings.

Section 34 provides a mechanism for the immediate physical recovery of a child based on a warrant in those emergency circumstances when there is reasonable belief that a child will suffer, imminent, serious physical harm or be removed from the jurisdiction once the respondent learns that the petitioner has filed for an enforcement proceeding. Prior to the issuance of a warrant to take physical custody of the child, the court must hear the petitioner's or other witness' testimony. If the court finds that the potential for harm exists, it may temporarily waive the notice requirements and issue a warrant to take physical custody of the child. The warrant must include the reasons for the warrant. The warrant must also direct law enforcement to take physical custody of the child immediately, and must provide for the placement of the child pending final relief. After the warrant is issued, the respondent must be given notice of the proceedings. Law enforcement have the authority to enforce the warrant throughout this state, including the authorization to enter private property to pick up the child if no less intrusive means are possible. In extraordinary cases, the warrant may authorize law enforcement to make forcible entry at any hour. This section authorizes the court to utilize whatever means are available under state law to ensure the appearance of the child and the child's custodian at the enforcement hearing.

Section 35 authorizes an award of costs, fees, and expenses to the prevailing party, including the state, unless the non-prevailing party shows that the award would be clearly inappropriate. Fees, costs, or expenses may not be assessed against a state unless authorized by law other than this act. This section is derived from the International Child Abduction Remedies Act, 42 U.S.C. s. 11607 and also implements the policies of the PKPA.

Section 36 provides that a court of this state must give full faith and credit to an order for enforcement issued by another state and consistent with this act, unless the order has been vacated, stayed, or modified by a court with jurisdiction under the act.

Section 37 provides that an enforcement order may be appealed as an expedited civil matter. The order may not be stayed by the court pending the appeal. If there is a risk of serious mistreatment or abuse, a petition to assume emergency jurisdiction must be filed under another section of the Act.

Section 38 authorizes the state attorney to take any lawful action under any case arising under this Act or involving the Hague Convention on the Civil Aspects of International Child Abduction, provided there is: an existing child custody determination; a request to do so from a court in a pending child custody proceeding; a reasonable belief that a criminal statute has been violated; or a reasonable belief that the Hague Convention on the Civil Aspects of International Child Abduction has been violated. The state attorney does not represent any party but acts on behalf of the court.

This section and the next two sections are based on recommendations of the Obstacles Study that urges a role for public authorities in the civil enforcement of custody and visitation determinations.

Section 39 authorizes law enforcement officials to assist in locating a child and enforcing a custody determination when requested to do so by the state attorney.

Section 40 authorizes the state attorney and law enforcement to recover direct expenses and costs against the respondent if he or she is not the prevailing party.

This section attempts to remove one of the barriers against the involvement of public authorities in the location and enforcement of child custody and visitation determinations by allowing some recovery of costs.

Section 41 provides that when applying and construing this act, the need to promote uniformity of the law must be considered.

Section 42 provides a severability clause.

Section 43 provides that a motion that is filed prior to enactment of this act may be completed under the laws in effect at the time the motion was filed.

Section 44 amends section 39.502(7), Florida Statutes, to conform statutory language.

Section 45 amends section 61.13(2)(b), Florida Statutes, to conform statutory language.

Section 46 amends sections 741.30(3)(d), 741.30(4), and 741.30(7)(a), Florida statutes, to conform statutory language.

Section 47 repeals the Uniform Child Custody Jurisdiction Act, sections 61.1302 through 61.1348, Florida Statutes.

Section 48 provides an effective date of October 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This bill may help to deter non-custodial parents from taking children across state lines and forum-shopping in the hope of reversing unfavorable custody orders. This bill may also assist parents with custody orders to understand the bases for court jurisdiction and the rules for enforcement and modification. It may also provide parents with greater enforcement mechanisms, including the retrieval of a child removed by a non-custodial parent.

C. Government Sector Impact:

This bill may provide clearer guidelines for the courts to establish jurisdiction, to avoid competing and conflicting child custody orders, to enforce child custody orders and to modify child custody orders. The Office of State Courts Administrator has determined this bill would have no fiscal impact on the State Courts system.

It is indeterminate at this time what fiscal impact, if any, this bill will have on the administration by the Department of Children and Families, the Florida Department of Law Enforcement and the state attorneys.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.