

Clearing Up Confusion Over Interstate Child Custody Matters

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My wife and I know a couple who attend our church who have five adult children. Mom and Dad were born and raised in Michigan, went to college here, married and raised their family in Livingston County. They are now retired and live in the same house in which they have lived for the past 30 years.

They would like to move to be closer to their children and grandchildren. Problem is, their five children live in different states, stretching from Georgia to Illinois to Washington, and points in between. Pick any community in this land and they are left with long road trips to see the grandkids.

The community in which my wife and I live, and many of the local streets, are named for families that have roots going back three, four and even five generations. My wife and I have lived our entire lives no more than 60 miles from our birthplaces.

My wife remarked to me recently that we and our friends mentioned above are dinosaurs. The world is becoming a smaller place. People move more often and greater distances than ever before. We are quickly becoming a transient society and it stands to reason that the trend will continue, further spurred on by an economic climate that compels people to go where jobs are found.

The reality of a transient society has had a profound impact on family law matters, particularly in the domestic arena. Family law practitioners must become familiar with the effects of geographic boundaries on jurisdiction, resolution and enforcement of child custody, parenting time and support.

In this article I want to focus on interstate child custody matters in the wake of the increasing volume of such cases. The purpose of this article is to serve as a reminder that a process is in place for attorneys who seek, on behalf of their clients, for Michigan courts to modify or enforce child custody orders. There is often confusion regarding how to petition the court and what forms to use.

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), MCL 722.1101 et seq., became effective in Michigan on April 1, 2002. The Act has been adopted in 48 states. The purpose of the Act is to clarify and prioritize the jurisdiction of state courts when competing claims exist in child custody disputes. Resolving jurisdiction is important to discourage parental kidnapping and forum shopping.

Note that the statute specifically excludes child support determinations. Issues involving interstate child support or other monetary obligations are addressed by the Uniform Interstate Family Support Act, MCL 552.1101 et seq. Parties

may contact the Friend of the Court for assistance in regard to modification or enforcement of child support orders.

Any party in a custody judgment who moves to Michigan may request to register the custody order here. It is not necessary to do so to effectuate a request for jurisdiction. Forms to file a request to register a custody order from another state are available on the Friend of the Court's Web site (see below). An order may also be registered for the purpose of enforcement.

A party or attorney must establish that Michigan has jurisdiction over the child custody dispute in accord with the UCCJEA in order for Michigan to modify the order. In most instances, Michigan does not have jurisdiction to modify existing orders if any party continues to reside in the state that issued the order. The assigned judge in Michigan will typically make a determination in cooperation with the judge from the other state in which the order was issued.

Attorneys and parties should carefully review the UCCJEA when interested in requesting that Michigan exercise jurisdiction for enforcing or modifying a child custody order. The law is complex and specific as to the criteria that must be met for jurisdiction to be satisfied for modification purposes.

Forms related to UCCJEA matters include:

- Request for Child Custody Determination/Registration Under the UCCJEA
- Request and Notice for Hearing to Contest Registration of Child Custody Determination Registration Under UCCJEA

Please visit the Friend of the Court's Web site at http://www.oakgov.com/foc/form_application/ to view and download these forms.

All UCCJEA actions filed in this circuit are reviewed by Friend of the Court Referee Traci Rink to ensure sufficiency of the pleadings. Ms. Rink will not provide legal advice but she is available to provide technical assistance regarding UCCJEA matters. She can be reached at 248-858-1840.

Ms. Rink is also the author of "Understanding the UCCJEA," a document that will help attorneys and parties become informed as to the provisions of the statute. The document can be viewed on the Friend of the Court's Web site at http://www.oakgov.com/foc/info_pub/.

Until next time...

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