A Small Amount of Change for the Good of the Children: Replacing the Uniform Child Custody Jurisdiction Act with the Uniform Child Custody Jurisdiction and Enforcement Act in South Carolina

Amy M. Palesch
A SMALL AMOUNT OF CHANGE FOR THE GOOD OF THE CHILDREN: REPLACING THE UNIFORM CHILD CUSTODY JURISDICTION ACT WITH THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT IN SOUTH CAROLINA

I. INTRODUCTION

In January 2005, South Carolina State Senators Hayes and Richardson introduced a bill proposing that South Carolina enact the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).1 Adopting this proposed law would repeal South Carolina’s law on child custody jurisdiction—the South Carolina Uniform Child Custody Jurisdiction Act2 (SCUCCJA). The National Conference of Commissioners on Uniform State Laws (NCCUSL), a body of legal practitioners and scholars appointed by state governments to research, draft, and promote the enactment of uniform state laws where uniformity is both desirable and practical, drafted both the Uniform Child Custody Jurisdiction Act3 (UCCJA) and the UCCJEA.4 The main purpose of both uniform acts is to further the best interests of children involved in child custody disputes by hearing and resolving child custody disputes quickly, fairly, and efficiently.5 The UCCJA and the UCCJEA accomplish this by preventing multiple child custody hearings in multiple states because they cause confusion, prolong a child custody dispute, and damage the family as a whole, especially the child in question. The NCCUSL drafted the UCCJEA specifically to revise the UCCJA, which had been adopted by all fifty states.6

Replacing the UCCJA with the UCCJEA would have very little impact on the way South Carolina handles child custody disputes because South Carolina case law on child custody jurisdiction and enforcement is already in line with the UCCJEA. The UCCJEA combines the UCCJA and the Parental Kidnapping Prevention Act (PKPA),7 a federal statute enacted in 1980 to prevent parents from taking their children across state lines to find a favorable forum for child custody disputes.8 Since the PKPA is a federal statute, South Carolina case law

8. Id. § 7, 94 Stat. at 3568–69; see Kelly Gaines Stoner, The Uniform Child Custody Jurisdiction & Enforcement Act (UCCJEA)—A Metamorphosis of the Uniform Child Custody Jurisdiction Act (UCCJA), 75 N.D. L. REV. 301, 305 (1999).
already incorporates the PKPA into its interpretation of the SCUCCJA.\textsuperscript{9} Adopting the UCCJEA would simply make South Carolina law on child custody jurisdiction more precise and reliable and bring South Carolina up to par with the rest of the nation—forty-four states, Washington, D.C., and the U.S. Virgin Islands have already adopted the UCCJEA.\textsuperscript{10} Thus, because enacting the UCCJEA would not have created any major changes requiring extensive research and debate by the state legislature and would further serve the best interest of children, the passage of the UCCJEA in 2005 by the state legislature would have seemed assured.

However, while the bill moved quickly through the Senate and arrived in the House in April 2005, it never made it out of the House Judiciary Committee.\textsuperscript{11} As a result, the House failed to pass the bill, and it could no longer be enacted during the 116th legislative session. Fortunately, in November 2006, Senators Hayes, Knotts, and Fair reintroduced the bill for the current legislative session, but the legislative process starts over with each new two-year session.\textsuperscript{12} While the reason for the delay and eventual failure of the bill in the last legislative session is unclear, the bill was probably the victim of politics: the House may have lost sight of the bill among all the other legislation that came before it that session.\textsuperscript{13} This delay, however, has not cost South Carolina and its families with respect to child custody disputes because together the SCUCCJA, the PKPA, and South Carolina case law have the same effect on child custody jurisdiction that the UCCJEA would have had. But the state legislature must still pass the UCCJEA for several major reasons: it fixes the loopholes in the SCUCCJA,\textsuperscript{14} provides stronger child custody decree enforcement measures, clarifies certain aspects of the SCUCCJA by incorporating the PKPA, provides uniformity with the rest of the states, and codifies what South Carolina case law already provides. But most importantly, it serves the best interests of children. The main purpose of both the SCUCCJA and the UCCJEA is to further the best interests of children, and no state legislator wants his constituents to view him as ignoring such an important policy.

Part II first provides background on the UCCJA, analyzes its major

\textsuperscript{9} See infra Part III.B.
\textsuperscript{10} The National Conference of Commissioners on Uniform State Laws, \textit{supra} note 6.
\textsuperscript{12} See S. 13, 117th Gen. Assem., 1st Reg. Sess. (S.C. 2007), available at http://www.scstatehouse.net/sess117_2007-2008/bills/13.htm The bill was reintroduced in the South Carolina Senate on January 9, 2007 and was passed by both chambers and signed by the governor, becoming effective on June 8, 2007. \textit{Id}. This Note was written and went to press several weeks before S. 13 was passed, so the text has not been offered to reflect passage of the bill except indication in this footnote.
\textsuperscript{13} See generally The South Carolina Bar, Legislative Update, http://www.scbar.org/member/update2006.html (last visited May 16, 2007) (providing a summary of all the major legislation the South Carolina General Assembly passed in 2005, including, for example, the Tort Reform Act of 2005).
\textsuperscript{14} See infra Part II.A.3 (discussing the UCCJA’s loopholes).
provisions, and discusses the various loopholes in the Act that have allowed child custody jurisdiction problems to persist. Part II then discusses the PKPA and how it supplements and improves the UCCJA. The last section of Part II discusses the UCCJEA and describes how the UCCJEA combines the UCCJA and the PKPA to solidify and establish truly uniform child custody jurisdiction and enforcement laws in the United States. Part III provides a discussion of the SCUCCJA and how South Carolina Courts have interpreted the SCUCCJA in conjunction with the PKPA. Finally, this Note urges South Carolina to adopt the UCCJEA because it will codify South Carolina case law on child custody jurisdiction, make South Carolina law consistent with the rest of the nation, and benefit children who are the subjects of child custody battles. The Appendix of this Note contains a section-by-section comparison of the SCUCCJA, the proposed UCCJEA, and the relevant PKPA provisions.

II. THE HISTORY OF THE UCCJEA AND ITS PREDECESSORS

A. Uniform Child Custody Jurisdiction Act

1. Purpose of the Act

The NCCUSL created the UCCJA in 1968. The main purpose of the UCCJA is to protect children involved in child custody disputes from two traumatic events. The first event is when non-custodial parents kidnap their children and take them to a different state to obtain a favorable forum for re-litigating a child custody decree. Before the UCCJA, parental kidnapping was a relatively common practice by parents who were divorced or in the process of becoming divorced. One parent would snatch the child from the other parent and cross state lines, and the new state had to either respect the custody decree of the original state or enter its own custody decree. Usually the new state would enter a new custody decree favoring the snatching parent while declining “to accord full faith and credit to child custody decrees,” creating multiple child custody decrees in multiple states. The new state could enter a new decree instead of honoring the original state’s decree because the Supreme Court, when considering the issue, had always failed to extend full faith and credit to custody decrees. Thus, these multiple child custody decrees resulted in multi-state child custody litigation and re-litigation, the second evil the UCCJA aimed to

16. Id. § 1(a), 9 U.L.A. 271; see Stoner, supra note 8, at 302.
18. See id. at 338.
19. Id. at 338–39.
eliminate because of its harmful effects on children and their development.\textsuperscript{21} To protect children from these events, the UCCJA established rules providing for initial jurisdiction, modification jurisdiction, emergency jurisdiction, and resolution of simultaneous proceedings in multiple states.\textsuperscript{22} Unique to the UCCJA is that it only requires subject matter jurisdiction; the Act does not require personal jurisdiction or the physical presence of the child or a party to the proceeding for a state court to have jurisdiction over a child custody case.\textsuperscript{23} The UCCJA basically codifies Justice Frankfurter’s concurrence in \textit{May v. Anderson},\textsuperscript{24} which stated that the Full Faith and Credit Clause allows one state to recognize another state’s child custody decree even if the original state did not have personal jurisdiction over the child custody case.\textsuperscript{25} Instead of requiring personal jurisdiction, the UCCJA appears to adopt footnote 30 of \textit{Shaffer v. Heitner},\textsuperscript{26} which stands for the theory that adjudications of status are exceptions to the minimum contacts requirement of personal jurisdiction; instead adjudications of status involve in rem jurisdiction.\textsuperscript{27} The UCCJA’s lack of a personal jurisdiction requirement allows states to efficiently hear and resolve child custody disputes because the only other major requirements are subject matter jurisdiction and all parties in the dispute having reasonable notice and an opportunity to be heard before the court issues a decree.\textsuperscript{28} Neither the United States Supreme Court nor the South Carolina Supreme Court has considered the UCCJA’s lack of a personal jurisdiction requirement, but at least one state supreme court found this does not violate an absent party’s due process rights if the parties comply with the notice provisions of the UCCJA.\textsuperscript{29}

As a result of this unique aspect of the UCCJA, states can more readily achieve their goal of granting exclusive jurisdiction to make the child custody decree to the state most closely connected to the child and most able to protect the interests of the child. It also encourages respect for the decree of another state and cooperation among all states.\textsuperscript{30}

2. \textit{Major Aspects}

The UCCJA provides four major bases for both initial and modification child custody jurisdiction: home state jurisdiction, significant connection

\textsuperscript{21} Stoner, \textit{supra} note 8, at 302; see Young, \textit{supra} note 17, at 337–38.
\textsuperscript{22} \textit{UNIF. CHILD CUSTODY JURISDICTION ACT}, §§ 3, 6, 9 U.L.A. 307–08, 474–75 (1999).
\textsuperscript{23} Id. § 3(b), § 9 U.L.A. 308.
\textsuperscript{24} 345 U.S. 528 (1953).
\textsuperscript{25} Id. at 535–36 (Frankfurter, J., concurring); see also McAtee v. McAtee, 323 S.E.2d 611, 616 (W. Va. 1984) (discussing Justice Frankfurter’s concurring opinion in \textit{May} and how the UCCJA was based on this view).
\textsuperscript{26} 433 U.S. 186, 208 n.30 (1977).
\textsuperscript{27} McAtee, 323 S.E.2d at 617.
\textsuperscript{28} \textit{UNIF. CHILD CUSTODY JURISDICTION ACT}, §§ 4, 5, 9 U.L.A. 458, 466 (1999).
\textsuperscript{29} See McAtee, 323 S.E.2d at 617.
\textsuperscript{30} \textit{UNIF. CHILD CUSTODY JURISDICTION ACT prefatory n.}, 9 U.L.A. 264–65 (1999); see Young, \textit{supra} note 17, at 341–42.
jurisdiction, emergency jurisdiction, and vacuum jurisdiction.\textsuperscript{31} Home state jurisdiction means the following:

[The] State (I) is the home state of the child at the time of commencement of the proceeding, or (ii) had been the child’s home state within 6 months before commencement of the proceeding and the child is absent from [the] State because of his removal or retention by a person claiming his custody or for other reasons, and a parent or person acting as parent continues to live in this State . . . .\textsuperscript{32}

A state has significant connection jurisdiction if “(I) the child and his parents, or the child and at least one contestant, have a significant connection with [the] State, and (ii) there is available in [the] State substantial evidence concerning the child’s present or future care, protection, training, and personal relationships.”\textsuperscript{33} Emergency jurisdiction occurs when “the child is physically present in [the] State and (I) the child has been abandoned or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse or is otherwise neglected [or dependent].”\textsuperscript{34} Finally, a state has vacuum jurisdiction to hear a child custody dispute when no other state meets the prerequisites of any of the three previous bases for jurisdiction over a child custody dispute, or a state which has jurisdiction under one of those three bases has declined to exercise its jurisdiction because it feels that the state exercising vacuum jurisdiction is the more appropriate forum and it is in the best interests of the child for that state to hear the custody dispute.\textsuperscript{35}

Another major aspect of the UCCJA is its provision for the resolution of simultaneous custody proceedings in multiple states. The UCCJA addresses the problem of multi-state custody disputes by prohibiting a court from exercising jurisdiction under the UCCJA if a custody dispute over the same child is pending in another state that also has jurisdiction under the UCCJA.\textsuperscript{36} A court is able to determine whether a custody proceeding is pending in another state because the UCCJA requires each party to a custody dispute to indicate that it has participated in or knows of a pending, ongoing, or resolved custody dispute hearing involving the child in question in the first pleading or an attached affidavit.\textsuperscript{37} A court may also consult the Out-of-State Custody Decrees and Proceedings Registry, which every district or family court that hears child custody disputes must create under the UCCJA.\textsuperscript{38} If a court proceeds with a child

\begin{footnotesize}
\textsuperscript{32} Id. § 3(a)(1), 9 U.L.A. 307.
\textsuperscript{33} Id. § 3(a)(2), 9 U.L.A. 307.
\textsuperscript{34} Id. § 3(a)(3), 9 U.L.A. 307.
\textsuperscript{35} Id. § 3(a)(4), 9 U.L.A. 307-08.
\textsuperscript{36} See id. § 6(a), 9 U.L.A. 474.
\textsuperscript{37} Id. §§ 6(b), 9, 9 U.L.A. 474-75, 544-45.
\textsuperscript{38} See id. at § 16, 9 U.L.A. 625-26.
\end{footnotesize}
custody hearing and, during the proceeding or after making its decree, it
discovers a child custody hearing was pending in another state before it assumed
jurisdiction, that court must immediately contact the other state’s court. The
courts must then determine which is the more appropriate forum for that
particular child custody dispute.\textsuperscript{40}

Finally, the UCCJA provides that a court must recognize and enforce a child
custody decree of another state that had jurisdiction to make that decree in
accordance with section 3 of the UCCJA.\textsuperscript{41} A court also cannot modify another
state’s custody decree unless it finds that the original state no longer has
jurisdiction under section 3 of the UCCJA and the state seeking jurisdiction does
have jurisdiction. These provisions help prevent multi-state custody disputes
by prohibiting a court that did not make the initial custody decree from
modifying the initial decree unless the court seeking jurisdiction finds that the
original court no longer has jurisdiction under the UCCJA. This forces a court
that comes to the matter second in time to recognize that the original court has
continuing, exclusive jurisdiction over its child custody decree, unless the
original court no longer satisfies any of the jurisdictional bases of section 3.

3. Problems with the UCCJA

While the three preceding aspects of the UCCJA help prevent parental
kidnapping and multi-state custody disputes and protect the best interests of
children, the problems supposedly eliminated by the UCCJA still exist because
of several flaws in the UCCJA. These flaws include its lack of a full faith and
credit clause, its failure to prioritize its four types of child custody jurisdiction,
and its failure to provide enforcement mechanisms.

The biggest loophole in the UCCJA is its lack of a requirement that states
give full faith and credit to another state’s child custody decree. As noted above,
section 13 of the UCCJA states that a court must recognize and enforce another
state’s custody decree.\textsuperscript{43} While this may sound like a full faith and credit clause,
section 14 undermines this effect by allowing a second-in-time court to modify a
custody decree if it determines it has jurisdiction under the UCCJA and the
original court no longer does.\textsuperscript{44} Because the second-in-time court decides
whether the original court still has jurisdiction, section 14 gives a subsequent
court ample room to find that the original court no longer has jurisdiction. For
example, suppose a court in state $X$ entered the initial child custody decree
because it had home state jurisdiction, then the child moves to state $Y$ and six

\textsuperscript{39} Id. § 6\textsuperscript{C}, 9 U.L.A. 475.
\textsuperscript{40} Id.
\textsuperscript{41} See id. § 13, 9 U.L.A. 559.
\textsuperscript{42} Id. § 14(a), 9 U.L.A. 580.
\textsuperscript{43} Id. § 13, 9 U.L.A. 559.
\textsuperscript{44} Id. § 14, 9 U.L.A. 580.
months later state Y has home state jurisdiction.\textsuperscript{45} If a party wants to modify the initial decree and files in a court in state Y, the state Y court may find that state X no longer has jurisdiction and that state Y will have jurisdiction to modify the initial custody decree, when in fact state X has significant connection jurisdiction.\textsuperscript{46} This results in two states having concurrent UCCJA jurisdiction and thus creates a multi-state custody dispute, a problem the UCCJA tried to eliminate.\textsuperscript{47}

Another major problem with the UCCJA is its failure to prioritize its four types of child custody jurisdiction. Thus, a state with one type of child custody jurisdiction has no guidance on whether its type of jurisdiction trumps another state’s type of child custody jurisdiction. The comment to section 3 states that the first two types of jurisdiction—home state and significant connection—are the two main bases for child custody jurisdiction, but the comment does not indicate which basis for jurisdiction has priority.\textsuperscript{48} The comment even states that these two types of jurisdiction are equal alternatives: “In the first place, a court in the child’s home state has jurisdiction, and secondly, if there is no home state or the child and his family have equal or stronger ties with another state, a court in that state has jurisdiction.”\textsuperscript{49} This failure to clearly prioritize the types of child custody jurisdiction allows multi-state disputes to persist. For example, in many cases, two states have concurrent original jurisdiction because one state is the home state of the child and the other has significant connection jurisdiction. In these situations, the UCCJA gives no guidance as to which type of jurisdiction controls; instead, the courts must determine which state is the more appropriate forum under the limited guidance of sections 6 and 7 of the UCCJA.\textsuperscript{50} This dilemma occurred in \textit{P.C. & J.H. v. C.C. (In re interest of A.E.H.)},\textsuperscript{51} where both California and Wisconsin claimed jurisdiction over the child custody hearing.\textsuperscript{52} Ultimately, the Wisconsin Supreme Court held that Wisconsin, which had significant connection jurisdiction, was the more appropriate forum under the UCCJA, even though California was the child’s home state.\textsuperscript{53}

Finally, while the UCCJA requires that all states recognize and enforce

\textsuperscript{45} See, e.g., Knoth v. Knoth, 297 S.C. 460, 461–62, 377 S.E.2d 340, 341 (1989) (describing how a South Carolina court made the initial child custody decree, but an Illinois court ignored the fact that South Carolina still had exclusive jurisdiction under the UCCJA and attempted to modify the custody decree anyway).

\textsuperscript{46} See id. at 462–63, 377 S.E.2d at 342 (noting many states that became a child’s new home state have failed to defer to the original decree state); Patricia M. Hoff, \textit{The ABC’s of the UCCJEA: Interstate Child-Custody Practice Under the New Act}, 32 \textit{FAM. L.Q.} 267, 281 (1998) (noting that the UCCJA has resulted in jurisdictional conflicts between a child’s new home state and the original decree state which later has significant connection jurisdiction).

\textsuperscript{47} Hoff, supra note 46, at 281.

\textsuperscript{48} See UNIF. \textit{CHILD CUSTODY JURISDICTION ACT} § 3 cmt., 9 U.L.A. 308–09 (1999).

\textsuperscript{49} Id. § 3 cmt., 9 U.L.A. 308 (emphasis added).

\textsuperscript{50} 9 U.L.A. 474–75, 497–99.

\textsuperscript{51} 468 N.W.2d 190 (Wis. 1991).

\textsuperscript{52} See id. at 203.

\textsuperscript{53} Id. at 203–05.
another state’s custody decree, it does not provide how such enforcement is to proceed. This lack of enforcement procedures or mechanisms has led to different enforcement procedures evolving in each state, thus limiting the uniform application of the UCCJA. This lack of uniformity complicates the problem of enforcement and hurts a parent trying to enforce a custody decree in three ways. First, it may increase litigation costs because the parent seeking enforcement may need to hire two lawyers—one in the original jurisdiction state and one in the state where the parent seeks enforcement. Second, it unnecessarily extends the enforcement process and delays performance of the custody decree by another state: “A parent opposed to the provisions of a visitation determination may be able to delay implementation for many months, possibly even years, thereby frustrating not only the other parent, but also the process that led to the issuance of the original court order.” Third, it decreases the certainty of the outcome. For example, in Custody of Brandon, a divorced couple agreed to modify their child custody decree, originally created by a Mississippi court, before the mother moved to Massachusetts with their son, giving the father, a resident of Mississippi, more expansive visitation rights. However, once in Massachusetts, the mother prevented the father from visiting their son, and the father initiated a contempt proceeding in Mississippi to enforce the modified custody decree. The Mississippi court cited the mother for contempt, but a Massachusetts court rejected the contempt order as an enforcement mechanism, finding that a contempt order was not a custody order because it did not affect the custodial rights of the mother or the visitation rights of the father. Thus, in Custody of Brandon, the lack of uniform enforcement procedures under the UCCJA hurt the child’s father. Although Mississippi’s enforcement mechanism was a contempt citation, the Massachusetts court did not recognize it as a valid means of enforcing a custody decree, rendering it worthless to the father in terms of enforcing his visitation rights with his son.

B. Parental Kidnapping Prevention Act

Congress passed the PKPA in 1980 under its Full Faith and Credit and Commerce Clause powers in response to the continuing problems of parental

55. Id.
56. Id. 9 U.L.A. 652–53.
57. Id. 9 U.L.A. 652.
59. Id. at 507.
60. See id.
61. Id. at 510.
child snatching and multi-state custody disputes. Although the creation of the UCCJA and its adoption by many states alleviated these two problems, the problems persisted because of various loopholes in the UCCJA and because not every state had passed the UCCJA by 1980. The PKPA, as a federal statute, is binding on all states, but a state must adopt the UCCJA before it becomes the law of that state. Thus, the PKPA supplemented the UCCJA in states that had already adopted the UCCJA, and it made the key provisions of the UCCJA that the PKPA adopted and clarified the law in states that had not yet adopted the UCCJA. The PKPA filled in the loopholes in the UCCJA in three significant ways: the PKPA requires states to give another state’s child custody decrees full faith and credit; it provides continuing and exclusive child custody jurisdiction to the state which made the original child custody decree; and it expressly prioritizes home state jurisdiction over significant connection jurisdiction.

The PKPA’s most important contribution to the area of child custody jurisdiction is its full faith and credit provision: “The appropriate authorities of every State shall enforce according to its terms, and shall not modify . . . any custody determination or visitation determination made consistently with the provisions of this section by a court of another State.” This provision is significantly more effective than the UCCJA’s full faith and credit provision. While the PKPA, like the UCCJA, provides that a state may not modify another state’s custody decree, the PKPA expressly provides that a state may modify another state’s custody decree only if the original state’s continuing jurisdiction is no longer valid or that state has declined to exercise its continuing jurisdiction. This provision for continuing jurisdiction is a vast improvement over UCCJA section 13 because while UCCJA section 14 enables a second court to modify the original custody decree, the PKPA provides that an original court retains jurisdiction and only that court can modify the original custody decree as

66. Note that the PKPA does not preempt the UCCJA in states that have adopted the UCCJA; instead, the PKPA merely supplements the UCCJA. See Christopher L. Blakesley, Child Custody—Jurisdiction and Procedure, 35 EMORY L.J. 291, 339 (1986) (“[T]he Supremacy Clause does not require federal preemption in the child custody setting; the PKPA and the various state UCCJAs function in a correlative and complementary fashion.”).
67. § 8, 94 Stat. at 3569–71 (codified as amended at 28 U.S.C. § 1738A(a), (c), (d) (2000)).
68. 28 U.S.C. § 1738A(a) (2000). See generally U.S. CONST. art. IV, § 1 (containing the Full Faith and Credit Clause); Thompson v. Thompson, 484 U.S. 174, 180–82 (1988) (opining that Congress’s goal in enacting the PKPA was to extend the Full Faith and Credit Clause to custody disputes from the context in which Congress enacted the PKPA, i.e., the problems of interstate child kidnapping and jurisdictional confrontations among the states in custody cases).
70. UNIF. CHILD CUSTODY JURISDICTION ACT § 14, 9 U.L.A. 580 (1999); see supra notes 43–47 and accompanying text.
long as the child or any of the parties to the custody proceeding still reside in the original court’s state.\textsuperscript{71} The PKPA’s combination of a full faith and credit requirement and a continuing jurisdiction provision make recognition and enforcement of decrees by other states more uniform, more predictable, and also more likely than recognition and enforcement under the UCCJA alone. The provisions also greatly reduce the effectiveness of parental kidnapping in giving the snatching parent a favorable custody decree, helping to eliminate the unsavory practice of parental child snatching as an option for a parent unhappy with a current child custody decree.

The PKPA also prioritizes home state jurisdiction over significant connection jurisdiction, clarifying which state is the more appropriate forum when more than one state has jurisdiction over a child custody proceeding.\textsuperscript{72} This clarification resolves the problem where two or more states have concurrent jurisdiction over a child custody hearing and cannot agree on which state is the more appropriate forum under UCCJA section 6.\textsuperscript{73} By favoring home state jurisdiction over significant connection jurisdiction, the PKPA immediately resolves any concurrent jurisdiction problems because only one state can be a child’s home state at a certain time, and that state always trumps another state that has only significant connection jurisdiction. This is effective because it eliminates the need for the various courts to argue about which one is the most appropriate forum, saving judicial resources and more quickly resolving the custody dispute, which is in the best interest of the child.

C. Uniform Child Custody Jurisdiction and Enforcement Act

Roughly thirty years after creating the UCCJA and in reaction to the loopholes and inconsistencies the various state versions of the UCCJA created, NCCUSL drafted the UCCJEA in 1997, an updated version of the UCCJA.\textsuperscript{74} NCCUSL was concerned that the combination of the UCCJA and the PKPA, while effective, was not foolproof and had resulted in a lack of uniformity among the states with respect to child custody hearings.\textsuperscript{75}

According to NCCUSL, the UCCJEA has two specific purposes. First, it incorporates elements of the PKPA into the child custody jurisdiction provisions of the UCCJA.\textsuperscript{76} The UCCJEA also takes into consideration the UCCJA’s result


\textsuperscript{72} § 8(c)(2), 94 Stat. at 3570 (codified as amended at 28 U.S.C. § 1738A(c)(2) (2000)).

\textsuperscript{73} See supra notes 46–49 and accompanying text.


\textsuperscript{75} Id. at 650.

\textsuperscript{76} Id.
of “almost thirty years of inconsistent case law.”\footnote{77} To rectify that situation, the UCCJEA provides standards clarifying “which states can exercise original jurisdiction over a child custody determination,” how a state’s continuing jurisdiction operates, and when and how states can use modification jurisdiction.\footnote{78} Second, the UCCJEA provides mechanisms for enforcing interstate child custody and visitation determinations.\footnote{79} In accomplishing these two purposes, the UCCJEA brings uniformity and consistency to child custody determinations and the enforcement of such determinations.\footnote{80} However, the UCCJEA still has the same goals as the PKPA and the UCCJA—to eliminate parental kidnapping and multi-state custody disputes.\footnote{81}

There are several major aspects of the UCCJEA. First, the UCCJEA incorporates the PKPA’s prioritization of home state jurisdiction into its categorization and description of the four major bases for child custody jurisdiction.\footnote{82} Second, it incorporates the PKPA’s full faith and credit clause.\footnote{83} Third, it explicitly provides for the exclusive and continuing jurisdiction of the court that made the original custody decree, as already provided for in the PKPA.\footnote{84} However, the NCCUSL modified continuing jurisdiction: the state that made the original custody decree determines whether it has continuing jurisdiction, rather than the state that is looking to modify the decree.\footnote{85} Unlike the UCCJA, the UCCJEA provides, “The modification State is not authorized to determine that the original decree State has lost its jurisdiction.”\footnote{86} Thus, the UCCJEA employs a stronger version of the PKPA’s full faith and credit clause by strengthening the exclusivity of continuing jurisdiction.

Finally, the UCCJEA provides actual enforcement procedures, thereby unifying enforcement procedures among all the states that adopt the UCCJEA.\footnote{87} NCCUSL recognized the problems a parent who leaves the state that issued the original custody decree faces in enforcing and preventing an adverse

\footnotesize

\begin{itemize}
\item \footnote{77} Id.
\item \footnote{78} Id.
\item \footnote{79} Id.
\item \footnote{80} Id.; see also id. § 401, 9 U.L.A. 705 (requiring courts consider “the need to promote uniformity” when construing the UCCJEA).
\item \footnote{81} See id. § 101 cmt., 9 U.L.A. 657.
\item \footnote{83} UNIF. CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT § 313, 9 U.L.A. 700; see Parental Kidnapping Prevention Act § 8(a), 94 Stat. at 3569 (codified as amended at 28 U.S.C. § 1738(a) (2000)) (mandating courts enforce custody decrees of other states).
\item \footnote{85} UNIF. CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT §§ 202(a)(1), 203(1), 9 U.L.A. 673, 676 (1999).
\item \footnote{86} Id. § 203 cmt., 9 U.L.A. 676.
\item \footnote{87} Id. §§ 301–317, 9 U.L.A. 689–704.
\end{itemize}
modification of the decree in another state. Thus, NCCUSL created several options for the enforcement of custody decrees, beginning with a custody registration process. The UCCJA also provided for the creation of the Out-of-State Custody Decrees and Proceedings Registry, but the UCCJEA employs a much simpler registration and provides a way for a parent moving to another state to predetermine if the new state will enforce the custody decree. By asking a court to register another state’s custody decree, the petitioner is asking that court to recognize and enforce that decree. The court must file the decree as if the decree was a foreign judgment and give notice of the registration to any parent, or person acting as a parent, of the child in question. The parent receiving notice of the registration who wishes to contest must contest the registration within twenty days after service of notice, and the registration will be upheld unless the following occurs: (1) the original court did not have proper child custody jurisdiction under the UCCJEA; (2) a court with proper child custody jurisdiction properly vacated or modified the child custody decree; or (3) the contesting parent did not receive proper notice. Once a court has registered a decree, it can no longer be contested, and a new state will recognize and enforce a registered decree as if that state had issued the decree. Thus, the new state’s remedies for enforcing a custody decree will apply. While the remedies may vary from state to state, the UCCJEA employs a uniform method for having a custody decree enforced, enabling uniform enforcement throughout the country.

The next option for enforcement under the UCCJEA arises where a visitation order has been violated. Here a court may make a temporary order enforcing or modifying visitation schedules or provisions a court in another state created. This provision authorizes a court without modification jurisdiction to issue a temporary order enforcing visitation rights if necessary. However, such a court may not provide for a permanent change in visitation; a party requesting a permanent change of the visitation schedule or provisions must make the request to the original court if the court still has continuing jurisdiction under section 202, or to a court which has modification jurisdiction under section 203.

A final option for enforcement under the UCCJEA is expedited enforcement, which is used when a parent unlawfully keeps a child from the

88. Id. prefatory n., 9 U.L.A. 652.
89. Id. § 305, 9 U.L.A. 692–93.
90. Stoner, supra note 8, at 320–21.
92. See id. § 305(b), 9 U.L.A. 692.
93. Id. § 305(d)
94. Id. § 305(f), 9 U.L.A. 693.
96. Id. § 304(a), 9 U.L.A. 691.
97. Id. § 304 cmt.
98. Id.
parent who is awarded custody. The goal of expedited enforcement is to have the child physically produced to the court so the court can return the child to the parent who is awarded custody. In this critical situation, a court will order the parent who took the child to physically produce the child and pay the fees, costs, and expenses of the enforcement hearing. The court may also grant any other requested remedies against the kidnapping parent if appropriate, unless the parent who took the child can show that the custody decree was never registered in that state as well as one of the following: (1) the original court did not have proper child custody jurisdiction under the UCCJEA; (2) a court with proper child custody jurisdiction properly vacated or modified the custody decree; or (3) the contesting parent did not receive proper notice. Another significant aspect of expedited enforcement is that, if necessary, law enforcement and public officials can become involved. A court may issue a warrant for law enforcement officials to take physical custody of a child if it finds a child is likely to suffer imminent physical harm or be removed from the state. A law enforcement officer or public official, such as a prosecutor, also may take action to have a custody decree enforced and will be deemed to have acted on behalf of the court. NCCUSL provided for the involvement of public authorities in enforcing custody decrees because it felt their involvement would “encourage the parties to abide by the terms of the court order.”

In summary, the UCCJEA harmonizes the UCCJA and the PKPA by combining and clarifying their provisions. The UCCJEA also creates actual enforcement procedures, giving support to the UCCJA’s and PKPA’s recognition and enforcement provisions and making such procedures uniform throughout the country. In addition, the UCCJEA carries on and furthers the goals of the UCCJA and the PKPA by improving these two acts, ultimately helping to realize the major goal of serving the best interests of the children at the heart of these child custody decrees.

---

100. Id. § 308 cmt.
101. Id. § 312(a), 9 U.L.A. 699.
102. Id. §§ 308(d), 310(a), 9 U.L.A. 695, 696–97.
103. Id. §§ 311, 315, 316, 9 U.L.A. 698, 701, 703.
104. Id. § 311(b), 9 U.L.A. 698.
105. Id. §§ 315, 316, 9 U.L.A. 701, 703.
106. Id. § 315 cmt., 9 U.L.A. 702.
107. While the ultimate goal of all three of these acts is to serve the best interests of the children involved in custody battles, NCCUSL removed this goal from the UCCJEA’s list of purposes because NCCUSL wanted to clearly distinguish substantive goals—serving the best interests of children—from the jurisdictional goals the NCCUSL designed the UCCJEA to serve. Id. prefatory n. 9 U.L.A. 652.
III. THE UNIFORM CHILD CUSTODY JURISDICTION ACT AND THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT IN SOUTH CAROLINA

A. South Carolina’s Uniform Child Custody Jurisdiction Act

In 1981 South Carolina enacted the SCUCCJA, adopting almost the exact language of the UCCJA.\(^{108}\) However, despite the matching language of the UCCJA and the SCUCCJA, South Carolina has mostly avoided the problems the UCCJA has caused in the rest of the country. South Carolina case law addressing the SCUCCJA already prioritizes home state jurisdiction over significant connection jurisdiction, provides for exclusive and continuing jurisdiction, and gives full faith and credit to another state’s custody decrees if made in conformity with the UCCJA or similar provisions.

A major South Carolina child custody jurisdiction case embodying these progressive aspects of the SCUCCJA is *Sinclair v. Albrecht*.\(^{109}\) In *Sinclair*, the Albrechts lived in New Hampshire with their daughter and two children from the mother’s previous marriage.\(^{110}\) The Albrechts separated in 1981, with the father moving to Texas and the mother moving to South Carolina with the children.\(^{111}\) The Albrechts’ divorce was finalized in 1983, granting the mother custody of the children and the father visitation rights.\(^{112}\) In late 1982, the mother became seriously ill.\(^{113}\) As a result, the children’s maternal grandmother initiated a custody action in South Carolina to prevent the father from taking the two younger children back with him to Texas.\(^{114}\) Despite the father’s objections, the *Sinclair* court affirmed the family court’s finding that New Hampshire no longer had exclusive continuing jurisdiction under the SCUCCJA because neither parent nor any of the children lived there anymore.\(^{115}\) The *Sinclair* court held South Carolina was the proper forum for the child custody proceeding because South Carolina was now the child’s home state.\(^{116}\)

*Sinclair* established two principles of child custody jurisdiction not specifically provided for in the SCUCCJA, thereby filling the loopholes in the SCUCCJA. First, the *Sinclair* court held that, although more than one state may have jurisdiction under the SCUCCJA, once a state court has issued a custody decree, the decree state has exclusive continuing jurisdiction as long as one

---

\(^{108}\) Act of July 1, 1981, No. 102, 1981 S.C. Acts 351. The SCUCCJA is virtually identical to the original UCCJA. The only differences are that the SCUCCJA omits UCCJA §§ 25, 27, 28, and the SCUCCJA adds that South Carolina Family Courts are usually the forum for enforcing and litigating the SCUCCJA. Compare UNIF. CHILD CUSTODY JURISDICTION ACT §§ 1–28, 9 U.L.A. 271–647 (1999), with S.C. Code Ann. §§ 20-7-782 to -830 (1976).


\(^{110}\) Id. at 21, 336 S.E.2d at 486.

\(^{111}\) Id.

\(^{112}\) Id.

\(^{113}\) Id.

\(^{114}\) Id.

\(^{115}\) Id. at 21, 22, 336 S.E.2d at 486, 487.

\(^{116}\) Id. at 24, 336 S.E.2d at 488.
parent continues to live in that state.\textsuperscript{117} This total acceptance of exclusive continuing jurisdiction reflects South Carolina’s commitment to the SCUCCJA’s goal of preventing multi-state custody disputes by giving full faith and credit to another state’s custody decree unless neither parent resides in the original state. Second, the \textit{Sinclair} court held that South Carolina had priority in terms of having jurisdiction to modify the original custody decree because South Carolina had home state jurisdiction over the children.\textsuperscript{118} As this case demonstrates, the SCUCCJA and South Carolina case law on child custody jurisdiction already fill loopholes of the SCUCCJA. Therefore, adopting the UCCJEA in South Carolina will be a simple transition, codifying the law already existing in South Carolina.

\textit{B. The Uniform Child Custody Jurisdiction and Enforcement Act as Proposed in South Carolina and Its Effects on South Carolina}

As proposed, South Carolina’s version of the UCCJEA (SCUCCJEA) is virtually identical to NCCUSL’s UCCJEA and accomplishes the same major goals and purposes.\textsuperscript{119} Thus, the distinctions between the SCUCCJA and the proposed SCUCCJEA compare similarly to the UCCJEA and the UCCJEA, as seen in the Appendix. Thus, the best way to demonstrate how adopting the SCUCCJEA will do little but codify current South Carolina case law and statutory law is to analyze a major South Carolina child custody jurisdiction case under the SCUCCJA and then under the SCUCCJEA.

In \textit{Charest v. Charest},\textsuperscript{120} the Charests married in 1975 and lived in South Carolina until they divorced in August 1991.\textsuperscript{121} After the divorce, the mother assumed custody of their three adopted children and moved with them to New York.\textsuperscript{122} In July 1996, the father brought an action in South Carolina for a change of custody, “alleging the children were being worked like ‘indentured servants’ on the mother’s 145-acre farm; that she kept farm animals in the home, endangering the health of the children; and that she had physically abused the children.”\textsuperscript{123} The family court granted the father temporary emergency custody pending a custody modification hearing.\textsuperscript{124} The mother filed a motion to reconsider, asserting that under the UCCJA the action should be heard in New York because New York had been the children’s home state for the past five

\begin{itemize}
\item \textsuperscript{117} \textit{Id.} at 23, 336 S.E.2d at 487.
\item \textsuperscript{118} \textit{Id.} at 24, 336 S.E.2d at 488.
\item \textsuperscript{120} 329 S.C. 511, 495 S.E.2d 784 (Ct. App. 1997).
\item \textsuperscript{121} \textit{Id.} at 514, 495 S.E.2d at 785.
\item \textsuperscript{122} \textit{Id.}
\item \textsuperscript{123} \textit{Id.} at 514, 495 S.E.2d at 785–86.
\item \textsuperscript{124} \textit{Id.} at 514, 495 S.E.2d at 786.
\end{itemize}
years.\textsuperscript{125} At the hearing, the family court agreed with the mother and held New York was the more appropriate forum because it was the home state of the children.\textsuperscript{126} The state court of appeals affirmed for several reasons. First, the court held that, even though more than one state may meet the SCUCCJA’s jurisdictional requirements for modifying a custody decree, the original decree state had exclusive continuing jurisdiction while one parent still resided in that state, even if the children had moved to another state.\textsuperscript{127} Thus, because South Carolina was the decree state and the father still resided in South Carolina, the Charest court held South Carolina had exclusive continuing jurisdiction to modify the custody decree.\textsuperscript{128} However, the court noted that under the SCUCCJA a court may decline to exercise its jurisdiction to hear a custody proceeding if it finds itself to be an inconvenient forum in comparison to another forum and if a proceeding is promptly initiated in that other forum.\textsuperscript{129} The Charest court found that New York was a more appropriate forum than South Carolina because New York had been the children’s home state for several years, even though South Carolina had continuing jurisdiction because one parent still resided in South Carolina.\textsuperscript{130}

Under the proposed SCUCCJEA, Charest would probably come out exactly the same way. This case upholds the principle of exclusive continuing jurisdiction, which is provided for in the proposed SCUCCJEA.\textsuperscript{131} The SCUCCJEA also recognizes that a court with jurisdiction to hear a child custody proceeding may decline to exercise its jurisdiction if it finds another state court is the more appropriate forum, but only if a proceeding is initiated in that other state.\textsuperscript{132} Finally, the SCUCCJEA, like the PKPA, recognizes that a state with home state jurisdiction has priority over a state with significant connection jurisdiction.\textsuperscript{133} Applying both the SCUCCJA and the SCUCCJEA to Charest clearly demonstrates that adopting the SCUCCJEA would change little, simply codifying current South Carolina law.

IV. CONCLUSION

The General Assembly should press the proposed version of the

\textsuperscript{125} \textit{Id.} at 514–15, 495 S.E.2d at 786.

\textsuperscript{126} \textit{See id.} at 515, 495 S.E.2d at 786.

\textsuperscript{127} \textit{Id.} at 518, 495 S.E.2d at 788.


\textsuperscript{129} \textit{Id.} at 519, 495 S.E.2d at 788; \textit{accord S.C. CODE ANN.} § 20-7-796(a) (1976) (providing that a court may decline jurisdiction over a child custody proceeding where another forum is more convenient).

\textsuperscript{130} \textit{Id.} at 520–21, 495 S.E.2d at 789.


\textsuperscript{132} \textit{Id.} § 20-7-6042©.

SCUCCJEA as soon as possible. The SCUCCJEA will not make any serious modification to current South Carolina law on child custody jurisdiction because it codifies, in effect, current South Carolina law. As a result, the General Assembly’s research on the potential effects of the SCUCCJEA should be minimal. Also, passing the SCUCCJEA will improve and clarify the SCUCCJA by codifying South Carolina case law on child custody jurisdiction and bring South Carolina in line with most of the country. Finally, passing the SCUCCJEA serves the overarching purpose of child custody jurisdiction, which is to serve the best interests of children involved in custody disputes, a purpose for which state legislators and their constituents can hardly object.

Amy M. Palesch
## APPENDIX

**COMPARISON OF THE SCUCCJA AND THE SCUCCJEA**

Including the PKPA and South Carolina Case Law on Child Custody Jurisdiction

<table>
<thead>
<tr>
<th>SCUCCJA SECTION *</th>
<th>LAW</th>
<th>PKPA and SOUTH CAROLINA CASE LAW **</th>
<th>LAW</th>
<th>PROPOSED SCUCCJEA SECTION ***</th>
<th>LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Title</td>
<td>§ 7-782</td>
<td>Short title: Uniform Child Custody Jurisdiction Act</td>
<td></td>
<td></td>
<td>§ 7-6000</td>
</tr>
<tr>
<td>Purpose</td>
<td>§ 7-784</td>
<td>General purposes and intent</td>
<td></td>
<td></td>
<td>§ 7-6090</td>
</tr>
<tr>
<td>Definitions</td>
<td>§ 7-786</td>
<td>Definitions</td>
<td>§ 1738A(b)</td>
<td>Definitions</td>
<td>§§ 7-6002, 6050</td>
</tr>
<tr>
<td>Adoption Proceedings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§ 7-6004</td>
</tr>
<tr>
<td>Native Americans</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>§ 7-6006</td>
</tr>
<tr>
<td>Foreign Nations and International Application</td>
<td>§ 7-830</td>
<td>Treat foreign nations’ custody decrees as if they were those of another state as long as they were rendered by the “appropriate authorities . . . if reasonable notice and opportunity to be heard were given to all affected persons.”</td>
<td>§§ 7-6008, 6052</td>
<td>Treat foreign nations as if they were states; child custody decree made in a foreign nation under a similar law must be recognized and enforced in the U.S., but a court does not have to recognize and enforce the custody decree if the foreign nation’s law violates human rights. A South Carolina court “may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child-custody determination.”</td>
<td></td>
</tr>
<tr>
<td>Notice and Opportunity to be Heard</td>
<td>§ 7-790</td>
<td>A court must give reasonable notice and opportunity to be heard to all relevant persons.</td>
<td>§ 1738A(e)</td>
<td>Courts must give reasonable notice and the opportunity to be heard to all contestants.</td>
<td>§ 7-6038(A)</td>
</tr>
<tr>
<td>Notice to Persons Outside South Carolina</td>
<td>§ 7-792(a), (b), (d)</td>
<td>When a person is outside South Carolina, notice must “be given in a manner reasonably calculated to give actual notice;” notice must be “served, mailed or delivered, or last published at least twenty days before any hearing in South Carolina.” However, the court may shorten the period if emergency jurisdiction is involved: “[n]otice is not required if a person submits to the jurisdiction of the court.”</td>
<td>§ 7-6014(A), (C)</td>
<td>When a person is outside South Carolina, notice must be given in a manner prescribed by South Carolina law “or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.” Notice is not required if a person submits to the jurisdiction of the court.</td>
<td></td>
</tr>
<tr>
<td>SCUCCJA SECTION</td>
<td>LAW</td>
<td>PKPA and SOUTH CAROLINA CASE LAW **</td>
<td>LAW</td>
<td>PROPOSED SCUCCJEA SECTION ***</td>
<td>LAW</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----</td>
<td>-------------------------------------</td>
<td>-----</td>
<td>-------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Communication Between Courts</td>
<td>§ 7-818</td>
<td>A party to a custody proceeding may offer testimony of witnesses who are located in another state, such witnesses being deposed by order of a South Carolina court.</td>
<td>§ 7-6018(A), (D)</td>
<td>A South Carolina court may communicate with another state court about a proceeding, and it must make a record of those communications.</td>
<td></td>
</tr>
<tr>
<td>Taking Testimony in Another State</td>
<td>§§ 7-820 to 826</td>
<td>A party to a custody proceeding may offer testimony of witnesses who are located in another state, such witnesses being deposed by order of a South Carolina court.</td>
<td>§ 7-6020(A), (B)</td>
<td>A party to a custody proceeding may offer testimony of witnesses who are located in another state, such witnesses being deposed by order of a South Carolina court.</td>
<td></td>
</tr>
<tr>
<td>Assistance of Other Courts</td>
<td>§§ 7-820 to 826</td>
<td>A South Carolina court may request another court to do various things, and vice versa.</td>
<td>§ 7-6022</td>
<td>A South Carolina court may request another court to do various things, and vice versa.</td>
<td></td>
</tr>
</tbody>
</table>

JURISDICTION

Role of Family Court § 7-828 | SCUCCJA jurisdiction is primarily in the South Carolina Family Courts, but a South Carolina Circuit Court has jurisdiction over actions not provided for in the SCUCCJA which must also be addressed. | | | | |
<table>
<thead>
<tr>
<th>SCUCCIA SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of Jurisdiction</td>
</tr>
<tr>
<td>§ 7-788</td>
</tr>
<tr>
<td>LAW</td>
</tr>
<tr>
<td>There are 4 types of jurisdiction: (1) home state; (2) significant connection; (3) emergency; or (4) default. Physical presence of the child or the child and one contestant in South Carolina is neither sufficient to confer jurisdiction, nor is it a prerequisite for child custody jurisdiction.</td>
</tr>
<tr>
<td>PKPA and SOUTH CAROLINA CASE LAW</td>
</tr>
<tr>
<td>§ 1738A(c)</td>
</tr>
<tr>
<td>LAW</td>
</tr>
<tr>
<td>The primary type of jurisdiction is home state. If that is not available then the next jurisdiction is significant connection. There is also emergency jurisdiction or default jurisdiction.</td>
</tr>
<tr>
<td>PROPOSED SCUCCIA SECTION</td>
</tr>
<tr>
<td>§§ 7-6030, 6036</td>
</tr>
<tr>
<td>LAW</td>
</tr>
<tr>
<td>The primary type of jurisdiction is home state. The only other time a South Carolina court may make a child custody determination is when it has significant connection jurisdiction or default jurisdiction. “Physical presence of, or personal jurisdiction over, a party is not necessary or sufficient to make a child custody determination.” A South Carolina court has temporary emergency jurisdiction if the child is present in South Carolina and the child has been abandoned or . . . the child, a sibling, or parent of the child, is subjected to or threatened with mistreatment abuse”; such a decree will be temporary until the proper court enters an order if no such decree has been entered yet. But if a decree already exists, a South Carolina court’s emergency decree will remain in effect until that other state can make an order within a certain time period; communication with the other state’s court is key.</td>
</tr>
<tr>
<td>SCUCCIA SECTION</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Continuing Jurisdiction</td>
</tr>
<tr>
<td>SCUCCIA SECTION #</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Simultaneous Proceeding in Another State</td>
</tr>
<tr>
<td>SCUCCIA SECTION *</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Declining to Exercise Jurisdiction Because that Court Is an Inconvenient Forum</td>
</tr>
<tr>
<td>Declining to Exercise Jurisdiction Because of a Wrongful Taking of the Child</td>
</tr>
<tr>
<td>Information Submitted to the Court</td>
</tr>
<tr>
<td>Joining Parties</td>
</tr>
<tr>
<td><strong>SCUCCJA SECTION</strong></td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Appearance of the Child or Contestants</td>
</tr>
<tr>
<td>Decree is Binding and Conclusive with Respect to all Parties to the Proceeding</td>
</tr>
<tr>
<td><strong>SCUCCJEA SECTION</strong></td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Modification of Another Court’s Decree</td>
</tr>
<tr>
<td>Priority of Jurisdiction Issues in a Child Custody Determination</td>
</tr>
<tr>
<td>Immunity to Personal Jurisdiction for Other Non-Related Lawsuits</td>
</tr>
<tr>
<td>Recognizing Other Courts’ Decrees</td>
</tr>
</tbody>
</table>

**ENFORCEMENT PROVISIONS**
<table>
<thead>
<tr>
<th>SCUCCJEA SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LAW</strong></td>
</tr>
<tr>
<td>PKPA and SOUTH CAROLINA CASE LAW **</td>
</tr>
<tr>
<td><strong>LAW</strong></td>
</tr>
<tr>
<td>PROPOSED SCUCCJEA SECTION ***</td>
</tr>
<tr>
<td><strong>LAW</strong></td>
</tr>
<tr>
<td>Full Faith and Credit Clause</td>
</tr>
<tr>
<td>Temporary Orders Enforcing Visitation Schedules</td>
</tr>
<tr>
<td>SCUCCIA SECTION</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Filing Another State’s Decree in SC (Registry of Out-of-State Custody Decrees); How Such a Decree Will Be Recognized in SC</td>
</tr>
<tr>
<td>Certifying and Forwarding to Another Court a Copy of a Custody Decree</td>
</tr>
<tr>
<td>SCUCCJA SECTION *</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>Procedures for Enforcement of a Child Custody Decree</td>
</tr>
<tr>
<td>Involvement of a Prosecutor or Law Enforcement Official in Enforcing a Child Custody Decree</td>
</tr>
</tbody>
</table>

*Each of the following references a provision found within title 20, chapter 7 of the South Carolina Code Annotated. S.C. CODE ANN. §§ 20-7-782 to -830 (1976).


***Each of the following references are to proposed code sections found in the version of the South Carolina Uniform Child Custody Jurisdiction and Enforcement Act, enacted by the South Carolina General Assembly. S. 13, 117th Gen. Assem., sec 1, §§ 20-7-6000 to -6092 (S.C. 2007), available at http://www.scstatehouse.net/sess117_2007-2008/bills/13.htm.