

March 18, 1999

**H 494. UNIFORM CHILD-CUSTODY ACT. TO ADOPT THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT AND TO MAKE CONFORMING CHANGES.**

Repeals the provisions of the Uniform Child Custody Jurisdiction Act (UCCJA; GS 50A-1 through 50A-25) and replaces it with a new Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) which is enacted as Art. 2 of GS Ch. 50A. The UCCJEA is based on a recommended uniform state law promulgated by the National Conference of Commissioners on Uniform State Laws. The UCCJEA would clarify some of the troublesome decisions that have resulted from differences between the UCCJA and the federal Parental Kidnapping Prevention Act. Among other things, the new UCCJEA would (1) make it clear that the courts of the child's "home state" have priority over the courts of a sister state that claims jurisdiction regarding the child's custody based on "significant evidence" regarding the child's welfare or "substantial connections" with the child; (2) clarify the temporary nature of a court's "emergency" jurisdiction in child custody cases; (3) provide that a court that issues a child custody order retains jurisdiction until all parties leave the state or it relinquishes jurisdiction; (4) make it clear that the UCCJEA applies to juvenile cases involving child abuse or neglect; (5) eliminate "best interests" language so that a court will not consider the merits of the case in deciding whether the court has jurisdiction over the case; and (6) apply to Indian tribes. Makes conforming changes to other statutes that referred to the UCCJA. Effective Oct. 1, 1999; applies to causes of action arising on or after that date.

**Intro. by Hackney.**

Ref. to Judiciary I

GS 50A, 1C, 7B, 48, 50

April 19, 1999

**H 494. UNIFORM CHILD-CUSTODY ACT.** Intro. 3/18/99. House committee substitute makes the following changes to 1st edition. Amends proposed GS 50A-305(b)(2) to provide that the petitioner, rather than the court, shall serve notice on appropriate parties and notify them of their opportunity to contest registration.