

1 Short Title: GSC Uniform Child Abduction Prevention Act.

2 A BILL TO BE ENTITLED

3 AN ACT TO ENACT THE UNIFORM CHILD ABDUCTION PREVENTION ACT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. The title of Chapter 50A of the General Statutes reads as rewritten:

6 "Uniform Child-Custody Jurisdiction and Enforcement Act and Act, Uniform Deployed

7 Parents Custody and Visitation ~~Act~~, Act, and Uniform Child Abduction Prevention Act."

8

9 *[Staff Note: Redlining in Section 2 of this draft represents changes to the Uniform Act, not*
10 *current law. Staff also made non-redlined changes to conform to the General Statutes numbering*
11 *system and capitalization conventions.]*

12

13 SECTION 2. Chapter 50A of the General Statutes is amended by adding a new

14 Article to read:

15 "Article 4.

16 "Uniform Child Abduction Prevention Act.

17 "§ 50A-411. Short title.

18 This ~~act~~Article may be cited as the Uniform Child Abduction Prevention Act.

19 "§ 50A-412. Definitions.

20 In this ~~act~~Article, the following definitions apply:

21 (1) "~~Abduction~~" ~~means the~~ Abduction. – The wrongful removal or wrongful
22 retention of a child.

23 (2) "~~Child~~" ~~means an~~ Child. – An unemancipated individual who is less than 18
24 years of age.

25 (3) "~~Child-custody determination~~" ~~means a~~ Child-custody determination. – A
26 judgment, decree, or other order of a court providing for the legal custody,
27 physical custody, or visitation with respect to a child. The term includes a
28 permanent, temporary, initial, and modification order.

1 (10) ~~"Wrongful removal" means the~~ Wrongful removal. – The taking of a child that
2 breaches rights of custody or visitation given or recognized under the law of
3 this ~~state.~~ State.

4 (11) "Wrongful retention" means the keeping or concealing of a child that breaches
5 rights of custody or visitation given or recognized under the law of this ~~state.~~
6 State.

7 **"§ 50A-413. Cooperation and communication among courts.**

8 Sections ~~[110], [111], and [112]~~ of ~~[insert citation to the provisions of the Uniform Child~~
9 Custody Jurisdiction and Enforcement Act or its equivalent in the state] G.S. 50A-110, 50A-111,
10 and 50A-112 apply to cooperation and communications among courts in proceedings under this
11 ~~fact].~~ Article.

12
13 *[Staff Note: In S.L. 1999-223, the General Assembly enacted the Uniform Child Custody*
14 *Jurisdiction and Enforcement Act (UCCJEA) as Article 2 of Chapter 50A of the General Statutes.*
15 *The UCCJEA is referenced multiples times in this draft. G.S. 50A-110, 50A-111, and 50A-112*
16 *provide:*

17
18 **§ 50A-110. Communication between courts.**

19 (a) *A court of this State may communicate with a court in another state concerning a*
20 *proceeding arising under this Article.*

21 (b) *The court may allow the parties to participate in the communication. If the parties*
22 *are not able to participate in the communication, they must be given the opportunity to present*
23 *facts and legal arguments before a decision on jurisdiction is made.*

24 (c) *Communication between courts on schedules, calendars, court records, and similar*
25 *matters may occur without informing the parties. A record need not be made of the*
26 *communication.*

27 (d) *Except as otherwise provided in subsection (c), a record must be made of a*
28 *communication under this section. The parties must be informed promptly of the communication*
29 *and granted access to the record.*

30 (e) *For the purposes of this section, "record" means information that is inscribed on a*
31 *tangible medium or that is stored in an electronic or other medium and is retrievable in*
32 *perceivable form.*

33 **§ 50A-111. Taking testimony in another state.**

34 (a) *In addition to other procedures available to a party, a party to a child-custody*
35 *proceeding may offer testimony of witnesses who are located in another state, including*
36 *testimony of the parties and the child, by deposition or other means allowable in this State for*
37 *testimony taken in another state. The court on its own motion may order that the testimony of a*
38 *person be taken in another state and may prescribe the manner in which and the terms upon*
39 *which the testimony is taken.*

1 (b) A court of this State may permit an individual residing in another state to be deposed
2 or to testify by telephone, audiovisual means, or other electronic means before a designated court
3 or at another location in that state. A court of this State shall cooperate with courts of other
4 states in designating an appropriate location for the deposition or testimony.

5 (c) Documentary evidence transmitted from another state to a court of this State by
6 technological means that do not produce an original writing may not be excluded from evidence
7 on an objection based on the means of transmission.

8 **§ 50A-112. Cooperation between courts; preservation of records.**

9 (a) A court of this State may request the appropriate court of another state to:

10 (1) Hold an evidentiary hearing;

11 (2) Order a person to produce or give evidence pursuant to procedures of that
12 state;

13 (3) Order that an evaluation be made with respect to the custody of a child
14 involved in a pending proceeding;

15 (4) Forward to the court of this State a certified copy of the transcript of the
16 record of the hearing, the evidence otherwise presented, and any evaluation
17 prepared in compliance with the request; and

18 (5) Order a party to a child-custody proceeding or any person having physical
19 custody of the child to appear in the proceeding with or without the child.

20 (b) Upon request of a court of another state, a court of this State may hold a hearing or
21 enter an order described in subsection (a).

22 (c) Travel and other necessary and reasonable expenses incurred under subsections (a)
23 and (b) may be assessed against the parties according to the law of this State.

24 (d) A court of this State shall preserve the pleadings, orders, decrees, records of hearings,
25 evaluations, and other pertinent records with respect to a child-custody proceeding until the
26 child attains 18 years of age. Upon appropriate request by a court or law enforcement official of
27 another state, the court shall forward a certified copy of those records.]

28
29 **"§ 50A-414. Actions for abduction prevention measures.**

30 (a) A court on its own motion may order abduction prevention measures in a
31 child-custody proceeding if the court finds that the evidence establishes a credible risk of
32 abduction of the child.

33 (b) A party to a child-custody determination or another individual or entity having a right
34 under the law of this ~~state~~-State or any other state to seek a child-custody determination for the
35 child may file a petition seeking abduction prevention measures to protect the child under this
36 ~~fact~~-Article.

37 (c) ~~A prosecutor or public authority designated under [insert citation to Section 315 of~~
38 ~~the Uniform Child Custody Jurisdiction and Enforcement Act or applicable law of this state] may~~

1 ~~seek a warrant to take physical custody of a child under Section 9 or other appropriate prevention~~
2 ~~measures.~~

3
4 *[Staff Note: The NC Conference of District Attorneys commented that the district attorneys are*
5 *not in a place to take on the role envisioned by subsection (c). G.S. 50A-315 (based on Section*
6 *315 of the UCCJEA) provides:*

7
8 **§ 50A-315. Role of prosecutor or public official.**

9 (a) *In a case arising under this Article or involving the Hague Convention on the Civil*
10 *Aspects of International Child Abduction, the prosecutor or other appropriate public official may*
11 *take any lawful action, including resort to a proceeding under this Part or any other available*
12 *civil proceeding to locate a child, obtain the return of a child, or enforce a child-custody*
13 *determination if there is:*

- 14 (1) *An existing child-custody determination;*
15 (2) *A request to do so from a court in a pending child-custody proceeding;*
16 (3) *A reasonable belief that a criminal statute has been violated; or*
17 (4) *A reasonable belief that the child has been wrongfully removed or retained in*
18 *violation of the Hague Convention on the Civil Aspects of International Child*
19 *Abduction.*

20 (b) *A prosecutor or appropriate public official acting under this section acts on behalf of*
21 *the court and may not represent any party.]*

22
23 **"§ 50A-415. Jurisdiction.**

24 (a) A petition under this ~~[act]~~Article may be filed only in a court that has jurisdiction to
25 make a child-custody determination with respect to the child at issue under ~~[insert citation to~~
26 ~~Uniform Child Custody Jurisdiction and Enforcement Act or the Uniform Child Custody~~
27 ~~Jurisdiction Act]~~ Article 2 of this Chapter.

28 (b) A court of this ~~state~~State has temporary emergency jurisdiction under ~~[insert citation~~
29 ~~to Section 204 of the Uniform Child Custody Jurisdiction and Enforcement Act or Section 3(a)(3)~~
30 ~~of the Uniform Child Custody Jurisdiction Act]~~ G.S. 50A-204 if the court finds a credible risk of
31 abduction.

32
33 *[Staff Note: G.S. 50A-204 provides:*

34
35 **§ 50A-204. Temporary emergency jurisdiction.**

36 (a) *A court of this State has temporary emergency jurisdiction if the child is present in*
37 *this State and the child has been abandoned or it is necessary in an emergency to protect the*
38 *child because the child, or a sibling or parent of the child, is subjected to or threatened with*
39 *mistreatment or abuse.*

1 (b) If there is no previous child-custody determination that is entitled to be enforced
2 under this Article and a child-custody proceeding has not been commenced in a court of a state
3 having jurisdiction under G.S. 50A-201 through G.S. 50A-203, a child-custody determination
4 made under this section remains in effect until an order is obtained from a court of a state having
5 jurisdiction under G.S. 50A-201 through G.S. 50A-203. If a child-custody proceeding has not
6 been or is not commenced in a court of a state having jurisdiction under G.S. 50A-201 through
7 G.S. 50A-203, a child-custody determination made under this section becomes a final
8 determination if it so provides, and this State becomes the home state of the child.

9 (c) If there is a previous child-custody determination that is entitled to be enforced under
10 this Article, or a child-custody proceeding has been commenced in a court of a state having
11 jurisdiction under G.S. 50A-201 through G.S. 50A-203, any order issued by a court of this State
12 under this section must specify in the order a period that the court considers adequate to allow
13 the person seeking an order to obtain an order from the state having jurisdiction under
14 G.S. 50A-201 through G.S. 50A-203. The order issued in this State remains in effect until an
15 order is obtained from the other state within the period specified or the period expires.

16 (d) A court of this State which has been asked to make a child-custody determination
17 under this section, upon being informed that a child-custody proceeding has been commenced
18 in, or a child-custody determination has been made by, a court of a state having jurisdiction
19 under G.S. 50A-201 through G.S. 50A-203 shall immediately communicate with the other court.
20 A court of this State which is exercising jurisdiction pursuant to G.S. 50A-201 through
21 G.S. 50A-203, upon being informed that a child-custody proceeding has been commenced in, or
22 a child-custody determination has been made by, a court of another state under a statute similar
23 to this section shall immediately communicate with the court of that state to resolve the
24 emergency, protect the safety of the parties and the child, and determine a period for the duration
25 of the temporary order.]

26
27 **"§ 50A-416. Contents of petition.**

28 A petition under this ~~{act}~~Article must be verified and include a copy of any existing
29 child-custody determination, if available. The petition must specify the risk factors for abduction,
30 including the relevant factors described in ~~Section 7-~~G.S. 50A-417. Subject to ~~[insert citation to~~
31 ~~Section 209(e) of the Uniform Child Custody Jurisdiction and Enforcement Act or cite the law~~
32 ~~of this state providing for the confidentiality of procedures, addresses, and other identifying~~
33 ~~information]~~, G.S. 50A-209(e), if reasonably ascertainable, the petition must ~~contain~~; contain all
34 of the following:

- 35 (1) The name, date of birth, and gender of the ~~child~~; child.
- 36 (2) The customary address and current physical location of the ~~child~~; child.
- 37 (3) The identity, customary address, and current physical location of the
38 ~~respondent~~; respondent.

1 (4) A statement of whether a prior action to prevent abduction or domestic
2 violence has been filed by a party or other individual or entity having custody
3 of the ~~child, child~~ and the date, location, and disposition of the ~~action;~~ action.

4 (5) A statement of whether a party to the proceeding has been arrested for a crime
5 related to domestic violence, stalking, or child abuse or ~~neglect;~~ neglect and
6 the date, location, and disposition of the ~~case;~~ and case.

7 (6) Any other information required to be submitted to the court for a child-custody
8 determination under ~~[insert citation to Section 209 of the Uniform Child~~
9 ~~Custody Jurisdiction and Enforcement Act or applicable law of this state].~~

10 G.S. 50A-209.

11
12 *[Staff Note: G.S. 50A-209 provides:*

13
14 **§ 50A-209. Information to be submitted to court.**

15 (a) *In a child-custody proceeding, each party, in its first pleading or in an attached*
16 *affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present*
17 *address or whereabouts, the places where the child has lived during the last five years, and the*
18 *names and present addresses of the persons with whom the child has lived during that period.*
19 *The pleading or affidavit must state whether the party:*

20 (1) *Has participated, as a party or witness or in any other capacity, in any other*
21 *proceeding concerning the custody of or visitation with the child and, if so,*
22 *the pleading or affidavit shall identify the court, the case number, and the date*
23 *of the child-custody determination, if any;*

24 (2) *Knows of any proceeding that could affect the current proceeding, including*
25 *proceedings for enforcement and proceedings relating to domestic violence,*
26 *protective orders, termination of parental rights, and adoptions and, if so, the*
27 *pleading or affidavit shall identify the court, the case number, and the nature*
28 *of the proceeding; and*

29 (3) *Knows the names and addresses of any person not a party to the proceeding*
30 *who has physical custody of the child or claims rights of legal custody or*
31 *physical custody of, or visitation with, the child and, if so, the names and*
32 *addresses of those persons.*

33 (b) *If the information required by subdivisions (a) is not furnished, the court, upon motion*
34 *of a party or its own motion, may stay the proceeding until the information is furnished.*

35 (c) *If the declaration as to any of the items described in subdivisions (a)(1) through (3)*
36 *is in the affirmative, the declarant shall give additional information under oath as required by*
37 *the court. The court may examine the parties under oath as to details of the information furnished*
38 *and other matters pertinent to the court's jurisdiction and the disposition of the case.*

39 (d) *Each party has a continuing duty to inform the court of any proceeding in this or any*
40 *other state that could affect the current proceeding.*

1 (e) *If a party alleges in an affidavit or a pleading under oath that the health, safety, or*
2 *liberty of a party or child would be jeopardized by disclosure of identifying information, the*
3 *information must be sealed and may not be disclosed to the other party or the public unless the*
4 *court orders the disclosure to be made after a hearing in which the court takes into consideration*
5 *the health, safety, or liberty of the party or child and determines that the disclosure is in the*
6 *interest of justice.]*

7
8 **"§ 50A-417. Factors to determine risk of abduction.**

9 (a) In determining whether there is a credible risk of abduction of a child, the court ~~shall~~
10 must consider any evidence that the petitioner or ~~respondent;~~ respondent has done or is doing
11 any of the following:

12 (1) Has previously abducted or attempted to abduct the ~~child;~~ child.

13 (2) Has threatened to abduct the ~~child;~~ child.

14 (3) Has recently engaged in activities that may indicate a planned abduction,
15 ~~including;~~ including any of the following:

16 a. Abandoning ~~employment;~~ employment.

17 b. Selling a primary ~~residence;~~ residence.

18 c. Terminating a ~~lease;~~ lease.

19 d. Closing bank or other financial management accounts, liquidating
20 assets, hiding or destroying financial documents, or conducting any
21 unusual financial ~~activities;~~ activities.

22 e. Applying for a passport or visa or obtaining travel documents for the
23 respondent, a family member, or the ~~child;~~ or child.

24 f. Seeking to obtain the child's birth certificate or school or medical
25 ~~records;~~ records.

26 (4) Has engaged in domestic violence, stalking, or child abuse or ~~neglect;~~ neglect.

27 (5) Has refused to follow a child-custody ~~determination;~~ determination.

28 (6) Lacks strong familial, financial, emotional, or cultural ties to the ~~state~~ State or
29 the United ~~States;~~ States.

1 (12) Has used multiple names to attempt to mislead or ~~defraud~~; or defraud.

2 (13) Has engaged in any other conduct the court considers relevant to the risk of
3 abduction.

4 (b) In the hearing on a petition under this ~~act~~, Article, the court ~~shall~~ must consider any
5 evidence that the respondent believed in good faith that the respondent's conduct was necessary
6 to avoid imminent harm to the child or respondent and any other evidence that may be relevant
7 to whether the respondent may be permitted to remove or retain the child.

8
9 *[Staff Note: In subdivision (a)(9), staff replaced "respondent's" with "person's" to conform to*
10 *the language introducing the list.]*

11
12 **"§ 50A-418. Provisions and measures to prevent abduction.**

13 (a) If a petition is filed under this ~~act~~, Article, the court may enter an order that must
14 ~~include~~; include all of the following:

15 (1) The basis for the court's exercise of ~~jurisdiction~~; jurisdiction.

16 (2) The manner in which notice and opportunity to be heard were given to the
17 persons entitled to notice of the ~~proceeding~~; proceeding.

18 (3) A detailed description of each party's custody and visitation rights and
19 residential arrangements for the ~~child~~; child.

20 (4) A provision stating that a violation of the order may subject the party in
21 violation to civil and criminal ~~penalties~~; and penalties.

22 (5) Identification of the child's country of habitual residence at the time of the
23 issuance of the order.

24 (b) If, at a hearing on a petition under this ~~act~~ Article or on the court's own motion, the
25 court after reviewing the evidence finds a credible risk of abduction of the child, the court ~~shall~~
26 must enter an abduction prevention order. The order must include the provisions required by
27 subsection (a) of this section and measures and conditions, including those in subsections (c),

1 (d), and ~~(e)~~, (e) of this section, that are reasonably calculated to prevent abduction of the child,
2 giving due consideration to the custody and visitation rights of the parties. The court ~~shall~~ must
3 consider the age of the child, the potential harm to the child from an abduction, the legal and
4 practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the
5 potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

6 (c) An abduction prevention order may include one or more of the following:

7 (1) An imposition of travel restrictions that require that a party traveling with the
8 child outside a designated geographical area provide the other party with all
9 of the following:

10 a. The travel itinerary of the ~~child;~~ child.

11 b. A list of physical addresses and telephone numbers at which the child
12 can be reached at specified ~~times;~~ and times.

13 c. Copies of all travel ~~documents;~~ documents.

14 (2) A prohibition of the respondent directly or ~~indirectly;~~ indirectly doing any of
15 the following:

16 a. Removing the child from this ~~state;~~ State, the United States, or another
17 geographic area without permission of the court or the petitioner's
18 written ~~consent;~~ consent.

19 b. Removing or retaining the child in violation of a child-custody
20 ~~determination;~~ determination.

21 c. Removing the child from school or a child-care or similar ~~facility;~~ or
22 facility.

23 d. Approaching the child at any location other than a site designated for
24 supervised ~~visitation;~~ visitation.

- 1 (3) A requirement that a party register the order in another state as a prerequisite
2 to allowing the child to travel to that ~~state;~~ state.
- 3 (4) With regard to the child's ~~passport;~~ passport, one or more of the following:
- 4 a. A direction that the petitioner place the child's name in the United
5 States Department of State's Child Passport Issuance Alert ~~Program;~~
6 Program.
- 7 b. A requirement that the respondent surrender to the court or the
8 petitioner's attorney any United States or foreign passport issued in the
9 child's name, including a passport issued in the name of both the parent
10 and the ~~child;~~ and child.
- 11 c. A prohibition upon the respondent from applying on behalf of the child
12 for a new or replacement passport or ~~visa;~~ visa.
- 13 (5) As a prerequisite to exercising custody or visitation, a requirement that the
14 respondent ~~provide;~~ provide all of the following:
- 15 a. To the United States Department of State Office of Children's Issues
16 and the relevant foreign consulate or embassy, an authenticated copy
17 of the order detailing passport and travel restrictions for the ~~child;~~
18 child.
- 19 b. To the ~~court;~~ court, both of the following:
- 20 1. Proof that the respondent has provided the information in
21 ~~subparagraph (A);~~ and sub-subdivision a. of this subdivision.
- 22 2. An acknowledgment in a record from the relevant foreign
23 consulate or embassy that no passport application has been
24 made, or passport issued, on behalf of the ~~child;~~ child.

- 1 c. To the petitioner, proof of registration of the order with the United
2 States Embassy or other United States diplomatic presence in the
3 destination country and with the Central Authority for the Hague
4 Convention on the Civil Aspects of International Child Abduction, if
5 that Convention is in effect between the United States and the
6 destination country, unless one of the parties ~~objects; and~~ objects.
- 7 d. A written waiver under the Privacy Act, ~~5 U.S.C. Section 552a [as~~
8 ~~amended],~~ 5 U.S.C. § 552a, with respect to any document, application,
9 or other information pertaining to the child authorizing its disclosure
10 to the court and the ~~petitioner; and~~ petitioner.
- 11 (6) Upon the petitioner's request, a requirement that the respondent obtain an
12 order from the relevant foreign country containing terms identical to the
13 child-custody determination issued in the United States.
- 14 (d) In an abduction prevention order, the court may impose conditions on the exercise of
15 custody or visitation ~~that~~; that do one or more of the following:
- 16 (1) Limit visitation or require that visitation with the child by the respondent be
17 supervised until the court finds that supervision is no longer necessary and
18 order the respondent to pay the costs of ~~supervision; supervision~~.
- 19 (2) Require the respondent to post a bond or provide other security in an amount
20 sufficient to serve as a financial deterrent to abduction, the proceeds of which
21 may be used to pay for the reasonable expenses of recovery of the child,
22 including reasonable ~~attorneys~~ attorneys' fees and costs if there is an
23 ~~abduction; and~~ abduction.
- 24 (3) Require the respondent to obtain education on the potentially harmful effects
25 to the child from abduction.

(e) To prevent imminent abduction of a child, a court ~~may~~; may do any of the following:

(1) Issue a warrant to take physical custody of the child under ~~Section 9~~
G.S. 50A-419 or ~~the law of this state other than this [act];~~ other State law.

(2) Direct the use of law enforcement to take any action reasonably necessary to
locate the child, obtain return of the child, or enforce a custody determination
under this ~~[act]~~ Article or ~~the law of this state other than this [act];~~ or other
State law.

(3) Grant any other relief allowed under ~~the law of this state other than this [act];~~
other State law.

(f) The remedies provided in this ~~[act]~~ Article are cumulative and do not affect the
availability of other remedies to prevent abduction.

"§ 50A-419. Warrant to take physical custody of child.

(a) If a petition under this ~~[act]~~ Article contains allegations, and the court finds that there
is a credible risk that the child is imminently likely to be wrongfully removed, the court may
issue an ex parte warrant to take physical custody of the child.

(b) The respondent on a petition under subsection (a) of this section must be afforded an
opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not
later than the next judicial day unless a hearing on that date is impossible. In that event, the court
~~shall~~ must hold the hearing on the first judicial day possible.

(c) An ex parte warrant under subsection (a) of section to take physical custody of a child
~~must~~; must do all of the following:

(1) Recite the facts upon which a determination of a credible risk of imminent
wrongful removal of the child is ~~based~~; based.

(2) Direct law enforcement officers to take physical custody of the child
~~immediately~~; immediately.

1 (3) State the date and time for the hearing on the ~~petition;~~ and petition.

2 (4) Provide for the safe interim placement of the child pending further order of
3 the court.

4 (d) If feasible, before issuing a warrant and before determining the placement of the child
5 after the warrant is executed, the court may order a search of the relevant databases of the
6 National Crime Information Center system and similar ~~state~~ databases to determine if either the
7 petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

8 (e) The petition and warrant must be served on the respondent when or immediately after
9 the child is taken into physical custody.

10 (f) A warrant to take physical custody of a child, issued by this ~~state~~ State or another
11 state, is enforceable throughout this ~~state~~ State. If the court finds that a less intrusive remedy will
12 not be effective, it may authorize law enforcement officers to enter private property to take
13 physical custody of the child. If required by exigent circumstances, the court may authorize law
14 enforcement officers to make a forcible entry at any hour.

15 (g) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under
16 subsection (a) of this section for the purpose of harassment or in bad faith, the court may award
17 the respondent reasonable ~~attorney's~~ attorneys' fees, costs, and expenses.

18 (h) This ~~act~~ Article does not affect the availability of relief allowed under ~~the law of~~
19 ~~this state other than this~~ act. other State law.

20
21 *[Staff Note: In subsection (d), staff deleted "state" to clarify that the court may order a search*
22 *of databases maintained in this State and other states.]*
23

24 **"§ 50A-420. Duration of abduction prevention order.**

25 An abduction prevention order remains in effect until the earliest ~~of:~~ of the following:

26 (1) The time stated in the ~~order;~~ order.

27 (2) The emancipation of the ~~child;~~ child.

- 1 (3) The child's attaining 18 years of ~~age; or age.~~
- 2 (4) The time the order is modified, revoked, vacated, or superseded by a court
- 3 with jurisdiction under ~~[insert citation to Sections 201 through 203 of the~~
- 4 ~~Uniform Child Custody Jurisdiction and Enforcement Act or Section 3 of the~~
- 5 ~~Uniform Child Custody Jurisdiction Act and applicable law of this state].~~
- 6 G.S. 50A-201 through G.S. 50A-203.

7

8 [Staff Note: G.S. 50A-201 through G.S. 50A-203 provides:

9

10 **§ 50A-201. Initial child-custody jurisdiction.**

11 (a) *Except as otherwise provided in G.S. 50A-204, a court of this State has jurisdiction*

12 *to make an initial child-custody determination only if:*

13 (1) *This State is the home state of the child on the date of the commencement of*

14 *the proceeding, or was the home state of the child within six months before*

15 *the commencement of the proceeding, and the child is absent from this State*

16 *but a parent or person acting as a parent continues to live in this State;*

17 (2) *A court of another state does not have jurisdiction under subdivision (1), or a*

18 *court of the home state of the child has declined to exercise jurisdiction on the*

19 *ground that this State is the more appropriate forum under G.S. 50A-207 or*

20 *G.S. 50A-208, and:*

21 a. *The child and the child's parents, or the child and at least one parent*

22 *or a person acting as a parent, have a significant connection with this*

23 *State other than mere physical presence; and*

24 b. *Substantial evidence is available in this State concerning the child's*

25 *care, protection, training, and personal relationships;*

26 (3) *All courts having jurisdiction under subdivision (1) or (2) have declined to*

27 *exercise jurisdiction on the ground that a court of this State is the more*

28 *appropriate forum to determine the custody of the child under G.S. 50A-207*

29 *or G.S. 50A-208; or*

30 (4) *No court of any other state would have jurisdiction under the criteria specified*

31 *in subdivision (1), (2), or (3).*

32 (b) *Subsection (a) is the exclusive jurisdictional basis for making a child-custody*

33 *determination by a court of this State.*

34 (c) *Physical presence of, or personal jurisdiction over, a party or a child is not necessary*

35 *or sufficient to make a child-custody determination.*

36 **§ 50A-202. Exclusive, continuing jurisdiction.**

37 (a) *Except as otherwise provided in G.S. 50A-204, a court of this State which has made*

38 *a child-custody determination consistent with G.S. 50A-201 or G.S. 50A-203 has exclusive,*

39 *continuing jurisdiction over the determination until:*

40 (1) *A court of this State determines that neither the child, the child's parents, and*

41 *any person acting as a parent do not have a significant connection with this*

42 *State and that substantial evidence is no longer available in this State*

43 *concerning the child's care, protection, training, and personal relationships;*

44 *or*

1 (2) *A court of this State or a court of another state determines that the child, the*
2 *child's parents, and any person acting as a parent do not presently reside in*
3 *this State.*

4 (b) *A court of this State which has made a child-custody determination and does not have*
5 *exclusive, continuing jurisdiction under this section may modify that determination only if it has*
6 *jurisdiction to make an initial determination under G.S. 50A-201.*

7 **§ 50A-203. Jurisdiction to modify determination.**

8 *Except as otherwise provided in G.S. 50A-204, a court of this State may not modify a*
9 *child-custody determination made by a court of another state unless a court of this State has*
10 *jurisdiction to make an initial determination under G.S. 50A-201(a)(1) or G.S. 50A-201(a)(2)*
11 *and:*

12 (1) *The court of the other state determines it no longer has exclusive, continuing*
13 *jurisdiction under G.S. 50A-202 or that a court of this State would be a more*
14 *convenient forum under G.S. 50A-207; or*

15 (2) *A court of this State or a court of the other state determines that the child, the*
16 *child's parents, and any person acting as a parent do not presently reside in*
17 *the other state.]*

18
19 **"§ 50A-421. Uniformity of application and construction.**

20 In applying and construing this ~~uniform act, Article,~~ consideration must be given to the need
21 to promote uniformity of the law with respect to its subject matter among states that enact ~~it, the~~
22 Uniform Child Abduction Prevention Act.

23 **"§ 50A-422. Relation to Electronic Signatures in Global and National Commerce Act.**

24 This ~~act~~ Article modifies, limits, and supersedes the federal Electronic Signatures in Global
25 and National Commerce Act, ~~15 U.S.C. Section 7001, et seq., Chapter 96 of Title 15 of the United~~
26 States Code, but does not modify, limit, or supersede Section 101(c) of the act, ~~15 U.S.C. Section~~
27 ~~7001(e), of that act 15 U.S.C. § 7001(c),~~ or authorize electronic delivery of any of the notices
28 described in Section 103(b) of ~~that the~~ act, 15 U.S.C. ~~Section §~~ 7003(b)."

29 **SECTION 3.** The Revisor of Statutes shall cause to be printed, as annotations to the
30 published General Statutes, all relevant portions of the Official Comments to the Uniform Child
31 Abduction Prevention Act and all explanatory comments of the drafters of this act as the Revisor
32 may deem appropriate.

33 **SECTION 4.** This act becomes effective October 1, 2024, and applies to petitions
34 filed or motions made on or after that date.