

A Judicial Guide to Safety in Domestic Violence Cases

UCCJEA and Full Faith & Credit

Parties may move to and from your jurisdiction for reasons concerning the safety of a child and/or parent.

§9-19-204

A court **may** exercise **Temporary Emergency Jurisdiction** over a child who has been abandoned or it is otherwise necessary to protect the child because the child, or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.

Temporary Emergency Jurisdiction may continue:

- Until the court of a state with jurisdiction enters an initial child custody order; or
- For an adequate period of time to allow a moving party to modify an order in the court of a state with jurisdiction

If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction, a child custody determination made under this section becomes a final determination, if the statute provides and this state becomes the child's home state or the specified time in the order expires.

If the Court of another state has previously entered a child custody order or if a child custody proceeding has been commenced in the Court of another state, the Court exercising Temporary Emergency Jurisdiction over a child, **shall immediately** communicate with that Court to resolve the emergency, protect the safety of the parties and the child and determine a period of the duration of the temporary order.

§9-15-302

Full faith and credit shall be afforded to any order of protection issued by a court of another state, a federally recognized Indian tribe, or a territory and enforced by law enforcement, if:

- The issuing court had jurisdiction over the parties and matters; and
- Reasonable notice and opportunity to be heard was given sufficient enough to protect the due process rights of the party against whom the order was sought.

If an ex parte order, notice and opportunity to be heard must be provided within the time required by the laws or rules of the other state within a reasonable time after the order is issued to protect the due process rights of the respondent.

An order of protection issued against both the petitioner and the respondent by a court of another state, federally recognized Indian tribe, or a territory **shall not be enforceable** against the petitioner unless:

- The respondent filed a cross or counter petition, complaint or other written pleading seeking an order of protection;
- The issuing court made specific findings against both the petitioner and the respondent; and
- The issuing court determined that each party was entitled to an order.

Also see *Protection Orders, Custody, & Firearms Full Faith & Credit: A Passport to Safety, A Judge's Guide*.

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