

Home State Jurisdiction and the UCCJEA: Ensuring Stability in Child Custody Matters

June 4, 2024

By Cheryl L. Hepfer



In the arena of family law, child custody disputes often present some of the most challenging issues. To provide clarity and uniformity across state lines, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) was enacted. Central to the UCCJEA is the concept of "home state jurisdiction," which serves as the cornerstone for determining the appropriate jurisdiction for custody matters.

Understanding the UCCJEA

The UCCJEA, adopted by 49 states, the District of Columbia, Guam, and the U.S. Virgin Islands, aims to avoid jurisdictional competition and conflict in child custody matters. It establishes clear guidelines for courts to follow, ensuring that only one state exercises jurisdiction over a child custody case at any given time. This uniformity helps prevent parents from "forum shopping" for a more favorable court and minimizes legal conflicts across state borders.

Home State Jurisdiction: The Primary Principle

Home state jurisdiction is the principal basis for initial child custody determinations under the UCCJEA. The "home state" is the state where the child has lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of the custody proceeding. For children under six months old, the home state is where the child has lived since birth.

This principle ensures that custody decisions are made in the state with which the child and family have the most significant connection, promoting stability and continuity for the child.

Application of Home State Jurisdiction

1. **Initial Custody Determinations:** The UCCJEA mandates that the home state has exclusive jurisdiction to make an initial custody determination. If no state qualifies as the home state, jurisdiction may be established in a state where the child and at least one parent have significant connections and where substantial evidence concerning the child's care, protection, training, and personal relationships is available.
2. **Significant Connection Jurisdiction:** When no home state exists, a court may exercise jurisdiction if the child and a parent have a significant connection with the state and substantial evidence about the child's care is available there. This secondary basis for jurisdiction ensures that a court with meaningful ties to the child can make informed custody decisions.
3. **Emergency Jurisdiction:** The UCCJEA allows for temporary emergency jurisdiction if the child is present in a state and

has been abandoned or needs protection due to mistreatment or abuse. This provision ensures that urgent matters can be addressed promptly, even if another state is the child's home state.

4. **Modification of Custody Orders:** The UCCJEA also governs the modification of custody orders. Generally, the state that made the original custody determination retains exclusive jurisdiction to modify its order unless it relinquishes jurisdiction or neither the child nor the parents have a significant connection with the state anymore.

Enforcement Across State Lines

One of the critical features of the UCCJEA is its provisions for enforcing custody determinations across state lines. Courts are required to enforce and not modify valid custody orders from other states, ensuring consistency and respect for judicial decisions across the country.

Challenges and Considerations

While the UCCJEA provides a comprehensive framework, applying its principles can still be challenging. Issues such as determining the child's home state in cases of frequent moves, addressing allegations of abuse, and coordinating between states require careful legal navigation. Additionally, the only state that has not adopted the UCCJEA is Massachusetts, which sometimes necessitates additional considerations when dealing with interstate custody matters involving this state.

Should you have a matter involving interstate custody, consider contacting an experienced family lawyer to assist you with navigating your case.