

HOUSE BILL No. 5655

March 11, 1998, Introduced by Rep. Baird and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding chapter 6B; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER 6B

2

SEC. 675. THIS CHAPTER SHALL BE KNOWN AS THE "UNIFORM
CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT".

4

SEC. 676. AS USED IN THIS ACT:

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(A) "ABANDONED" MEANS LEFT WITHOUT PROVISION FOR REASONABLE
AND NECESSARY CARE OR SUPERVISION.

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(B) "CHILD" MEANS AN INDIVIDUAL WHO HAS NOT ATTAINED 18
YEARS OF AGE.

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(C) "CHILD-CUSTODY DETERMINATION" MEANS A JUDGMENT, DECREE,
OR OTHER ORDER OF A COURT PROVIDING FOR THE LEGAL CUSTODY,

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1 PHYSICAL CUSTODY, OR VISITATION WITH RESPECT TO A CHILD. THE
2 TERM INCLUDES A PERMANENT, TEMPORARY, INITIAL, AND MODIFICATION
3 ORDER. THE TERM DOES NOT INCLUDE AN ORDER RELATING TO CHILD SUP-
4 PORT OR OTHER MONETARY OBLIGATION OF AN INDIVIDUAL.

5 (D) "CHILD-CUSTODY PROCEEDING" MEANS A PROCEEDING IN WHICH
6 LEGAL CUSTODY, PHYSICAL CUSTODY, OR VISITATION WITH RESPECT TO A
7 CHILD IS AN ISSUE. THE TERM INCLUDES A PROCEEDING FOR DIVORCE,
8 SEPARATION, NEGLECT, ABUSE, DEPENDENCY, GUARDIANSHIP, PATERNITY,
9 TERMINATION OF PARENTAL RIGHTS, AND PROTECTION FROM DOMESTIC VIO-
10 LENCE, IN WHICH THE ISSUE MAY APPEAR. THE TERM DOES NOT INCLUDE
11 A PROCEEDING INVOLVING JUVENILE DELINQUENCY, CONTRACTUAL EMANCI-
12 PATION, OR ENFORCEMENT UNDER SECTIONS 689 TO 698D.

13 (E) "COMMENCEMENT" MEANS THE FILING OF THE FIRST PLEADING IN
14 A PROCEEDING.

15 (F) "COURT" MEANS AN ENTITY AUTHORIZED UNDER THE LAW OF A
16 STATE TO ESTABLISH, ENFORCE, OR MODIFY A CHILD-CUSTODY
17 DETERMINATION.

18 (G) "HOME STATE" MEANS THE STATE IN WHICH A CHILD LIVED WITH
19 A PARENT OR A PERSON ACTING AS A PARENT FOR AT LEAST 6 CONSECU-
20 TIVE MONTHS IMMEDIATELY BEFORE THE COMMENCEMENT OF A
21 CHILD-CUSTODY PROCEEDING. IN THE CASE OF A CHILD LESS THAN 6
22 MONTHS OF AGE, THE TERM MEANS THE STATE IN WHICH THE CHILD LIVED
23 FROM BIRTH WITH A PARENT OR PERSON ACTING AS A PARENT. A PERIOD
24 OF TEMPORARY ABSENCE OF A PARENT OR PERSON ACTING AS A PARENT IS
25 INCLUDED AS PART OF THE PERIOD.

26 (H) "INITIAL DETERMINATION" MEANS THE FIRST CHILD-CUSTODY
27 DETERMINATION CONCERNING A PARTICULAR CHILD.

1 (I) "ISSUING COURT" MEANS THE COURT THAT MAKES A
2 CHILD-CUSTODY DETERMINATION FOR WHICH ENFORCEMENT IS SOUGHT UNDER
3 THIS ACT.

4 (J) "ISSUING STATE" MEANS THE STATE IN WHICH A CHILD-CUSTODY
5 DETERMINATION IS MADE.

6 (K) "MODIFICATION" MEANS A CHILD-CUSTODY DETERMINATION THAT
7 CHANGES, REPLACES, SUPERSEDES, OR IS OTHERWISE MADE AFTER A PRE-
8 VIOUS DETERMINATION CONCERNING THE SAME CHILD, WHETHER OR NOT IT
9 IS MADE BY THE COURT THAT MADE THE PREVIOUS DETERMINATION.

10 (L) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS
11 TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY,
12 ASSOCIATION, JOINT VENTURE, OR GOVERNMENT; GOVERNMENTAL SUBDIVI-
13 SION, AGENCY, OR INSTRUMENTALITY; PUBLIC CORPORATION; OR ANY
14 OTHER LEGAL OR COMMERCIAL ENTITY.

15 (M) "PERSON ACTING AS A PARENT" MEANS A PERSON, OTHER THAN A
16 PARENT, WHO MEETS THE FOLLOWING CRITERIA:

17 (i) HAS PHYSICAL CUSTODY OF THE CHILD OR HAS HAD PHYSICAL
18 CUSTODY FOR A PERIOD OF 6 CONSECUTIVE MONTHS, INCLUDING ANY TEM-
19 PORARY ABSENCE, WITHIN 1 YEAR IMMEDIATELY BEFORE THE COMMENCEMENT
20 OF A CHILD-CUSTODY PROCEEDING.

21 (ii) HAS BEEN AWARDED LEGAL CUSTODY BY A COURT OR CLAIMS A
22 RIGHT TO LEGAL CUSTODY UNDER THE LAW OF THIS STATE.

23 (N) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVI-
24 SION OF A CHILD.

25 (O) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT
26 OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR

1 ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION
2 OF THE UNITED STATES.

3 (P) "TRIBE" MEANS AN INDIAN TRIBE OR BAND, OR ALASKAN NATIVE
4 VILLAGE, WHICH IS RECOGNIZED BY FEDERAL LAW OR FORMALLY ACKNOWL-
5 EDGED BY A STATE.

6 (Q) "WARRANT" MEANS AN ORDER ISSUED BY A COURT AUTHORIZING
7 LAW ENFORCEMENT OFFICERS TO TAKE PHYSICAL CUSTODY OF A CHILD.

8 SEC. 677. THIS ACT DOES NOT GOVERN AN ADOPTION PROCEEDING
9 OR A PROCEEDING PERTAINING TO THE AUTHORIZATION OF EMERGENCY MED-
10 ICAL CARE FOR A CHILD.

11 SEC. 678. (1) A CHILD-CUSTODY PROCEEDING THAT PERTAINS TO
12 AN INDIAN CHILD AS DEFINED IN THE INDIAN CHILD WELFARE ACT OF
13 1978, PUBLIC LAW 95-608, 25 U.S.C. 1901 TO 1903, 1911 TO 1923,
14 1931 TO 1934, 1951 TO 1952, AND 1961 TO 1963, IS NOT SUBJECT TO
15 THIS ACT TO THE EXTENT THAT THE PROCEEDING IS GOVERNED BY THE
16 INDIAN CHILD WELFARE ACT OF 1978, PUBLIC LAW 95-608, 25
17 U.S.C. 1901 TO 1903, 1911 TO 1923, 1931 TO 1934, 1951 TO 1952,
18 AND 1961 TO 1963.

19 (2) A COURT OF THIS STATE SHALL TREAT A TRIBE AS IF IT WERE
20 A STATE OF THE UNITED STATES FOR THE PURPOSE OF APPLYING
21 SECTIONS 675 TO 688.

22 (3) A CHILD-CUSTODY DETERMINATION MADE BY A TRIBE UNDER FAC-
23 TUAL CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDIC-
24 TIONAL STANDARDS OF THIS ACT MUST BE RECOGNIZED AND ENFORCED
25 UNDER SECTIONS 689 TO 698D.

1 SEC. 679. (1) A COURT OF THIS STATE SHALL TREAT A FOREIGN
2 COUNTRY AS IF IT WERE A STATE OF THE UNITED STATES FOR THE
3 PURPOSE OF APPLYING SECTIONS 675 TO 688.

4 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A
5 CHILD-CUSTODY DETERMINATION MADE IN A FOREIGN COUNTRY UNDER FAC-
6 TUAL CIRCUMSTANCES IN SUBSTANTIAL CONFORMITY WITH THE JURISDIC-
7 TIONAL STANDARDS OF THIS ACT MUST BE RECOGNIZED AND ENFORCED
8 UNDER SECTIONS 689 TO 698D.

9 (3) A COURT OF THIS STATE NEED NOT APPLY THIS ACT IF THE
10 CHILD-CUSTODY LAW OF A FOREIGN COUNTRY VIOLATES FUNDAMENTAL PRIN-
11 CIPLES OF HUMAN RIGHTS.

12 SEC. 680. A CHILD-CUSTODY DETERMINATION MADE BY A COURT OF
13 THIS STATE THAT HAD JURISDICTION UNDER THIS ACT BINDS ALL PERSONS
14 WHO HAVE BEEN SERVED IN ACCORDANCE WITH THE LAWS OF THIS STATE OR
15 NOTIFIED IN ACCORDANCE WITH SECTION 682 OR WHO HAVE SUBMITTED TO
16 THE JURISDICTION OF THE COURT, AND WHO HAVE BEEN GIVEN AN OPPOR-
17 TUNITY TO BE HEARD. AS TO THOSE PERSONS, THE DETERMINATION IS
18 CONCLUSIVE AS TO ALL DECIDED ISSUES OF LAW AND FACT EXCEPT TO THE
19 EXTENT THE DETERMINATION IS MODIFIED.

20 SEC. 681. IF A QUESTION OF EXISTENCE OR EXERCISE OF JURIS-
21 DICTION UNDER THIS ACT IS RAISED IN A CHILD-CUSTODY PROCEEDING,
22 THE QUESTION, UPON REQUEST OF A PARTY, MUST BE GIVEN PRIORITY ON
23 THE CALENDAR AND HANDLED EXPEDITIOUSLY.

24 SEC. 682. (1) NOTICE REQUIRED FOR THE EXERCISE OF JURISDIC-
25 TION WHEN A PERSON IS OUTSIDE THIS STATE MAY BE GIVEN IN A MANNER
26 PRESCRIBED BY THE LAW OF THIS STATE FOR SERVICE OF PROCESS OR BY
27 THE LAW OF THE STATE IN WHICH THE SERVICE IS MADE. NOTICE MUST

1 BE GIVEN IN A MANNER REASONABLY CALCULATED TO GIVE ACTUAL NOTICE
2 BUT MAY BE BY PUBLICATION IF OTHER MEANS ARE NOT EFFECTIVE.

3 (2) PROOF OF SERVICE MAY BE MADE IN THE MANNER PRESCRIBED BY
4 THE LAW OF THIS STATE OR BY THE LAW OF THE STATE IN WHICH THE
5 SERVICE IS MADE.

6 (3) NOTICE IS NOT REQUIRED FOR THE EXERCISE OF JURISDICTION
7 WITH RESPECT TO A PERSON WHO SUBMITS TO THE JURISDICTION OF THE
8 COURT.

9 SEC. 683. (1) A PARTY TO A CHILD-CUSTODY PROCEEDING,
10 INCLUDING A MODIFICATION PROCEEDING, OR A PETITIONER OR RESPON-
11 DENT IN A PROCEEDING TO ENFORCE OR REGISTER A CHILD-CUSTODY
12 DETERMINATION, IS NOT SUBJECT TO PERSONAL JURISDICTION IN THIS
13 STATE FOR ANOTHER PROCEEDING OR PURPOSE SOLELY BY REASON OF
14 HAVING PARTICIPATED, OR HAVING BEEN PHYSICALLY PRESENT FOR THE
15 PURPOSE OF PARTICIPATING, IN THE PROCEEDING.

16 (2) A PERSON WHO IS SUBJECT TO PERSONAL JURISDICTION IN THIS
17 STATE ON A BASIS OTHER THAN PHYSICAL PRESENCE IS NOT IMMUNE FROM
18 SERVICE OF PROCESS IN THIS STATE. A PARTY PRESENT IN THIS STATE
19 WHO IS SUBJECT TO THE JURISDICTION OF ANOTHER STATE IS NOT IMMUNE
20 FROM SERVICE OF PROCESS ALLOWABLE UNDER THE LAWS OF THAT STATE.

21 (3) THE IMMUNITY GRANTED BY SUBSECTION (1) DOES NOT EXTEND
22 TO CIVIL LITIGATION BASED ON ACTS UNRELATED TO THE PARTICIPATION
23 IN A PROCEEDING UNDER THIS ACT COMMITTED BY AN INDIVIDUAL WHILE
24 PRESENT IN THIS STATE.

25 SEC. 684. (1) A COURT OF THIS STATE MAY COMMUNICATE WITH A
26 COURT IN ANOTHER STATE CONCERNING A PROCEEDING ARISING UNDER THIS
27 ACT.

1 (2) THE COURT MAY ALLOW THE PARTIES TO PARTICIPATE IN THE
2 COMMUNICATION. IF THE PARTIES ARE NOT ABLE TO PARTICIPATE IN THE
3 COMMUNICATION, THEY MUST BE GIVEN THE OPPORTUNITY TO PRESENT
4 FACTS AND LEGAL ARGUMENTS BEFORE A DECISION ON JURISDICTION IS
5 MADE.

6 (3) COMMUNICATION BETWEEN COURTS ON SCHEDULES, CALENDARS,
7 COURT RECORDS, AND SIMILAR MATTERS MAY OCCUR WITHOUT INFORMING
8 THE PARTIES. A RECORD NEED NOT BE MADE OF THE COMMUNICATION.

9 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A RECORD
10 MUST BE MADE OF A COMMUNICATION UNDER THIS SECTION. THE PARTIES
11 MUST BE INFORMED PROMPTLY OF THE COMMUNICATION AND GRANTED ACCESS
12 TO THE RECORD.

13 (5) FOR THE PURPOSES OF THIS SECTION, "RECORD" MEANS INFOR-
14 MATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED
15 IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIV-
16 ABLE FORM.

17 SEC. 684A. (1) IN ADDITION TO OTHER PROCEDURES AVAILABLE TO
18 A PARTY, A PARTY TO A CHILD-CUSTODY PROCEEDING MAY OFFER TESTI-
19 MONY OF WITNESSES WHO ARE LOCATED IN ANOTHER STATE, INCLUDING
20 TESTIMONY OF THE PARTIES AND THE CHILD, BY DEPOSITION OR OTHER
21 MEANS ALLOWABLE IN THIS STATE FOR TESTIMONY TAKEN IN ANOTHER
22 STATE. THE COURT ON ITS OWN MOTION MAY ORDER THAT THE TESTIMONY
23 OF A PERSON BE TAKEN IN ANOTHER STATE AND MAY PRESCRIBE THE
24 MANNER IN WHICH AND THE TERMS UPON WHICH THE TESTIMONY IS TAKEN.

25 (2) A COURT OF THIS STATE MAY PERMIT AN INDIVIDUAL RESIDING
26 IN ANOTHER STATE TO BE DEPOSED OR TO TESTIFY BY TELEPHONE,
27 AUDIOVISUAL MEANS, OR OTHER ELECTRONIC MEANS BEFORE A DESIGNATED

1 COURT OR AT ANOTHER LOCATION IN THAT STATE. A COURT OF THIS
2 STATE SHALL COOPERATE WITH COURTS OF OTHER STATES IN DESIGNATING
3 AN APPROPRIATE LOCATION FOR THE DEPOSITION OR TESTIMONY.

4 (3) DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A
5 COURT OF THIS STATE BY TECHNOLOGICAL MEANS THAT DO NOT PRODUCE AN
6 ORIGINAL WRITING MAY NOT BE EXCLUDED FROM EVIDENCE ON AN OBJEC-
7 TION BASED ON THE MEANS OF TRANSMISSION.

8 SEC. 684B. (1) A COURT OF THIS STATE MAY REQUEST THE APPRO-
9 PRIATE COURT OF ANOTHER STATE TO DO ANY OF THE FOLLOWING:

10 (A) HOLD AN EVIDENTIARY HEARING.

11 (B) ORDER A PERSON TO PRODUCE OR GIVE EVIDENCE PURSUANT TO
12 PROCEDURES OF THAT STATE.

13 (C) ORDER THAT AN EVALUATION BE MADE WITH RESPECT TO THE
14 CUSTODY OF A CHILD INVOLVED IN A PENDING PROCEEDING.

15 (D) FORWARD TO THE COURT OF THIS STATE A CERTIFIED COPY OF
16 THE TRANSCRIPT OF THE RECORD OF THE HEARING, THE EVIDENCE OTHER-
17 WISE PRESENTED, AND ANY EVALUATION PREPARED IN COMPLIANCE WITH
18 THE REQUEST.

19 (E) ORDER A PARTY TO A CHILD-CUSTODY PROCEEDING OR ANY
20 PERSON HAVING PHYSICAL CUSTODY OF THE CHILD TO APPEAR IN THE PRO-
21 CEEDING WITH OR WITHOUT THE CHILD.

22 (2) UPON REQUEST OF A COURT OF ANOTHER STATE, A COURT OF
23 THIS STATE MAY HOLD A HEARING OR ENTER AN ORDER DESCRIBED IN SUB-
24 SECTION (1).

25 (3) TRAVEL AND OTHER NECESSARY AND REASONABLE EXPENSES
26 INCURRED UNDER SUBSECTIONS (1) AND (2) MAY BE ASSESSED AGAINST
27 THE PARTIES ACCORDING TO THE LAW OF THIS STATE.

1 (4) A COURT OF THIS STATE SHALL PRESERVE THE PLEADINGS,
2 ORDERS, DECREES, RECORDS OF HEARINGS, EVALUATIONS, AND OTHER PER-
3 TINENT RECORDS WITH RESPECT TO A CHILD-CUSTODY PROCEEDING UNTIL
4 THE CHILD ATTAINS 18 YEARS OF AGE. UPON APPROPRIATE REQUEST BY A
5 COURT OR LAW ENFORCEMENT OFFICIAL OF ANOTHER STATE, THE COURT
6 SHALL FORWARD A CERTIFIED COPY OF THOSE RECORDS.

7 SEC. 685. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 685C,
8 A COURT OF THIS STATE HAS JURISDICTION TO MAKE AN INITIAL
9 CHILD-CUSTODY DETERMINATION ONLY IN THE FOLLOWING SITUATIONS:

10 (A) THIS STATE IS THE HOME STATE OF THE CHILD ON THE DATE OF
11 THE COMMENCEMENT OF THE PROCEEDING, OR WAS THE HOME STATE OF THE
12 CHILD WITHIN 6 MONTHS BEFORE THE COMMENCEMENT OF THE PROCEEDING
13 AND THE CHILD IS ABSENT FROM THIS STATE BUT A PARENT OR PERSON
14 ACTING AS A PARENT CONTINUES TO LIVE IN THIS STATE.

15 (B) A COURT OF ANOTHER STATE DOES NOT HAVE JURISDICTION
16 UNDER SUBDIVISION (A), OR A COURT OF THE HOME STATE OF THE CHILD
17 HAS DECLINED TO EXERCISE JURISDICTION ON THE GROUND THAT THIS
18 STATE IS THE MORE APPROPRIATE FORUM UNDER SECTION 686B OR 686C,
19 AND BASED ON BOTH OF THE FOLLOWING:

20 (i) THE CHILD AND THE CHILD'S PARENTS, OR THE CHILD AND AT
21 LEAST 1 PARENT OR A PERSON ACTING AS A PARENT, HAVE A SIGNIFICANT
22 CONNECTION WITH THIS STATE OTHER THAN MERE PHYSICAL PRESENCE.

23 (ii) SUBSTANTIAL EVIDENCE IS AVAILABLE IN THIS STATE CON-
24 CERNING THE CHILD'S CARE, PROTECTION, TRAINING, AND PERSONAL
25 RELATIONSHIPS.

26 (C) ALL COURTS HAVING JURISDICTION UNDER SUBDIVISION (A) OR
27 (B) HAVE DECLINED TO EXERCISE JURISDICTION ON THE GROUND THAT A

1 COURT OF THIS STATE IS THE MORE APPROPRIATE FORUM TO DETERMINE
2 THE CUSTODY OF THE CHILD UNDER SECTION 686B OR 686C.

3 (D) NO COURT OF ANY OTHER STATE WOULD HAVE JURISDICTION
4 UNDER THE CRITERIA SPECIFIED IN SUBDIVISION (A), (B), OR (C).

5 (2) SUBSECTION (1) IS THE EXCLUSIVE JURISDICTIONAL BASIS FOR
6 MAKING A CHILD-CUSTODY DETERMINATION BY A COURT OF THIS STATE.

7 (3) PHYSICAL PRESENCE OF, OR PERSONAL JURISDICTION OVER, A
8 PARTY OR A CHILD IS NOT NECESSARY OR SUFFICIENT TO MAKE A
9 CHILD-CUSTODY DETERMINATION.

10 SEC. 685A. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
11 685C, A COURT OF THIS STATE WHICH HAS MADE A CHILD-CUSTODY DETER-
12 MINATION CONSISTENT WITH SECTION 685 OR 685B HAS EXCLUSIVE, CON-
13 TINUING JURISDICTION OVER THE DETERMINATION UNTIL EITHER OF THE
14 FOLLOWING OCCURS:

15 (A) A COURT OF THIS STATE DETERMINES THAT THE CHILD, THE
16 CHILD'S PARENTS, AND ANY PERSON ACTING AS A PARENT DO NOT HAVE A
17 SIGNIFICANT CONNECTION WITH THIS STATE AND THAT SUBSTANTIAL EVI-
18 DENCE IS NO LONGER AVAILABLE IN THIS STATE CONCERNING THE CHILD'S
19 CARE, PROTECTION, TRAINING, AND PERSONAL RELATIONSHIPS.

20 (B) A COURT OF THIS STATE OR A COURT OF ANOTHER STATE DETER-
21 MINES THAT THE CHILD, THE CHILD'S PARENTS, AND ANY PERSON ACTING
22 AS A PARENT DO NOT PRESENTLY RESIDE IN THIS STATE.

23 (2) A COURT OF THIS STATE WHICH HAS MADE A CHILD-CUSTODY
24 DETERMINATION AND DOES NOT HAVE EXCLUSIVE, CONTINUING JURISDIC-
25 TION UNDER THIS SECTION MAY MODIFY THAT DETERMINATION ONLY IF IT
26 HAS JURISDICTION TO MAKE AN INITIAL DETERMINATION UNDER SECTION
27 685.

1 SEC. 685B. EXCEPT AS OTHERWISE PROVIDED IN SECTION 685C, A
2 COURT OF THIS STATE MAY NOT MODIFY A CHILD-CUSTODY DETERMINATION
3 MADE BY A COURT OF ANOTHER STATE UNLESS A COURT OF THIS STATE HAS
4 JURISDICTION TO MAKE AN INITIAL DETERMINATION UNDER SECTION
5 685(1)(A) OR (B) AND THE FOLLOWING APPLY:

6 (A) THE COURT OF THE OTHER STATE DETERMINES IT NO LONGER HAS
7 EXCLUSIVE, CONTINUING JURISDICTION UNDER SECTION 685A OR THAT A
8 COURT OF THIS STATE WOULD BE A MORE CONVENIENT FORUM UNDER SEC-
9 TION 686B.

10 (B) A COURT OF THIS STATE OR A COURT OF THE OTHER STATE
11 DETERMINES THAT THE CHILD, THE CHILD'S PARENTS, AND ANY PERSON
12 ACTING AS A PARENT DO NOT PRESENTLY RESIDE IN THE OTHER STATE.

13 SEC. 685C. (1) A COURT OF THIS STATE HAS TEMPORARY EMER-
14 GENCY JURISDICTION IF THE CHILD IS PRESENT IN THIS STATE AND THE
15 CHILD HAS BEEN ABANDONED OR IT IS NECESSARY IN AN EMERGENCY TO
16 PROTECT THE CHILD BECAUSE THE CHILD, OR A SIBLING OR PARENT OF
17 THE CHILD, IS SUBJECTED TO OR THREATENED WITH MISTREATMENT OR
18 ABUSE.

19 (2) IF THERE IS NO PREVIOUS CHILD-CUSTODY DETERMINATION THAT
20 IS ENTITLED TO BE ENFORCED UNDER THIS ACT AND A CHILD-CUSTODY
21 PROCEEDING HAS NOT BEEN COMMENCED IN A COURT OF A STATE HAVING
22 JURISDICTION UNDER SECTIONS 685 TO 685B, A CHILD-CUSTODY DETERMI-
23 NATION MADE UNDER THIS SECTION REMAINS IN EFFECT UNTIL AN ORDER
24 IS OBTAINED FROM A COURT OF A STATE HAVING JURISDICTION UNDER
25 SECTIONS 685 TO 685B. IF A CHILD-CUSTODY PROCEEDING HAS NOT BEEN
26 OR IS NOT COMMENCED IN A COURT OF A STATE HAVING JURISDICTION
27 UNDER SECTIONS 685 TO 685B, A CHILD-CUSTODY DETERMINATION MADE

1 UNDER THIS SECTION BECOMES A FINAL DETERMINATION, IF IT SO
2 PROVIDES AND THIS STATE BECOMES THE HOME STATE OF THE CHILD.

3 (3) IF THERE IS A PREVIOUS CHILD-CUSTODY DETERMINATION THAT
4 IS ENTITLED TO BE ENFORCED UNDER THIS ACT, OR A CHILD-CUSTODY
5 PROCEEDING HAS BEEN COMMENCED IN A COURT OF A STATE HAVING JURIS-
6 DICTION UNDER SECTIONS 685 TO 685B, ANY ORDER ISSUED BY A COURT
7 OF THIS STATE UNDER THIS SECTION MUST SPECIFY IN THE ORDER A
8 PERIOD THAT THE COURT CONSIDERS ADEQUATE TO ALLOW THE PERSON
9 SEEKING AN ORDER TO OBTAIN AN ORDER FROM THE STATE HAVING JURIS-
10 DICTION UNDER SECTIONS 685 TO 685B. THE ORDER ISSUED IN THIS
11 STATE REMAINS IN EFFECT UNTIL AN ORDER IS OBTAINED FROM THE OTHER
12 STATE WITHIN THE PERIOD SPECIFIED OR THE PERIOD EXPIRES.

13 (4) A COURT OF THIS STATE WHICH HAS BEEN ASKED TO MAKE A
14 CHILD-CUSTODY DETERMINATION UNDER THIS SECTION, UPON BEING
15 INFORMED THAT A CHILD-CUSTODY PROCEEDING HAS BEEN COMMENCED IN,
16 OR A CHILD-CUSTODY DETERMINATION HAS BEEN MADE BY, A COURT OF A
17 STATE HAVING JURISDICTION UNDER SECTIONS 685 TO 685B, SHALL IMME-
18 DIATELY COMMUNICATE WITH THE OTHER COURT. A COURT OF THIS STATE
19 WHICH IS EXERCISING JURISDICTION PURSUANT TO SECTIONS 685 TO
20 685B, UPON BEING INFORMED THAT A CHILD-CUSTODY PROCEEDING HAS
21 BEEN COMMENCED IN, OR A CHILD-CUSTODY DETERMINATION HAS BEEN MADE
22 BY, A COURT OF ANOTHER STATE UNDER A STATUTE SIMILAR TO THIS SEC-
23 TION SHALL IMMEDIATELY COMMUNICATE WITH THE COURT OF THAT STATE
24 TO RESOLVE THE EMERGENCY, PROTECT THE SAFETY OF THE PARTIES AND
25 THE CHILD, AND DETERMINE A PERIOD FOR THE DURATION OF THE TEMPO-
26 RARY ORDER.

1 SEC. 686. (1) BEFORE A CHILD-CUSTODY DETERMINATION IS MADE
2 UNDER THIS ACT, NOTICE AND AN OPPORTUNITY TO BE HEARD IN
3 ACCORDANCE WITH THE STANDARDS OF SECTION 682 MUST BE GIVEN TO ALL
4 PERSONS ENTITLED TO NOTICE UNDER THE LAW OF THIS STATE AS IN
5 CHILD-CUSTODY PROCEEDINGS BETWEEN RESIDENTS OF THIS STATE, ANY
6 PARENT WHOSE PARENTAL RIGHTS HAVE NOT BEEN PREVIOUSLY TERMINATED,
7 AND ANY PERSON HAVING PHYSICAL CUSTODY OF THE CHILD.

8 (2) THIS ACT DOES NOT GOVERN THE ENFORCEABILITY OF A
9 CHILD-CUSTODY DETERMINATION MADE WITHOUT NOTICE OR AN OPPORTUNITY
10 TO BE HEARD.

11 (3) THE OBLIGATION TO JOIN A PARTY AND THE RIGHT TO INTER-
12 VENE AS A PARTY IN A CHILD-CUSTODY PROCEEDING UNDER THIS ACT ARE
13 GOVERNED BY THE LAW OF THIS STATE AS IN CHILD-CUSTODY PROCEEDINGS
14 BETWEEN RESIDENTS OF THIS STATE.

15 SEC. 686A. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
16 685C, A COURT OF THIS STATE MAY NOT EXERCISE ITS JURISDICTION
17 UNDER SECTIONS 685 TO 688 IF, AT THE TIME OF THE COMMENCEMENT OF
18 THE PROCEEDING, A PROCEEDING CONCERNING THE CUSTODY OF THE CHILD
19 HAS BEEN COMMENCED IN A COURT OF ANOTHER STATE HAVING JURISDIC-
20 TION SUBSTANTIALLY IN CONFORMITY WITH THIS ACT, UNLESS THE PRO-
21 CEEDING HAS BEEN TERMINATED OR IS STAYED BY THE COURT OF THE
22 OTHER STATE BECAUSE A COURT OF THIS STATE IS A MORE CONVENIENT
23 FORUM UNDER SECTION 686B.

24 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 685C, A COURT OF
25 THIS STATE, BEFORE HEARING A CHILD-CUSTODY PROCEEDING, SHALL
26 EXAMINE THE COURT DOCUMENTS AND OTHER INFORMATION SUPPLIED BY THE
27 PARTIES PURSUANT TO SECTION 687. IF THE COURT DETERMINES THAT A

1 CHILD-CUSTODY PROCEEDING HAS BEEN COMMENCED IN A COURT IN ANOTHER
2 STATE HAVING JURISDICTION SUBSTANTIALLY IN ACCORDANCE WITH THIS
3 ACT, THE COURT OF THIS STATE SHALL STAY ITS PROCEEDING AND COMMU-
4 NICATE WITH THE COURT OF THE OTHER STATE. IF THE COURT OF THE
5 STATE HAVING JURISDICTION SUBSTANTIALLY IN ACCORDANCE WITH THIS
6 ACT DOES NOT DETERMINE THAT THE COURT OF THIS STATE IS A MORE
7 APPROPRIATE FORUM, THE COURT OF THIS STATE SHALL DISMISS THE
8 PROCEEDING.

9 (3) IN A PROCEEDING TO MODIFY A CHILD-CUSTODY DETERMINATION,
10 A COURT OF THIS STATE SHALL DETERMINE WHETHER A PROCEEDING TO
11 ENFORCE THE DETERMINATION HAS BEEN COMMENCED IN ANOTHER STATE.
12 IF A PROCEEDING TO ENFORCE A CHILD-CUSTODY DETERMINATION HAS BEEN
13 COMMENCED IN ANOTHER STATE, THE COURT MAY DO ANY OF THE
14 FOLLOWING:

15 (A) STAY THE PROCEEDING FOR MODIFICATION PENDING THE ENTRY
16 OF AN ORDER OF A COURT OF THE OTHER STATE ENFORCING, STAYING,
17 DENYING, OR DISMISSING THE PROCEEDING FOR ENFORCEMENT.

18 (B) ENJOIN THE PARTIES FROM CONTINUING WITH THE PROCEEDING
19 FOR ENFORCEMENT.

20 (C) PROCEED WITH THE MODIFICATION UNDER CONDITIONS IT CON-
21 SIDERS APPROPRIATE.

22 SEC. 686B. (1) A COURT OF THIS STATE WHICH HAS JURISDICTION
23 UNDER THIS ACT TO MAKE A CHILD-CUSTODY DETERMINATION MAY DECLINE
24 TO EXERCISE ITS JURISDICTION AT ANY TIME IF IT DETERMINES THAT IT
25 IS AN INCONVENIENT FORUM UNDER THE CIRCUMSTANCES AND THAT A COURT
26 OF ANOTHER STATE IS A MORE APPROPRIATE FORUM. THE ISSUE OF

1 INCONVENIENT FORUM MAY BE RAISED UPON THE MOTION OF A PARTY, THE
2 COURT'S OWN MOTION, OR REQUEST OF ANOTHER COURT.

3 (2) BEFORE DETERMINING WHETHER IT IS AN INCONVENIENT FORUM,
4 A COURT OF THIS STATE SHALL CONSIDER WHETHER IT IS APPROPRIATE
5 FOR A COURT OF ANOTHER STATE TO EXERCISE JURISDICTION. FOR THIS
6 PURPOSE, THE COURT SHALL ALLOW THE PARTIES TO SUBMIT INFORMATION
7 AND SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING THE
8 FOLLOWING:

9 (A) WHETHER DOMESTIC VIOLENCE HAS OCCURRED AND IS LIKELY TO
10 CONTINUE IN THE FUTURE AND WHICH STATE COULD BEST PROTECT THE
11 PARTIES AND THE CHILD.

12 (B) THE LENGTH OF TIME THE CHILD HAS RESIDED OUTSIDE THIS
13 STATE.

14 (C) THE DISTANCE BETWEEN THE COURT IN THIS STATE AND THE
15 COURT IN THE STATE THAT WOULD ASSUME JURISDICTION.

16 (D) THE RELATIVE FINANCIAL CIRCUMSTANCES OF THE PARTIES.

17 (E) ANY AGREEMENT OF THE PARTIES AS TO WHICH STATE SHOULD
18 ASSUME JURISDICTION.

19 (F) THE NATURE AND LOCATION OF THE EVIDENCE REQUIRED TO
20 RESOLVE THE PENDING LITIGATION, INCLUDING TESTIMONY OF THE
21 CHILD.

22 (G) THE ABILITY OF THE COURT OF EACH STATE TO DECIDE THE
23 ISSUE EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT THE
24 EVIDENCE.

25 (H) THE FAMILIARITY OF THE COURT OF EACH STATE WITH THE
26 FACTS AND ISSUES IN THE PENDING LITIGATION.

1 (3) IF A COURT OF THIS STATE DETERMINES THAT IT IS AN
2 INCONVENIENT FORUM AND THAT A COURT OF ANOTHER STATE IS A MORE
3 APPROPRIATE FORUM, IT SHALL STAY THE PROCEEDINGS UPON CONDITION
4 THAT A CHILD-CUSTODY PROCEEDING BE PROMPTLY COMMENCED IN ANOTHER
5 DESIGNATED STATE AND MAY IMPOSE ANY OTHER CONDITION THE COURT
6 CONSIDERS JUST AND PROPER.

7 (4) A COURT OF THIS STATE MAY DECLINE TO EXERCISE ITS JURIS-
8 DICTION UNDER THIS ACT IF A CHILD-CUSTODY DETERMINATION IS INCI-
9 DENTAL TO AN ACTION FOR DIVORCE OR ANOTHER PROCEEDING WHILE STILL
10 RETAINING JURISDICTION OVER THE DIVORCE OR OTHER PROCEEDING.

11 SEC. 686C. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION 685C
12 OR BY OTHER LAW OF THIS STATE, IF A COURT OF THIS STATE HAS
13 JURISDICTION UNDER THIS ACT BECAUSE A PERSON SEEKING TO INVOKE
14 ITS JURISDICTION HAS ENGAGED IN UNJUSTIFIABLE CONDUCT, THE COURT
15 SHALL DECLINE TO EXERCISE ITS JURISDICTION UNLESS ANY OF THE FOL-
16 LOWING HAS OCCURRED:

17 (A) THE PARENTS AND ALL PERSONS ACTING AS PARENTS HAVE
18 ACQUIESCED IN THE EXERCISE OF JURISDICTION.

19 (B) A COURT OF THE STATE OTHERWISE HAVING JURISDICTION UNDER
20 SECTIONS 685 TO 685B DETERMINES THAT THIS STATE IS A MORE APPRO-
21 PRIATE FORUM UNDER SECTION 686B.

22 (C) NO COURT OF ANY OTHER STATE WOULD HAVE JURISDICTION
23 UNDER THE CRITERIA SPECIFIED IN SECTIONS 685 TO 685B.

24 (2) IF A COURT OF THIS STATE DECLINES TO EXERCISE ITS JURIS-
25 DICTION PURSUANT TO SUBSECTION (1), IT MAY FASHION AN APPROPRIATE
26 REMEDY TO ENSURE THE SAFETY OF THE CHILD AND PREVENT A REPETITION
27 OF THE UNJUSTIFIABLE CONDUCT, INCLUDING STAYING THE PROCEEDING

1 UNTIL A CHILD-CUSTODY PROCEEDING IS COMMENCED IN A COURT HAVING
2 JURISDICTION UNDER SECTIONS 685 TO 685B.

3 (3) IF A COURT DISMISSES A PETITION OR STAYS A PROCEEDING
4 BECAUSE IT DECLINES TO EXERCISE ITS JURISDICTION PURSUANT TO SUB-
5 SECTION (1), IT SHALL ASSESS AGAINST THE PARTY SEEKING TO INVOKE
6 ITS JURISDICTION NECESSARY AND REASONABLE EXPENSES INCLUDING
7 COSTS, COMMUNICATION EXPENSES, ATTORNEY'S FEES, INVESTIGATIVE
8 FEES, EXPENSES FOR WITNESSES, TRAVEL EXPENSES, AND CHILD CARE
9 DURING THE COURSE OF THE PROCEEDINGS, UNLESS THE PARTY FROM WHOM
10 FEES ARE SOUGHT ESTABLISHES THAT THE ASSESSMENT WOULD BE CLEARLY
11 INAPPROPRIATE. THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES
12 AGAINST THIS STATE UNLESS AUTHORIZED BY LAW OTHER THAN THIS ACT.

13 SEC. 687. (1) SUBJECT TO ANY PROVISIONS OF LAW RELATED TO
14 CONFIDENTIALITY OF PROCEDURES, ADDRESSES, AND OTHER IDENTIFYING
15 INFORMATION, IN A CHILD-CUSTODY PROCEEDING, EACH PARTY, IN ITS
16 FIRST PLEADING OR IN AN ATTACHED AFFIDAVIT, SHALL GIVE INFORMA-
17 TION, IF REASONABLY ASCERTAINABLE, UNDER OATH AS TO THE CHILD'S
18 PRESENT ADDRESS OR WHEREABOUTS, THE PLACES WHERE THE CHILD HAS
19 LIVED DURING THE LAST 5 YEARS, AND THE NAMES AND PRESENT
20 ADDRESSES OF THE PERSONS WITH WHOM THE CHILD HAS LIVED DURING
21 THAT PERIOD. THE PLEADING OR AFFIDAVIT MUST STATE ALL OF THE
22 FOLLOWING RELATIVE TO WHETHER THE PARTY:

23 (A) HAS PARTICIPATED, AS A PARTY OR WITNESS OR IN ANY OTHER
24 CAPACITY, IN ANY OTHER PROCEEDING CONCERNING THE CUSTODY OF OR
25 VISITATION WITH THE CHILD AND, IF SO, IDENTIFY THE COURT, THE
26 CASE NUMBER, AND THE DATE OF THE CHILD-CUSTODY DETERMINATION, IF
27 ANY.

1 (B) KNOWS OF ANY PROCEEDING THAT COULD AFFECT THE CURRENT
2 PROCEEDING, INCLUDING PROCEEDINGS FOR ENFORCEMENT AND PROCEEDINGS
3 RELATING TO DOMESTIC VIOLENCE, PROTECTIVE ORDERS, TERMINATION OF
4 PARENTAL RIGHTS, AND ADOPTIONS, AND, IF SO, IDENTIFY THE COURT,
5 THE CASE NUMBER, AND THE NATURE OF THE PROCEEDING.

6 (C) KNOWS THE NAMES AND ADDRESSES OF ANY PERSON NOT A PARTY
7 TO THE PROCEEDING WHO HAS PHYSICAL CUSTODY OF THE CHILD OR CLAIMS
8 RIGHTS OF LEGAL CUSTODY OR PHYSICAL CUSTODY OF, OR VISITATION
9 WITH, THE CHILD AND, IF SO, THE NAMES AND ADDRESSES OF THOSE
10 PERSONS.

11 (2) IF THE INFORMATION REQUIRED BY SUBSECTION (1) IS NOT
12 FURNISHED, THE COURT, UPON MOTION OF A PARTY OR ITS OWN MOTION,
13 MAY STAY THE PROCEEDING UNTIL THE INFORMATION IS FURNISHED.

14 (3) IF THE DECLARATION AS TO ANY OF THE ITEMS DESCRIBED IN
15 SUBSECTION (1) IS IN THE AFFIRMATIVE, THE DECLARANT SHALL GIVE
16 ADDITIONAL INFORMATION UNDER OATH AS REQUIRED BY THE COURT. THE
17 COURT MAY EXAMINE THE PARTIES UNDER OATH AS TO DETAILS OF THE
18 INFORMATION FURNISHED AND OTHER MATTERS PERTINENT TO THE COURT'S
19 JURISDICTION AND THE DISPOSITION OF THE CASE.

20 (4) EACH PARTY HAS A CONTINUING DUTY TO INFORM THE COURT OF
21 ANY PROCEEDING IN THIS OR ANY OTHER STATE THAT COULD AFFECT THE
22 CURRENT PROCEEDING.

23 (5) IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER
24 OATH THAT THE HEALTH, SAFETY, OR LIBERTY OF A PARTY OR CHILD
25 WOULD BE JEOPARDIZED BY DISCLOSURE OF IDENTIFYING INFORMATION,
26 THE INFORMATION MUST BE SEALED AND MAY NOT BE DISCLOSED TO THE
27 OTHER PARTY OR THE PUBLIC UNLESS THE COURT ORDERS THE DISCLOSURE

1 TO BE MADE AFTER A HEARING IN WHICH THE COURT TAKES INTO
2 CONSIDERATION THE HEALTH, SAFETY, OR LIBERTY OF THE PARTY OR
3 CHILD AND DETERMINES THAT THE DISCLOSURE IS IN THE INTEREST OF
4 JUSTICE.

5 SEC. 688. (1) IN A CHILD-CUSTODY PROCEEDING IN THIS STATE,
6 THE COURT MAY ORDER A PARTY TO THE PROCEEDING WHO IS IN THIS
7 STATE TO APPEAR BEFORE THE COURT IN PERSON WITH OR WITHOUT THE
8 CHILD. THE COURT MAY ORDER ANY PERSON WHO IS IN THIS STATE AND
9 WHO HAS PHYSICAL CUSTODY OR CONTROL OF THE CHILD TO APPEAR IN
10 PERSON WITH THE CHILD.

11 (2) IF A PARTY TO A CHILD-CUSTODY PROCEEDING WHOSE PRESENCE
12 IS DESIRED BY THE COURT IS OUTSIDE THIS STATE, THE COURT MAY
13 ORDER THAT A NOTICE GIVEN PURSUANT TO SECTION 682 INCLUDE A
14 STATEMENT DIRECTING THE PARTY TO APPEAR IN PERSON WITH OR WITHOUT
15 THE CHILD AND INFORMING THE PARTY THAT FAILURE TO APPEAR MAY
16 RESULT IN A DECISION ADVERSE TO THE PARTY.

17 (3) THE COURT MAY ENTER ANY ORDERS NECESSARY TO ENSURE THE
18 SAFETY OF THE CHILD AND OF ANY PERSON ORDERED TO APPEAR UNDER
19 THIS SECTION.

20 (4) IF A PARTY TO A CHILD-CUSTODY PROCEEDING WHO IS OUTSIDE
21 THIS STATE IS DIRECTED TO APPEAR UNDER SUBSECTION (2) OR DESIRES
22 TO APPEAR PERSONALLY BEFORE THE COURT WITH OR WITHOUT THE CHILD,
23 THE COURT MAY REQUIRE ANOTHER PARTY TO PAY REASONABLE AND NECES-
24 SARY TRAVEL AND OTHER EXPENSES OF THE PARTY SO APPEARING AND OF
25 THE CHILD.

26 SEC. 689. AS USED IN SECTIONS 689 TO 698D:

1 (A) "PETITIONER" MEANS A PERSON WHO SEEKS ENFORCEMENT OF AN
2 ORDER FOR RETURN OF A CHILD UNDER THE HAGUE CONVENTION ON THE
3 CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION OR ENFORCEMENT OF
4 A CHILD-CUSTODY DETERMINATION.

5 (B) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PROCEEDING
6 HAS BEEN COMMENCED FOR ENFORCEMENT OF AN ORDER FOR RETURN OF A
7 CHILD UNDER THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNA-
8 TIONAL CHILD ABDUCTION OR ENFORCEMENT OF A CHILD-CUSTODY
9 DETERMINATION.

10 SEC. 690. UNDER SECTIONS 689 TO 698D, A COURT OF THIS STATE
11 MAY ENFORCE AN ORDER FOR THE RETURN OF THE CHILD MADE UNDER THE
12 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD
13 ABDUCTION AS IF IT WERE A CHILD-CUSTODY DETERMINATION.

14 SEC. 691. (1) A COURT OF THIS STATE SHALL RECOGNIZE AND
15 ENFORCE A CHILD-CUSTODY DETERMINATION OF A COURT OF ANOTHER STATE
16 IF THE LATTER COURT EXERCISED JURISDICTION IN SUBSTANTIAL CON-
17 FORMITY WITH THIS ACT OR THE DETERMINATION WAS MADE UNDER FACTUAL
18 CIRCUMSTANCES MEETING THE JURISDICTIONAL STANDARDS OF THIS ACT
19 AND THE DETERMINATION HAS NOT BEEN MODIFIED IN ACCORDANCE WITH
20 THIS ACT.

21 (2) A COURT OF THIS STATE MAY UTILIZE ANY REMEDY AVAILABLE
22 UNDER OTHER LAW OF THIS STATE TO ENFORCE A CHILD-CUSTODY DETERMI-
23 NATION MADE BY A COURT OF ANOTHER STATE. THE REMEDIES PROVIDED
24 IN SECTIONS 689 TO 698D ARE CUMULATIVE AND DO NOT AFFECT THE
25 AVAILABILITY OF OTHER REMEDIES TO ENFORCE A CHILD-CUSTODY
26 DETERMINATION.

1 SEC. 692. (1) A COURT OF THIS STATE WHICH DOES NOT HAVE
2 JURISDICTION TO MODIFY A CHILD-CUSTODY DETERMINATION, MAY ISSUE A
3 TEMPORARY ORDER ENFORCING THE FOLLOWING:

4 (A) A VISITATION SCHEDULE MADE BY A COURT OF ANOTHER STATE.

5 (B) THE VISITATION PROVISIONS OF A CHILD-CUSTODY DETERMINA-
6 TION OF ANOTHER STATE THAT DOES NOT PROVIDE FOR A SPECIFIC VISI-
7 TATION SCHEDULE.

8 (2) IF A COURT OF THIS STATE MAKES AN ORDER UNDER SUBSECTION
9 (1)(B), IT SHALL SPECIFY IN THE ORDER A PERIOD THAT IT CONSIDERS
10 ADEQUATE TO ALLOW THE PETITIONER TO OBTAIN AN ORDER FROM A COURT
11 HAVING JURISDICTION UNDER THE CRITERIA SPECIFIED IN SECTIONS 685
12 TO 688. THE ORDER REMAINS IN EFFECT UNTIL AN ORDER IS OBTAINED
13 FROM THE OTHER COURT OR THE PERIOD EXPIRES.

14 SEC. 693. (1) A CHILD-CUSTODY DETERMINATION ISSUED BY A
15 COURT OF ANOTHER STATE MAY BE REGISTERED IN THIS STATE, WITH OR
16 WITHOUT A SIMULTANEOUS REQUEST FOR ENFORCEMENT, BY SENDING THE
17 FOLLOWING TO THE CIRCUIT COURT IN THIS STATE:

18 (A) A LETTER OR OTHER DOCUMENT REQUESTING REGISTRATION.

19 (B) TWO COPIES, INCLUDING 1 CERTIFIED COPY, OF THE DETERMI-
20 NATION SOUGHT TO BE REGISTERED, AND A STATEMENT UNDER PENALTY OF
21 PERJURY THAT TO THE BEST OF THE KNOWLEDGE AND BELIEF OF THE
22 PERSON SEEKING REGISTRATION THE ORDER HAS NOT BEEN MODIFIED.

23 (C) EXCEPT AS OTHERWISE PROVIDED IN SECTION 687, THE NAME
24 AND ADDRESS OF THE PERSON SEEKING REGISTRATION AND ANY PARENT OR
25 PERSON ACTING AS A PARENT WHO HAS BEEN AWARDED CUSTODY OR VISITA-
26 TION IN THE CHILD-CUSTODY DETERMINATION SOUGHT TO BE REGISTERED.

1 (2) ON RECEIPT OF THE DOCUMENTS REQUIRED BY SUBSECTION (1),
2 THE REGISTERING COURT SHALL DO THE FOLLOWING:

3 (A) CAUSE THE DETERMINATION TO BE FILED AS A FOREIGN JUDG-
4 MENT, TOGETHER WITH 1 COPY OF ANY ACCOMPANYING DOCUMENTS AND
5 INFORMATION, REGARDLESS OF THEIR FORM.

6 (B) SERVE NOTICE UPON THE PERSONS NAMED PURSUANT TO SUBSEC-
7 TION (1)(C) AND PROVIDE THEM WITH AN OPPORTUNITY TO CONTEST THE
8 REGISTRATION IN ACCORDANCE WITH THIS SECTION.

9 (3) THE NOTICE REQUIRED BY SUBSECTION (2)(B) MUST STATE THE
10 FOLLOWING:

11 (A) A REGISTERED DETERMINATION IS ENFORCEABLE AS OF THE DATE
12 OF THE REGISTRATION IN THE SAME MANNER AS A DETERMINATION ISSUED
13 BY A COURT OF THIS STATE.

14 (B) A HEARING TO CONTEST THE VALIDITY OF THE REGISTERED
15 DETERMINATION MUST BE REQUESTED WITHIN 20 DAYS AFTER SERVICE OF
16 NOTICE.

17 (C) FAILURE TO CONTEST THE REGISTRATION WILL RESULT IN CON-
18 FIRMATION OF THE CHILD-CUSTODY DETERMINATION AND PRECLUDE FURTHER
19 CONTEST OF THAT DETERMINATION WITH RESPECT TO ANY MATTER THAT
20 COULD HAVE BEEN ASSERTED.

21 (4) A PERSON SEEKING TO CONTEST THE VALIDITY OF A REGISTERED
22 ORDER MUST REQUEST A HEARING WITHIN 20 DAYS AFTER SERVICE OF THE
23 NOTICE. AT THAT HEARING, THE COURT SHALL CONFIRM THE REGISTERED
24 ORDER UNLESS THE PERSON CONTESTING REGISTRATION ESTABLISHES THE
25 FOLLOWING:

26 (A) THE ISSUING COURT DID NOT HAVE JURISDICTION UNDER
27 SECTIONS 685 TO 688.

1 (B) THE CHILD-CUSTODY DETERMINATION SOUGHT TO BE REGISTERED
2 HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT HAVING JURISDIC-
3 TION TO DO SO UNDER SECTIONS 685 TO 688.

4 (C) THE PERSON CONTESTING REGISTRATION WAS ENTITLED TO
5 NOTICE, BUT NOTICE WAS NOT GIVEN IN ACCORDANCE WITH THE STANDARDS
6 OF SECTION 682, IN THE PROCEEDINGS BEFORE THE COURT THAT ISSUED
7 THE ORDER FOR WHICH REGISTRATION IS SOUGHT.

8 (5) IF A TIMELY REQUEST FOR A HEARING TO CONTEST THE VALID-
9 ITY OF THE REGISTRATION IS NOT MADE, THE REGISTRATION IS CON-
10 FIRMED AS A MATTER OF LAW AND THE PERSON REQUESTING REGISTRATION
11 AND ALL PERSONS SERVED MUST BE NOTIFIED OF THE CONFIRMATION.

12 (6) CONFIRMATION OF A REGISTERED ORDER, WHETHER BY OPERATION
13 OF LAW OR AFTER NOTICE AND HEARING, PRECLUDES FURTHER CONTEST OF
14 THE ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN
15 ASSERTED AT THE TIME OF REGISTRATION.

16 SEC. 693A. (1) A COURT OF THIS STATE MAY GRANT ANY RELIEF
17 NORMALLY AVAILABLE UNDER THE LAW OF THIS STATE TO ENFORCE A REG-
18 ISTERED CHILD-CUSTODY DETERMINATION MADE BY A COURT OF ANOTHER
19 STATE.

20 (2) A COURT OF THIS STATE SHALL RECOGNIZE AND ENFORCE, BUT
21 MAY NOT MODIFY, EXCEPT IN ACCORDANCE WITH SECTIONS 685 TO 688, A
22 REGISTERED CHILD-CUSTODY DETERMINATION OF A COURT OF ANOTHER
23 STATE.

24 SEC. 693B. IF A PROCEEDING FOR ENFORCEMENT UNDER SECTIONS
25 689 TO 698D IS COMMENCED IN A COURT OF THIS STATE AND THE COURT
26 DETERMINES THAT A PROCEEDING TO MODIFY THE DETERMINATION IS
27 PENDING IN A COURT OF ANOTHER STATE HAVING JURISDICTION TO MODIFY

1 THE DETERMINATION UNDER SECTIONS 685 TO 688, THE ENFORCING COURT
2 SHALL IMMEDIATELY COMMUNICATE WITH THE MODIFYING COURT. THE PRO-
3 CEEDING FOR ENFORCEMENT CONTINUES UNLESS THE ENFORCING COURT,
4 AFTER CONSULTATION WITH THE MODIFYING COURT, STAYS OR DISMISSES
5 THE PROCEEDING.

6 SEC. 693C. (1) A PETITION UNDER SECTIONS 689 TO 698D MUST
7 BE VERIFIED. CERTIFIED COPIES OF ALL ORDERS SOUGHT TO BE
8 ENFORCED AND OF ANY ORDER CONFIRMING REGISTRATION MUST BE
9 ATTACHED TO THE PETITION. A COPY OF A CERTIFIED COPY OF AN ORDER
10 MAY BE ATTACHED INSTEAD OF THE ORIGINAL.

11 (2) A PETITION FOR ENFORCEMENT OF A CHILD-CUSTODY DETERMINA-
12 TION MUST STATE THE FOLLOWING:

13 (A) WHETHER THE COURT THAT ISSUED THE DETERMINATION IDENTI-
14 FIED THE JURISDICTIONAL BASIS IT RELIED UPON IN EXERCISING JURIS-
15 DICTION AND, IF SO, WHAT THE BASIS WAS.

16 (B) WHETHER THE DETERMINATION FOR WHICH ENFORCEMENT IS
17 SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT WHOSE
18 DECISION MUST BE ENFORCED UNDER THIS ACT AND, IF SO, IDENTIFY THE
19 COURT, THE CASE NUMBER, AND THE NATURE OF THE PROCEEDING.

20 (C) WHETHER ANY PROCEEDING HAS BEEN COMMENCED THAT COULD
21 AFFECT THE CURRENT PROCEEDING, INCLUDING PROCEEDINGS RELATING TO
22 DOMESTIC VIOLENCE, PROTECTIVE ORDERS, TERMINATION OF PARENTAL
23 RIGHTS, AND ADOPTIONS AND, IF SO, IDENTIFY THE COURT, THE CASE
24 NUMBER, AND THE NATURE OF THE PROCEEDING.

25 (D) THE PRESENT PHYSICAL ADDRESS OF THE CHILD AND THE
26 RESPONDENT, IF KNOWN.

1 (E) WHETHER RELIEF IN ADDITION TO THE IMMEDIATE PHYSICAL
2 CUSTODY OF THE CHILD AND ATTORNEY'S FEES IS SOUGHT, INCLUDING A
3 REQUEST FOR ASSISTANCE FROM LAW ENFORCEMENT OFFICIALS AND, IF SO,
4 THE RELIEF SOUGHT.

5 (F) IF THE CHILD-CUSTODY DETERMINATION HAS BEEN REGISTERED
6 AND CONFIRMED UNDER SECTION 693, THE DATE AND PLACE OF
7 REGISTRATION.

8 (3) UPON THE FILING OF A PETITION, THE COURT SHALL ISSUE AN
9 ORDER DIRECTING THE RESPONDENT TO APPEAR IN PERSON WITH OR WITH-
10 OUT THE CHILD AT A HEARING AND MAY ENTER ANY ORDER NECESSARY TO
11 ENSURE THE SAFETY OF THE PARTIES AND THE CHILD. THE HEARING MUST
12 BE HELD ON THE NEXT JUDICIAL DAY AFTER SERVICE OF THE ORDER
13 UNLESS THAT DATE IS IMPOSSIBLE. IN THAT EVENT, THE COURT SHALL
14 HOLD THE HEARING ON THE FIRST JUDICIAL DAY POSSIBLE. THE COURT
15 MAY EXTEND THE DATE OF HEARING AT THE REQUEST OF THE PETITIONER.

16 (4) AN ORDER ISSUED UNDER SUBSECTION (3) MUST STATE THE TIME
17 AND PLACE OF THE HEARING AND ADVISE THE RESPONDENT THAT AT THE
18 HEARING THE COURT WILL ORDER THAT THE PETITIONER MAY TAKE IMMEDI-
19 ATE PHYSICAL CUSTODY OF THE CHILD AND THE PAYMENT OF FEES, COSTS,
20 AND EXPENSES UNDER SECTION 697, AND MAY SCHEDULE A HEARING TO
21 DETERMINE WHETHER FURTHER RELIEF IS APPROPRIATE, UNLESS THE
22 RESPONDENT APPEARS AND ESTABLISHES THE FOLLOWING:

23 (A) THE CHILD-CUSTODY DETERMINATION HAS NOT BEEN REGISTERED
24 AND CONFIRMED UNDER SECTION 693, AND THE FOLLOWING:

25 (i) THE ISSUING COURT DID NOT HAVE JURISDICTION UNDER SEC-
26 TIONS 685 TO 688.

1 (ii) THE CHILD-CUSTODY DETERMINATION FOR WHICH ENFORCEMENT
2 IS SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT HAVING
3 JURISDICTION TO DO SO UNDER SECTIONS 685 TO 688.

4 (iii) THE RESPONDENT WAS ENTITLED TO NOTICE, BUT NOTICE WAS
5 NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF SECTION 682, IN THE
6 PROCEEDINGS BEFORE THE COURT THAT ISSUED THE ORDER FOR WHICH
7 ENFORCEMENT IS SOUGHT.

8 (B) THE CHILD-CUSTODY DETERMINATION FOR WHICH ENFORCEMENT IS
9 SOUGHT WAS REGISTERED AND CONFIRMED UNDER SECTION 693, BUT HAS
10 BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING
11 JURISDICTION TO DO SO UNDER SECTIONS 685 TO 688.

12 SEC. 694. EXCEPT AS OTHERWISE PROVIDED IN SECTION 696, THE
13 PETITION AND ORDER MUST BE SERVED, BY ANY METHOD AUTHORIZED BY
14 THE LAW OF THIS STATE, UPON RESPONDENT AND ANY PERSON WHO HAS
15 PHYSICAL CUSTODY OF THE CHILD.

16 SEC. 695. (1) UNLESS THE COURT ISSUES A TEMPORARY EMERGENCY
17 ORDER PURSUANT TO SECTION 685C, UPON A FINDING THAT A PETITIONER
18 IS ENTITLED TO IMMEDIATE PHYSICAL CUSTODY OF THE CHILD, THE COURT
19 SHALL ORDER THAT THE PETITIONER MAY TAKE IMMEDIATE PHYSICAL CUS-
20 TODY OF THE CHILD UNLESS THE RESPONDENT ESTABLISHES THE
21 FOLLOWING:

22 (A) THE CHILD-CUSTODY DETERMINATION HAS NOT BEEN REGISTERED
23 AND CONFIRMED UNDER SECTION 693 AND THE FOLLOWING:

24 (i) THE ISSUING COURT DID NOT HAVE JURISDICTION UNDER SEC-
25 TIONS 685 TO 688.

1 (ii) THE CHILD-CUSTODY DETERMINATION FOR WHICH ENFORCEMENT
2 IS SOUGHT HAS BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A
3 STATE HAVING JURISDICTION TO DO SO UNDER SECTIONS 685 TO 688.

4 (iii) THE RESPONDENT WAS ENTITLED TO NOTICE, BUT NOTICE WAS
5 NOT GIVEN IN ACCORDANCE WITH THE STANDARDS OF SECTION 682, IN THE
6 PROCEEDINGS BEFORE THE COURT THAT ISSUED THE ORDER FOR WHICH
7 ENFORCEMENT IS SOUGHT.

8 (B) THE CHILD-CUSTODY DETERMINATION FOR WHICH ENFORCEMENT IS
9 SOUGHT WAS REGISTERED AND CONFIRMED UNDER SECTION 693, BUT HAS
10 BEEN VACATED, STAYED, OR MODIFIED BY A COURT OF A STATE HAVING
11 JURISDICTION TO DO SO UNDER SECTIONS 685 TO 688.

12 (2) THE COURT SHALL AWARD THE FEES, COSTS, AND EXPENSES
13 AUTHORIZED UNDER SECTION 697 AND MAY GRANT ADDITIONAL RELIEF,
14 INCLUDING A REQUEST FOR THE ASSISTANCE OF LAW ENFORCEMENT OFFI-
15 CIALS, AND SET A FURTHER HEARING TO DETERMINE WHETHER ADDITIONAL
16 RELIEF IS APPROPRIATE.

17 (3) IF A PARTY CALLED TO TESTIFY REFUSES TO ANSWER ON THE
18 GROUND THAT THE TESTIMONY MAY BE SELF-INCRIMINATING, THE COURT
19 MAY DRAW AN ADVERSE INFERENCE FROM THE REFUSAL.

20 (4) A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN
21 SPOUSES AND A DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF
22 HUSBAND AND WIFE OR PARENT AND CHILD MAY NOT BE INVOKED IN A PRO-
23 CEEDING UNDER SECTIONS 689 TO 698D.

24 SEC. 696. (1) UPON THE FILING OF A PETITION SEEKING
25 ENFORCEMENT OF A CHILD-CUSTODY DETERMINATION, THE PETITIONER MAY
26 FILE A VERIFIED APPLICATION FOR THE ISSUANCE OF A WARRANT TO TAKE

1 PHYSICAL CUSTODY OF THE CHILD IF THE CHILD IS IMMINENTLY LIKELY
2 TO SUFFER SERIOUS PHYSICAL HARM OR BE REMOVED FROM THIS STATE.

3 (2) IF THE COURT, UPON THE TESTIMONY OF THE PETITIONER OR
4 OTHER WITNESS, FINDS THAT THE CHILD IS IMMINENTLY LIKELY TO
5 SUFFER SERIOUS PHYSICAL HARM OR BE REMOVED FROM THIS STATE, IT
6 MAY ISSUE A WARRANT TO TAKE PHYSICAL CUSTODY OF THE CHILD. THE
7 PETITION MUST BE HEARD ON THE NEXT JUDICIAL DAY AFTER THE WARRANT
8 IS EXECUTED UNLESS THAT DATE IS IMPOSSIBLE. IN THAT EVENT, THE
9 COURT SHALL HOLD THE HEARING ON THE FIRST JUDICIAL DAY POSSIBLE.
10 THE APPLICATION FOR THE WARRANT MUST INCLUDE THE STATEMENTS
11 REQUIRED BY SECTION 693C(2).

12 (3) A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD MUST DO
13 THE FOLLOWING:

14 (A) RECITE THE FACTS UPON WHICH A CONCLUSION OF IMMINENT
15 SERIOUS PHYSICAL HARM OR REMOVAL FROM THE JURISDICTION IS BASED.

16 (B) DIRECT LAW ENFORCEMENT OFFICERS TO TAKE PHYSICAL CUSTODY
17 OF THE CHILD IMMEDIATELY.

18 (C) PROVIDE FOR THE PLACEMENT OF THE CHILD PENDING FINAL
19 RELIEF.

20 (4) THE RESPONDENT MUST BE SERVED WITH THE PETITION, WAR-
21 RANT, AND ORDER IMMEDIATELY AFTER THE CHILD IS TAKEN INTO PHYSI-
22 CAL CUSTODY.

23 (5) A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD IS
24 ENFORCEABLE THROUGHOUT THIS STATE. IF THE COURT FINDS ON THE
25 BASIS OF THE TESTIMONY OF THE PETITIONER OR OTHER WITNESS THAT A
26 LESS INTRUSIVE REMEDY IS NOT EFFECTIVE, IT MAY AUTHORIZE LAW
27 ENFORCEMENT OFFICERS TO ENTER PRIVATE PROPERTY TO TAKE PHYSICAL

1 CUSTODY OF THE CHILD. IF REQUIRED BY EXIGENT CIRCUMSTANCES OF
2 THE CASE, THE COURT MAY AUTHORIZE LAW ENFORCEMENT OFFICERS TO
3 MAKE A FORCIBLE ENTRY AT ANY HOUR.

4 (6) THE COURT MAY IMPOSE CONDITIONS UPON PLACEMENT OF A
5 CHILD TO ENSURE THE APPEARANCE OF THE CHILD AND THE CHILD'S
6 CUSTODIAN.

7 SEC. 697. (1) THE COURT SHALL AWARD THE PREVAILING PARTY,
8 INCLUDING A STATE, NECESSARY AND REASONABLE EXPENSES INCURRED BY
9 OR ON BEHALF OF THE PARTY, INCLUDING COSTS, COMMUNICATION
10 EXPENSES, ATTORNEY'S FEES, INVESTIGATIVE FEES, EXPENSES FOR WIT-
11 NESSES, TRAVEL EXPENSES, AND CHILD CARE DURING THE COURSE OF THE
12 PROCEEDINGS, UNLESS THE PARTY FROM WHOM FEES OR EXPENSES ARE
13 SOUGHT ESTABLISHES THAT THE AWARD WOULD BE CLEARLY
14 INAPPROPRIATE.

15 (2) THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES
16 AGAINST A STATE UNLESS AUTHORIZED BY LAW OTHER THAN THIS ACT.

17 SEC. 698. A COURT OF THIS STATE SHALL ACCORD FULL FAITH AND
18 CREDIT TO AN ORDER ISSUED BY ANOTHER STATE AND CONSISTENT WITH
19 THIS ACT WHICH ENFORCES A CHILD-CUSTODY DETERMINATION BY A COURT
20 OF ANOTHER STATE UNLESS THE ORDER HAS BEEN VACATED, STAYED, OR
21 MODIFIED BY A COURT HAVING JURISDICTION TO DO SO UNDER SECTIONS
22 685 TO 688.

23 SEC. 698A. AN APPEAL MAY BE TAKEN FROM A FINAL ORDER IN A
24 PROCEEDING UNDER SECTIONS 689 TO 698D IN ACCORDANCE WITH EXPE-
25 DITED APPELLATE PROCEDURES IN OTHER CIVIL CASES. UNLESS THE
26 COURT ENTERS A TEMPORARY EMERGENCY ORDER UNDER SECTION 685C, THE

1 ENFORCING COURT MAY NOT STAY AN ORDER ENFORCING A CHILD-CUSTODY
2 DETERMINATION PENDING APPEAL.

3 SEC. 698B. (1) IN A CASE ARISING UNDER THIS ACT OR INVOLV-
4 ING THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL
5 CHILD ABDUCTION, THE ATTORNEY GENERAL MAY TAKE ANY LAWFUL ACTION,
6 INCLUDING RESORT TO A PROCEEDING UNDER SECTIONS 689 TO 698D OR
7 ANY OTHER AVAILABLE CIVIL PROCEEDING, TO LOCATE A CHILD, OBTAIN
8 THE RETURN OF A CHILD, OR ENFORCE A CHILD-CUSTODY DETERMINATION
9 IF THERE IS ANY OF THE FOLLOWING:

10 (A) AN EXISTING CHILD-CUSTODY DETERMINATION.

11 (B) A REQUEST TO DO SO FROM A COURT IN A PENDING
12 CHILD-CUSTODY PROCEEDING.

13 (C) A REASONABLE BELIEF THAT A CRIMINAL STATUTE HAS BEEN
14 VIOLATED.

15 (D) A REASONABLE BELIEF THAT THE CHILD HAS BEEN WRONGFULLY
16 REMOVED OR RETAINED IN VIOLATION OF THE HAGUE CONVENTION ON THE
17 CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.

18 (2) THE ATTORNEY GENERAL ACTING UNDER THIS SECTION ACTS ON
19 BEHALF OF THE COURT AND MAY NOT REPRESENT ANY PARTY.

20 SEC. 698C. AT THE REQUEST OF THE ATTORNEY GENERAL ACTING
21 UNDER SECTION 698B, A LAW ENFORCEMENT OFFICER MAY TAKE ANY LAWFUL
22 ACTION REASONABLY NECESSARY TO LOCATE A CHILD OR A PARTY AND
23 ASSIST THE ATTORNEY GENERAL WITH RESPONSIBILITIES UNDER SECTION
24 698B.

25 SEC. 698D. IF THE RESPONDENT IS NOT THE PREVAILING PARTY,
26 THE COURT MAY ASSESS AGAINST THE RESPONDENT ALL DIRECT EXPENSES

1 AND COSTS INCURRED BY THE ATTORNEY GENERAL AND LAW ENFORCEMENT
2 OFFICERS UNDER SECTION 698B OR 698C.

3 SEC. 699. IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CON-
4 sideration must be given to the need to promote uniformity of the
5 law with respect to its subject matter among states that enact
6 it.

7 SEC. 699A. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION
8 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY
9 DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ACT
10 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLI-
11 cation, AND TO THIS END THE PROVISIONS OF THIS ACT ARE
12 SEVERABLE.

13 SEC. 699B. A MOTION OR OTHER REQUEST FOR RELIEF MADE IN A
14 CHILD-CUSTODY PROCEEDING OR TO ENFORCE A CHILD-CUSTODY DETERMINA-
15 tion which was commenced before the effective date of this act is
16 governed by the law in effect at the time the motion or other
17 request was made.

18 Enacting section 1. Chapter 6a of the revised judicature
19 act of 1961, 1961 PA 236, MCL 600.651 to 600.673, is repealed.