



THE JBSA JURIST

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CHILD CUSTODY ACROSS STATE LINES

Americans are a mobile people who seldom stay in one state. This is even more so for members of the military. Child custody disputes between parents, which arise when there is a divorce or when unmarried biological parents want to have custody adjudicated in a court, are impacted by that very mobility. When parents and children live and have lived in one state, the courts of that state may take jurisdiction over any child custody matter without question. But it is common for a parent to live in a different state from the one in which the other parent and the child live. More than one state may have the power to adjudicate a dispute between them. If more than one state does exercise its power, the competing decisions simply confuse, rather than conclude the dispute.

There may also be the need to modify or enforce a child custody order. If the custodial parent moves with the child to another state, which state makes that modification? If the second state modifies the first child custody order from the first state, which order will be recognized and enforced? When there were no clear answers to these questions, parental kidnapping sometimes resulted. To prevent that from happening, the UCCJEA was enacted to determine which state has jurisdiction to hear child custody suits.

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Basics

- **Home State Priority**—the home state of the child has priority in a child custody suit. Home state is the state in which a child lived with a parent/guardian for at least six consecutive months immediately before the start of a child-custody proceeding.
- **Significant Contacts**—when a child does not have a home state, jurisdiction may be established in a state by showing the child has significant connections, beyond mere presence, within the state.
- **Emergency Jurisdiction**—the UCCJEA provides for temporary emergency jurisdiction, that can ripen into continuing jurisdiction only if no other state with grounds for jurisdiction can be found or, if found, declines to take jurisdiction. The child's presence and its abandonment, mistreatment or abuse still trigger the taking of emergency jurisdiction, but threats to siblings or a parent also can trigger the taking of emergency jurisdiction. Because of the priority given to the home state of the child, the home state will most often be the state from which continuing jurisdiction is exercised.
- **Presence in a State**—a child's presence in a state is not necessary or sufficient to make a child-custody determination.
- **Modification**—modifications of an original child custody order are typically done by the original state issuing the order.

The laws governing child custody are uniform to prevent parental child abductions. They are also complicated. If you have questions, please speak to one of our legal assistance attorneys who may be able to help you through this process.

AREA DEFENSE COUNSEL

ADCs are experienced judge advocates outside the local chain of command to allow Airmen completely confidential legal advice for criminal and adverse matters.

Ft Sam Houston: DSN 471-9679

Lackland: DSN 473-2924/2926

Randolph: DSN 487-2274

SPECIAL VICTIMS' COUNSEL

SVCs are experienced, independent judge advocates who provide confidential legal advice to victims of sexual assault. They serve both restricted and unrestricted reporters, help victims understand their legal rights, and explain how the legal process works for processing sex assault claims.

JBSA (LAK, FSH, RND): DSN 473-4748

**PREPARE FOR YOUR
LEGAL ASSISTANCE APPOINTMENT**

LOG ONTO: <https://aflegalassistance.law.af.mil>

Wills & Power of Attorney Powers of Attorney

1. Click on tab "Legal Worksheets"
2. Complete worksheet for documents you wish to have created
3. Save your ticket number, then call the Legal Office for an appointment!
4. Please complete survey online

Legal Assistance

1. Click on tab "Legal Information"
2. If the information you are looking for is not listed, call the Legal Office for an appointment!
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**TO SCHEDULE AN APPOINTMENT CALL
ONE OF THE OFFICES BELOW**

JBSA-Ft Sam Houston

502 FSG/JA
2422 Stanley Road

*Legal Assistance Primarily by
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Walk-in Hours

Tues 0830-1030 All eligible clients
Thurs 0830-1030 Active Duty only

Notary and Powers of Attorney

Mon-Thurs 0730-1630
Fri 0730-1200

**DSN 420-0169
Comm: 210-808-0169
Tax Center: 210-295-1040**

JBSA-Randolph

502 SFLSG/JA
1 Washington Circle, Bldg 100

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Notary and Powers of Attorney

Mon-Fri 0800-1500

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Tax Center: 210-652-1040**

JBSA-Lackland

502 ISG/JA
1701 Kenly Ave, Suite 134

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Wed 0830-0930 All eligible clients

Notary and Powers of Attorney

Mon, Tues, Thurs, Fri 0830-1530
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