

CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 2

In Opposition to Creating a New Federal Cause of Action to Resolve Child Custody Jurisdictional Conflicts Between State Courts

WHEREAS, legislation, such as Bring Our Children Home Act of 2004, has been introduced in Congress to address issues related to full faith and credit enforcement of interstate child custody orders under the *Parental Kidnapping Prevention Act of 1980* (PKPA, 28 U.S.C. Sect. 1738A) by requiring the establishment of a national registry of child custody orders; and

WHEREAS, such legislation would also create a new federal cause of action to resolve jurisdictional disputes between state courts; and

WHEREAS, the *Uniform Child Custody Jurisdiction Act* (UCCJA), enacted in every state between 1969 and 1983, and the *Parental Kidnapping Prevention Act of 1980* address judicial procedures for determining the controlling order when there are conflicting state custody decrees by requiring states to give full faith and credit to valid custody order determinations of sister states; and

WHEREAS, the judicial procedures for determining the controlling order have proven to be effective and as such negate the need for federal intervention; and

WHEREAS, State courts have the expertise and experience in handling these cases and are best qualified to resolve jurisdictional disputes in the best interests of a child.

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators opposes any legislation that would create a federal cause of action to resolve conflicts between state courts on the issue of jurisdiction over child custody orders.

BE IT FURTHER RESOLVED that the Conference in the spirit of comity, encourages all state court systems to support judicial education on the effective implementation of the full faith and credit provisions to resolve child custody disputes.

Adopted as proposed by the Courts, Children and Families Committee at the COSCA 2004 Midyear Meeting, New Orleans, Louisiana, December 3, 2004.