

House Amendments to Senate Bill No. 2992

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

25 SECTION 1. Short title. The provisions of Sections 1
26 through 9 of this act may be cited as the Uniform Interstate
27 Enforcement of Domestic Violence Protection Orders Act.

28 SECTION 2. Definitions. The following words and phrases
29 shall have the meanings ascribed in this section unless the
30 context clearly indicates otherwise:

31 (a) "Foreign protection order" means a protection order
32 issued by a tribunal of another state.

33 (b) "Issuing state" means the state whose tribunal
34 issues a protection order.

35 (c) "Mutual foreign protection order" means a foreign
36 protection order that includes provisions issued in favor of both
37 the protected individual seeking enforcement of the order and the
38 respondent.

39 (d) "Protected individual" means an individual
40 protected by a protection order.

41 (e) "Protection order" means an injunction or other
42 order, issued by a tribunal under the domestic violence laws,
43 family violence laws or anti-stalking laws of the issuing state,
44 to prevent an individual from engaging in violent or threatening
45 acts against, harassment of, contact or communication with, or
46 physical proximity to another individual.

47 (f) "Respondent" means the individual against whom
48 enforcement of a protection order is sought.

49 (g) "State" means a state of the United States, the
50 District of Columbia, Puerto Rico, the United States Virgin

51 Islands, or any territory or insular possession subject to the
52 jurisdiction of the United States. The term includes an American
53 Indian tribe or band that has jurisdiction to issue protection
54 orders.

55 (h) "Tribunal" means a court, agency, or other entity
56 authorized by law to issue or modify a protection order.

57 **SECTION 3. Judicial enforcement of order.**

58 (1) A tribunal of this state shall enforce the terms of a
59 valid foreign protection order, including terms that provide
60 relief that a tribunal of this state would lack power to provide
61 but for this section. A tribunal of this state shall enforce a
62 valid foreign protection order issued by a tribunal, whether the
63 order was obtained by independent action or in another proceeding,
64 if it is an order issued in response to a complaint, petition, or
65 motion filed by or on behalf of an individual seeking protection.
66 A tribunal of this state may not enforce an order issued by a
67 tribunal that does not recognize the standing of a protected
68 individual to seek enforcement of the order. In a proceeding to
69 enforce a foreign protection order, the tribunal shall follow the
70 procedures of this state for the enforcement of protection orders.

71 (2) A tribunal of this state shall enforce the provisions of
72 a valid foreign protection order which governs custody and
73 visitation. The custody and visitation provisions of the order
74 must have been issued in accordance with the jurisdictional
75 requirements governing the issuance of custody and visitation
76 orders in the issuing state.

77 (3) A tribunal of this state may not enforce under this
78 chapter an order or provision of an order with respect to support.

79 (4) A protection order is valid if it:

80 (a) Identifies the protected individual and the
81 respondent;

82 (b) Is in effect at the time enforcement is being
83 sought;

84 (c) Was issued by a tribunal that had jurisdiction over
85 the parties and matter under the law of the issuing state; and

86 (d) Was issued after the respondent was provided with
87 reasonable notice and had an opportunity to be heard before the
88 tribunal issued the order or, in the case of an order ex parte,
89 the respondent was given notice and afforded an opportunity to be
90 heard within a reasonable time after the issuing of the order,
91 consistent with the rights of the respondent to due process.

92 (5) A person authorized under the law of this state to seek
93 enforcement of a foreign protection order establishes a prima
94 facie case for its validity by presenting an order valid on its
95 face.

96 (6) Absence of any of the criteria for validity of a foreign
97 protection order is an affirmative defense in an action seeking
98 enforcement of the order.

99 (7) A tribunal of this state may enforce the provisions of a
100 mutual foreign protection order which favor a respondent only if:

101 (a) The respondent filed a written pleading seeking a
102 protection order from the tribunal of the issuing state; and

103 (b) The tribunal of the issuing state made specific
104 findings in favor of the respondent.

105 **SECTION 4. Nonjudicial enforcement of order.**

106 (1) A law enforcement officer of this state, upon
107 determining that there is probable cause to believe that a valid
108 foreign protection order exists and that the order has been
109 violated, shall enforce the order as if it were the order of a
110 tribunal of this state. Presentation of a protection order that
111 identifies both the protected individual and the respondent, and
112 on its face is in effect at the time enforcement is being sought,
113 constitutes probable cause to believe that a valid foreign
114 protection order exists. For the purposes of this section, the
115 protection order may be inscribed on a tangible medium or may have
116 been stored in an electronic or other medium if it is retrievable
117 in perceivable form. Presentation of a certified copy of a
118 protection order is not required for enforcement.

119 (2) If the protection order is not presented, the officer
120 may consider other information in determining whether there is

121 probable cause to believe that a valid foreign protection order
122 exists.

123 (3) If a law enforcement officer of this state determines
124 that an otherwise valid foreign protection order cannot be
125 enforced because the respondent has not been notified or served
126 with the order, the officer shall inform the respondent of the
127 order and make a reasonable effort to serve the order upon the
128 respondent. After informing the respondent and serving the order,
129 the officer shall allow the respondent a reasonable opportunity to
130 comply with the order before enforcing the order.

131 (4) Registration or filing of an order in this state is not
132 required for the enforcement of a valid foreign protection order
133 under the provisions of this act.

134 **SECTION 5. Registration of order.**

135 (1) Any individual may register a foreign protection order
136 in this state. To register a foreign protection order, an
137 individual shall:

138 (a) Present a certified copy of the order to the
139 chancery clerk's office of any county in this state; or

140 (b) Present a certified copy of the order to the
141 Department of Human Services and request that the order be
142 registered.

143 (2) Upon receipt of a protection order, the chancery clerk
144 shall register the order in accordance with this section. After
145 the order is registered, the chancery clerk shall furnish to the
146 individual registering the order a certified copy of the
147 registered order.

148 (3) The Department of Human Services shall be responsible
149 for the registration of foreign protection orders, and it shall
150 register an order upon presentation of a copy of a protection
151 order which has been certified by the issuing state. A registered
152 foreign protection order which is inaccurate or is not in effect
153 at the time of registration shall be corrected or removed from the
154 registry in accordance with the law of this state.

155 (4) An individual registering a foreign protection order
156 shall file an affidavit by the protected individual that, to the
157 best of the individual's knowledge, the order is in effect at the
158 time of the registration.

159 (5) A foreign protection order registered under this act may
160 be entered in any existing state or federal registries of
161 protection orders, in accordance with state or federal law.

162 **SECTION 6. Immunity.** This state or a local governmental
163 agency, or a law enforcement officer, prosecuting attorney, clerk
164 of court, or any state or local governmental official acting in an
165 official capacity, is immune from civil and criminal liability for
166 an act or omission arising out of the registration or enforcement
167 of a foreign protection order or the detention or arrest of an
168 alleged violator of a foreign protection order if the act or
169 omission is done in good faith in an effort to comply with this
170 act.

171 **SECTION 7. Transitional provision.** This chapter applies to
172 any protection order issued before the effective date of this act,
173 including any continuing action for enforcement of a foreign
174 protection order commenced before the effective date of this act.
175 A request for enforcement of a foreign protection order brought on
176 or after the effective date of this act for violations of a
177 foreign protection order occurring before the effective date of
178 this act is governed by the provisions of this act.

179 **SECTION 8. Other remedies.** Pursuit of remedies under this
180 chapter does not preclude a protected individual from pursuing
181 other legal or equitable remedies against the respondent.

182 **SECTION 9. Severability clause.** If any provision of this
183 chapter or its application to any person or circumstance is held
184 invalid, the invalidity does not affect other provisions or
185 applications of this chapter which can be given effect without the
186 invalid provision or application, and to this end the provisions
187 of this chapter are severable.

188 **SECTION 10.** Section 93-21-13, Mississippi Code of 1972, is
189 amended as follows:

190 93-21-13. (1) A petition may be filed before the justice
191 court judge, municipal court judge or county court judge, in an ex
192 parte proceeding upon good cause shown, if the justice court
193 judge, municipal court judge or county court judge deems it
194 necessary to protect from abuse the petitioner, any minor
195 children, or any person alleged to be incompetent. Immediate and
196 present danger of abuse to the petitioner, any minor children, or
197 any person alleged to be incompetent, shall constitute good cause
198 for the purposes of this section.

199 (2) The justice court, municipal court and the county court
200 shall be empowered to grant any protective order or approve any
201 consent agreement to bring about a cessation of abuse of the
202 petitioner, any minor children, or any person alleged to be
203 incompetent, which relief may include:

204 (a) Directing the defendant to refrain from abusing the
205 petitioner, any minor children, or any person alleged to be
206 incompetent;

207 (b) Granting possession to the petitioner of the
208 residence or household to the exclusion of the defendant by
209 evicting the defendant and/or restoring possession to the
210 petitioner;

211 (c) When the defendant has a duty to support the
212 petitioner, any minor children, or any person alleged to be
213 incompetent living in the residence or household and the defendant
214 is the sole owner or lessee, granting possession to the petitioner
215 of the residence or household to the exclusion of the defendant by
216 evicting the defendant and/or restoring possession to the
217 petitioner, or by consent agreement allowing the defendant to
218 provide suitable, alternate housing; and

219 (d) Prohibiting the transferring, encumbering or
220 otherwise disposing of property mutually owned or leased by the
221 parties, except when in the ordinary course of business.

222 (3) Any order issued under subsection (2) of this section is
223 temporary and shall not exceed ten (10) days and shall expire as

224 of the date of the hearing in chancery court, at which time, the
225 petitioner may seek a temporary order from the chancery court.

226 (4) The court may amend its order or agreement at any time
227 upon subsequent petition by either party.

228 (5) A protection order * * * issued by a tribunal of another
229 state to protect the applicant from abuse as defined in Section
230 93-21-3 shall be accorded full faith and credit by the courts of
231 this state and enforced in this state as provided for in the
232 Uniform Interstate Enforcement of Domestic Violence Protection
233 Orders Act.

234 (6) Every order granting a protective order pursuant to this
235 section shall set forth the reasons for its issuance, shall
236 contain specific findings of fact regarding the existence of
237 abuse, shall be specific in its terms and shall describe in
238 reasonable detail the act or acts to be restrained.

239 **SECTION 11.** Section 93-21-16, Mississippi Code of 1972, is
240 amended as follows:

241 93-21-16. (1) * * * A protective order from another
242 jurisdiction issued to protect the applicant from domestic
243 violence as defined in Section 97-3-7, or a protection order as
244 defined in Section 2 of this act, issued by a tribunal of another
245 state shall be accorded full faith and credit by the courts of
246 this state and enforced in this state as provided for in the
247 Uniform Interstate Enforcement of Domestic Violence Protection
248 Orders Act.

249 (2) A protective order from another jurisdiction, or a
250 protection order as defined in Section 2 of this act and issued by
251 a tribunal of another state, is presumed to be valid if it meets
252 the requirements of Section 3(d) of this act.

253 (3) It is an affirmative defense in any action seeking
254 enforcement of a protective order issued in another jurisdiction,
255 or a protection order as defined in Section 2 of this act and
256 issued by a tribunal of another state, that any criteria for the
257 validity of the order is absent.

258 **SECTION 12.** The provisions of Sections 1 through 9 of this
259 act shall be codified as a separate chapter in Title 93,
260 Mississippi Code of 1972.

261 **SECTION 13.** The provisions of Sections 13 through 53 of this
262 act may be cited as the Uniform Child Custody Jurisdiction and
263 Enforcement Act.

264 **SECTION 14.** In this chapter, the following words and phrases
265 shall have the meanings ascribed in this section unless the
266 context clearly indicates otherwise:

267 (a) "Abandoned" means left without provision for
268 reasonable and necessary care or supervision.

269 (b) "Child" means an individual who has not attained
270 eighteen (18) years of age.

271 (c) "Child custody determination" means a judgment,
272 decree, or other order of a court providing for the legal custody,
273 physical custody, or visitation with respect to a child. The term
274 includes a permanent, temporary, initial, and modification order.
275 The term does not include an order relating to child support or
276 other monetary obligation of an individual.

277 (d) "Child custody proceeding" means a proceeding in
278 which legal custody, physical custody, or visitation with respect
279 to a child is an issue. The term includes a proceeding for
280 divorce, separation, neglect, abuse, dependency, guardianship,
281 paternity, termination of parental rights, and protection from
282 domestic violence, in which the issue may appear. The term does
283 not include a proceeding involving juvenile delinquency,
284 contractual emancipation, or enforcement under Sections 23 through
285 38 of this act.

286 (e) "Commencement" means the filing of the first
287 pleading in a proceeding.

288 (f) "Court" means an entity authorized under the law of
289 a state to establish, enforce, or modify a child custody
290 determination.

291 (g) "Home state" means the state in which a child lived
292 with a parent or a person acting as a parent for at least six (6)

293 consecutive months immediately before the commencement of a child
294 custody proceeding. In the case of a child less than six (6)
295 months of age, the term means the state in which the child lived
296 from birth with any of the persons mentioned. A period of
297 temporary absence of any of the mentioned persons is part of the
298 period.

299 (h) "Initial determination" means the first child
300 custody determination concerning a particular child.

301 (i) "Issuing court" means the court that makes a child
302 custody determination for which enforcement is sought under this
303 chapter.

304 (j) "Issuing state" means the state in which a child
305 custody determination is made.

306 (k) "Modification" means a child custody determination
307 that changes, replaces, supersedes, or is otherwise made after a
308 previous determination concerning the same child, whether or not
309 it is made by the court that made the previous determination.

310 (l) "Person" means an individual, corporation, business
311 trust, estate, trust, partnership, limited liability company,
312 association, joint venture, government, governmental subdivision,
313 agency, or instrumentality, public corporation, or any other legal
314 or commercial entity.

315 (m) "Person acting as a parent" means a person, other
316 than a parent, who:

317 (i) Has physical custody of the child or has had
318 physical custody for a period of six (6) consecutive months,
319 including any temporary absence, within one (1) year immediately
320 before the commencement of a child custody proceeding; and

321 (ii) Has been awarded legal custody by a court or
322 claims a right to legal custody under the law of this state.

323 (n) "Petitioner" means a person who seeks enforcement
324 of (i) an order for return of a child under the Hague Convention
325 on the Civil Aspects of International Child Abduction or (ii) a
326 child custody determination.

327 (o) "Physical custody" means the physical care and
328 supervision of a child.

329 (p) "Respondent" means a person against whom a
330 proceeding has been commenced for enforcement of (i) an order for
331 return of a child under the Hague Convention on the Civil Aspects
332 of International Child Abduction or (ii) a child custody
333 determination.

334 (q) "State" means a state of the United States, the
335 District of Columbia, Puerto Rico, the United States Virgin
336 Islands, or any territory or insular possession subject to the
337 jurisdiction of the United States.

338 (r) "Tribe" means an Indian tribe or band, or Alaskan
339 Native village, which is recognized by federal law or formally
340 acknowledged by a state.

341 (s) "Warrant" means an order issued by a court
342 authorizing law enforcement officers to take physical custody of a
343 child.

344 **SECTION 15.** This chapter does not govern an adoption
345 proceeding or a proceeding pertaining to the authorization of
346 emergency medical care for a child.

347 **SECTION 16.** (1) A child custody proceeding that pertains to
348 an Indian child as defined in the Indian Child Welfare Act, 25
349 USCS Section 1901 et seq., is not subject to this chapter to the
350 extent that it is governed by the Indian Child Welfare Act.

351 (2) A court of this state shall treat a tribe as if it were
352 a state of the United States for the purpose of applying Sections
353 14 through 34 of this act.

354 (3) A child custody determination made by a tribe under
355 factual circumstances in substantial conformity with the
356 jurisdictional standards of this chapter must be recognized and
357 enforced under Sections 35 through 50 of this act.

358 **SECTION 17.** (1) A court of this state shall treat a foreign
359 country as if it were a state of the United States for the purpose
360 of applying Sections 14 through 34 of this act.

361 (2) Except as otherwise provided in subsection (3), a child
362 custody determination made in a foreign country under factual
363 circumstances in substantial conformity with the jurisdictional
364 standards of this chapter must be recognized and enforced under
365 Sections 35 through 50 of this act.

366 (3) A court of this state need not apply this chapter if the
367 child custody law of a foreign country violates fundamental
368 principles of human rights.

369 **SECTION 18.** A child custody determination made by a court of
370 this state that had jurisdiction under this chapter binds all
371 persons who have been served in accordance with the laws of this
372 state or notified in accordance with Section 20 of this act or who
373 have submitted to the jurisdiction of the court, and who have been
374 given an opportunity to be heard.

375 As to those persons, the determination is conclusive as to
376 all decided issues of law and fact except to the extent the
377 determination is modified.

378 **SECTION 19.** If a question of existence or exercise of
379 jurisdiction under this chapter is raised in a child custody
380 proceeding, the question, upon request of a party, must be given
381 priority on the calendar and handled expeditiously.

382 **SECTION 20.** (1) Notice required for the exercise of
383 jurisdiction when a person is outside this state may be given in a
384 manner prescribed by the law of this state for service of process
385 or by the law of the state in which the service is made. Notice
386 must be given in a manner reasonably calculated to give actual
387 notice but may be by publication if other means are not effective.

388 (2) Proof of service may be made in the manner prescribed by
389 the law of this state or by the law of the state in which the
390 service is made.

391 (3) Notice is not required for the exercise of jurisdiction
392 with respect to a person who submits to the jurisdiction of the
393 court.

394 **SECTION 21.** (1) A party to a child custody proceeding,
395 including a modification proceeding, or a petitioner or respondent

396 in a proceeding to enforce or register a child custody
397 determination, is not subject to personal jurisdiction in this
398 state for another proceeding or purpose solely by reason of having
399 participated, or of having been physically present for the purpose
400 of participating, in the proceeding.

401 (2) A person who is subject to personal jurisdiction in this
402 state on a basis other than physical presence is not immune from
403 service of process in this state. A party present in this state
404 who is subject to the jurisdiction of another state is not immune
405 from service of process allowable under the laws of that state.

406 (3) The immunity granted by subsection (1) does not extend
407 to civil litigation based on acts unrelated to the participation
408 in a proceeding under this chapter committed by an individual
409 while present in this state.

410 **SECTION 22.** (1) A court of this state may communicate with
411 a court in another state concerning a proceeding arising under
412 this chapter.

413 (2) The court may allow the parties to participate in the
414 communication. If the parties are not able to participate in the
415 communication, they must be given the opportunity to present facts
416 and legal arguments before a decision on jurisdiction is made.

417 (3) Communication between courts on schedules, calendars,
418 court records, and similar matters may occur without informing the
419 parties. A record need not be made of the communication.

420 (4) Except as otherwise provided in subsection (3), a record
421 must be made of a communication under this section. The parties
422 must be informed promptly of the communication and granted access
423 to the record.

424 (5) For the purposes of this section, "record" means
425 information that is inscribed on a tangible medium or that is
426 stored in an electronic or other medium and is retrievable in
427 perceivable form.

428 **SECTION 23.** (1) In addition to other procedures available
429 to a party, a party to a child custody proceeding may offer
430 testimony of witnesses who are located in another state, including

431 testimony of the parties and the child, by deposition or other
432 means allowable in this state for testimony taken in another
433 state. The court on its own motion may order that the testimony
434 of a person be taken in another state and may prescribe the manner
435 in which and the terms upon which the testimony is taken.

436 (2) A court of this state may permit an individual residing
437 in another state to be deposed or to testify by telephone,
438 audiovisual means, or other electronic means before a designated
439 court or at another location in that state. A court of this state
440 shall cooperate with courts of other states in designating an
441 appropriate location for the deposition or testimony.

442 (3) Documentary evidence transmitted from another state to a
443 court of this state by technological means which do not produce an
444 original writing may not be excluded from evidence on an objection
445 based on the means of transmission.

446 **SECTION 24.** (1) A court of this state may request the
447 appropriate court of another state to:

448 (a) Hold an evidentiary hearing;

449 (b) Order a person to produce or give evidence pursuant
450 to procedures of that state;

451 (c) Order that an evaluation be made with respect to
452 the custody of a child involved in a pending proceeding;

453 (d) Forward to the court of this state a certified copy
454 of the transcript of the record of the hearing, the evidence
455 otherwise presented, and any evaluation prepared in compliance
456 with the request; and

457 (e) Order a party to a child custody proceeding or any
458 person having physical custody of the child to appear in the
459 proceeding with or without the child.

460 (2) Upon request of a court of another state, a court of
461 this state may hold a hearing or enter an order described in
462 subsection (1).

463 (3) Travel and other necessary and reasonable expenses
464 incurred under subsections (1) and (2) may be assessed against the
465 parties according to the law of this state.

466 (4) A court of this state shall preserve the pleadings,
467 orders, decrees, records of hearings, evaluations, and other
468 pertinent records with respect to a child custody proceeding until
469 the child attains eighteen (18) years of age. Upon appropriate
470 request by a court or law enforcement official of another state,
471 the court shall forward a certified copy of those records.

472 **SECTION 25.** (1) Except as otherwise provided in Section 16
473 of this act, a court of this state has jurisdiction to make an
474 initial child custody determination only if:

475 (a) This state is the home state of the child on the
476 date of the commencement of the proceeding, or was the home state
477 of the child within six (6) months before the commencement of the
478 proceeding and the child is absent from this state but a parent or
479 person acting as a parent continues to live in this state;

480 (b) A court of another state does not have jurisdiction
481 under paragraph (a), or a court of the home state of the child has
482 declined to exercise jurisdiction on the ground that this state is
483 the more appropriate forum under Section 31 or 32 of this act;
484 and:

485 (i) The child and the child's parents, or the
486 child and at least one (1) parent or a person acting as a parent,
487 have a significant connection with this state other than mere
488 physical presence; and

489 (ii) Substantial evidence is available in this
490 state concerning the child's care, protection, training, and
491 personal relationships;

492 (c) All courts having jurisdiction under paragraph (a)
493 or (b) of this subsection have declined to exercise jurisdiction
494 on the ground that a court of this state is the more appropriate
495 forum to determine the custody of the child under Section 31 or 32
496 of this act; or

497 (d) No court of any other state would have jurisdiction
498 under the criteria specified in paragraph (a), (b), or (c) of this
499 section.

500 (2) Subsection (1) is the exclusive jurisdictional basis for
501 making a child custody determination by a court of this state.

502 (3) Physical presence of, or personal jurisdiction over, a
503 party or a child is not necessary or sufficient to make a child
504 custody determination.

505 **SECTION 26.** (1) Except as otherwise provided in Section 16
506 of this act, a court of this state which has made a child custody
507 determination consistent with Section 25 or 27 of this act has
508 exclusive, continuing jurisdiction over the determination until:

509 (a) A court of this state determines that neither the
510 child, the child's parents, nor any person acting as a parent does
511 not have a significant connection with this state and that
512 substantial evidence is no longer available in this state
513 concerning the child's care, protection, training, and personal
514 relationships; or

515 (b) A court of this state or a court of another state
516 determines that neither the child, the child's parents, nor any
517 person acting as a parent presently does not reside in this state.

518 (2) A court of this state which has made a child custody
519 determination and does not have exclusive, continuing jurisdiction
520 under this section may modify that determination only if it has
521 jurisdiction to make an initial determination under Section 13 of
522 this act.

523 **SECTION 27.** Except as otherwise provided in Section 16 of
524 this act, a court of this state may not modify a child custody
525 determination made by a court of another state unless a court of
526 this state has jurisdiction to make an initial determination under
527 Section 25(1)(a) or (b) of this act; and:

528 (a) The court of the other state determines it no
529 longer has exclusive, continuing jurisdiction under Section 14 of
530 this act or that a court of this state would be a more convenient
531 forum under Section 31 of this act; or

532 (b) A court of this state or a court of the other state
533 determines that neither the child, the child's parents, nor any

534 person acting as a parent presently does not reside in the other
535 state.

536 **SECTION 28.** (1) A court of this state has temporary
537 emergency jurisdiction if the child is present in this state and
538 the child has been abandoned or it is necessary in an emergency to
539 protect the child because the child, or a sibling or parent of the
540 child, is subjected to or threatened with mistreatment or abuse.

541 (2) If there is no previous child custody determination that
542 is entitled to be enforced under this chapter and a child custody
543 proceeding has not been commenced in a court of a state having
544 jurisdiction under Sections 25 through 27 of this act, a child
545 custody determination made under this section remains in effect
546 until an order is obtained from a court of a state having
547 jurisdiction under Sections 25 through 27 of this act. If a child
548 custody proceeding has not been or is not commenced in a court of
549 a state having jurisdiction under Sections 25 through 27 of this
550 act, a child custody determination made under this section becomes
551 a final determination, if it so provides and this state becomes
552 the home state of the child.

553 (3) If there is a previous child custody determination that
554 is entitled to be enforced under this chapter, or a child custody
555 proceeding has been commenced in a court of a state having
556 jurisdiction under Sections 25 through 27 of this act, any order
557 issued by a court of this state under this section must specify in
558 the order a period that the court considers adequate to allow the
559 person seeking an order to obtain an order from the state having
560 jurisdiction under Sections 25 through 27 of this act. The order
561 issued in this state remains in effect until an order is obtained
562 from the other state within the period specified or the period
563 expires.

564 (4) A court of this state which has been asked to make a
565 child custody determination under this section, upon being
566 informed that a child custody proceeding has been commenced in, or
567 a child custody determination has been made by, a court of a state
568 having jurisdiction under Sections 25 through 27 of this act,

569 shall immediately communicate with the other court. A court of
570 this state which is exercising jurisdiction pursuant to Sections
571 25 through 27 of this act, upon being informed that a child
572 custody proceeding has been commenced in, or a child custody
573 determination has been made by, a court of another state under a
574 statute similar to this section shall immediately communicate with
575 the court of that state to resolve the emergency, protect the
576 safety of the parties and the child, and determine a period for
577 the duration of the temporary order.

578 **SECTION 29.** (1) Before a child custody determination is
579 made under this chapter, notice and an opportunity to be heard in
580 accordance with the standards of Section 20 of this act must be
581 given to all persons entitled to notice under the law of this
582 state as in child custody proceedings between residents of this
583 state, any parent whose parental rights have not been previously
584 terminated, and any person having physical custody of the child.

585 (2) This chapter does not govern the enforceability of a
586 child custody determination made without notice or an opportunity
587 to be heard.

588 (3) The obligation to join a party and the right to
589 intervene as a party in a child custody proceeding under this
590 chapter are governed by the law of this state as in child custody
591 proceedings between residents of this state.

592 **SECTION 30.** (1) Except as otherwise provided in Section 28
593 of this act, a court of this state may not exercise its
594 jurisdiction under this act if, at the time of the commencement of
595 the proceeding, a proceeding concerning the custody of the child
596 has been commenced in a court of another state having jurisdiction
597 substantially in conformity with this chapter, unless the
598 proceeding has been terminated or is stayed by the court of the
599 other state because a court of this state is a more convenient
600 forum under Section 31 of this act.

601 (2) Except as otherwise provided in Section 28 of this act,
602 a court of this state, before hearing a child custody proceeding,
603 shall examine the court documents and other information supplied

604 by the parties pursuant to Section 33 of this act. If the court
605 determines that a child custody proceeding has been commenced in a
606 court in another state having jurisdiction substantially in
607 accordance with this chapter, the court of this state shall stay
608 its proceeding and communicate with the court of the other state.
609 If the court of the state having jurisdiction substantially in
610 accordance with this chapter does not determine that the court of
611 this state is a more appropriate forum, the court of this state
612 shall dismiss the proceeding.

613 (3) In a proceeding to modify a child custody determination,
614 a court of this state shall determine whether a proceeding to
615 enforce the determination has been commenced in another state. If
616 a proceeding to enforce a child custody determination has been
617 commenced in another state, the court may:

618 (a) Stay the proceeding for modification pending the
619 entry of an order of a court of the other state enforcing,
620 staying, denying, or dismissing the proceeding for enforcement;

621 (b) Enjoin the parties from continuing with the
622 proceeding for enforcement; or

623 (c) Proceed with the modification under conditions it
624 considers appropriate.

625 **SECTION 31.** (1) A court of this state which has
626 jurisdiction under this chapter to make a child custody
627 determination may decline to exercise its jurisdiction at any time
628 if it determines that it is an inconvenient forum under the
629 circumstances and that a court of another state is a more
630 appropriate forum. The issue of inconvenient forum may be raised
631 upon motion of a party, the court's own motion, or request of
632 another court.

633 (2) Before determining whether it is an inconvenient forum,
634 a court of this state shall consider whether it is appropriate for
635 a court of another state to exercise jurisdiction. For this
636 purpose, the court shall allow the parties to submit information
637 and shall consider all relevant factors, including:

638 (a) Whether domestic violence has occurred and is
639 likely to continue in the future and which state could best
640 protect the parties and the child;

641 (b) The length of time the child has resided outside
642 this state;

643 (c) The distance between the court in this state and
644 the court in the state that would assume jurisdiction;

645 (d) The relative financial circumstances of the
646 parties;

647 (e) Any agreement of the parties as to which state
648 should assume jurisdiction;

649 (f) The nature and location of the evidence required to
650 resolve the pending litigation, including testimony of the child;

651 (g) The ability of the court of each state to decide
652 the issue expeditiously and the procedures necessary to present
653 the evidence; and

654 (h) The familiarity of the court of each state with the
655 facts and issues in the pending litigation.

656 (3) If a court of this state determines that it is an
657 inconvenient forum and that a court of another state is a more
658 appropriate forum, it shall stay the proceedings upon condition
659 that a child custody proceeding be promptly commenced in another
660 designated state and may impose any other condition the
661 court considers just and proper.

662 (4) A court of this state may decline to exercise its
663 jurisdiction under this chapter if a child custody determination
664 is incidental to an action for divorce or another proceeding while
665 still retaining jurisdiction over the divorce or other proceeding.

666 **SECTION 32.** (1) Except as otherwise provided in Section 28
667 of this act or by other law of this state, if a court of this
668 state has jurisdiction under this chapter because a person seeking
669 to invoke its jurisdiction has engaged in unjustifiable conduct,
670 the court shall decline to exercise its jurisdiction unless:

671 (a) The parents and all persons acting as parents have
672 acquiesced in the exercise of jurisdiction;

673 (b) A court of the state otherwise having jurisdiction
674 under Sections 25 through 27 of this act determines that this
675 state is a more appropriate forum under Section 31 of this act; or

676 (c) No court of any other state would have jurisdiction
677 under the criteria specified in Sections 25 through 27 of this
678 act.

679 (2) If a court of this state declines to exercise its
680 jurisdiction pursuant to subsection (1), it may fashion an
681 appropriate remedy to ensure the safety of the child and prevent a
682 repetition of the unjustifiable conduct, including staying the
683 proceeding until a child custody proceeding is commenced in a
684 court having jurisdiction under Sections 25 through 27 of this
685 act.

686 (3) If a court dismisses a petition or stays a proceeding
687 because it declines to exercise its jurisdiction under subsection
688 (1), it shall assess against the party seeking to invoke its
689 jurisdiction necessary and reasonable expenses including court
690 costs, communication expenses, attorney's fees, investigative
691 fees, expenses for witnesses, travel expenses, and expensive for
692 child care during the course of the proceedings, unless the party
693 from whom fees are sought establishes that the assessment would be
694 clearly inappropriate. The court may not assess fees, costs, or
695 expenses against this state unless authorized by law other than
696 this chapter.

697 **SECTION 33.** (1) Subject to any law providing for the
698 confidentiality of procedures, addresses, and other identifying
699 information, in a child custody proceeding, each party, in its
700 first pleading or in an attached affidavit, shall give
701 information, if reasonably ascertainable, under oath as to the
702 child's present address or whereabouts, the places where the child
703 has lived during the last five (5) years, and the names and
704 present addresses of the persons with whom the child has lived
705 during that period. The pleading or affidavit must state whether
706 the party:

707 (a) Has participated, as a party or witness or in any
708 other capacity, in any other proceeding concerning the custody of
709 or visitation with the child and, if so, identify the court, the
710 case number, and the date of the child custody determination, if
711 any;

712 (b) Knows of any proceeding that could affect the
713 current proceeding, including proceedings for enforcement and
714 proceedings relating to domestic violence, protective orders,
715 termination of parental rights, and adoptions and, if so, identify
716 the court, the case number, and the nature of the proceeding; and

717 (c) Knows the names and addresses of any person not a
718 party to the proceeding who has physical custody of the child or
719 claims rights of legal custody or physical custody of, or
720 visitation with, the child and, if so, the names and addresses of
721 those persons.

722 (2) If the information required by subsection (1) is not
723 furnished, the court, upon motion of a party or its own motion,
724 may stay the proceeding until the information is furnished.

725 (3) If the declaration as to any of the items described in
726 subsection (1)(a) through (c) is in the affirmative, the declarant
727 shall give additional information under oath as required by the
728 court. The court may examine the parties under oath as to details
729 of the information furnished and other matters pertinent to the
730 court's jurisdiction and the disposition of the case.

731 (4) Each party has a continuing duty to inform the court of
732 any proceeding in this or any other state that could affect the
733 current proceeding.

734 (5) If a party alleges in an affidavit or a pleading under
735 oath that the health, safety, or liberty of a party or child would
736 be jeopardized by disclosure of identifying information, the
737 information must be sealed and may not be disclosed to the other
738 party or the public, unless the court orders the disclosure to be
739 made after a hearing in which the court takes into consideration
740 the health, safety, or liberty of the party or child and
741 determines that the disclosure is in the interest of justice.

742 **SECTION 34.** (1) In a child custody proceeding in this
743 state, the court may order a party to the proceeding who is in
744 this state to appear before the court in person with or without
745 the child. The court may order any person who is in this state
746 and who has physical custody or control of the child to appear in
747 person with the child.

748 (2) If a party to a child custody proceeding whose presence
749 is desired by the court is outside this state, the court may order
750 that a notice given under Section 20 of this act include a
751 statement directing the party to appear in person with or without
752 the child and informing the party that failure to appear may
753 result in a decision adverse to the party.

754 (3) The court may enter any orders necessary to ensure the
755 safety of the child and of any person ordered to appear under this
756 section.

757 (4) If a party to a child custody proceeding who is outside
758 this state is directed to appear under subsection (2) or desires
759 to appear personally before the court with or without the child,
760 the court may require another party to pay reasonable and
761 necessary travel and other expenses of the party so appearing and
762 of the child.

763 **SECTION 35.** Under Sections 35 through 50 of this act, a
764 court of this state may enforce an order for the return of the
765 child made under the Hague Convention on the Civil Aspects of
766 International Child Abduction as if it were a child custody
767 determination.

768 **SECTION 36.** (1) A court of this state shall recognize and
769 enforce a child custody determination of a court of another state
770 if the latter court exercised jurisdiction in substantial
771 conformity with this chapter or the determination was made under
772 factual circumstances meeting the jurisdictional standards of this
773 chapter and the determination has not been modified in accordance
774 with this chapter.

775 (2) A court of this state may utilize any remedy available
776 under other law of this state to enforce a child custody

777 determination made by a court of another state. The remedies
778 provided in Sections 35 through 50 of this act are cumulative and
779 do not affect the availability of other remedies to enforce a
780 child custody determination.

781 **SECTION 37.** (1) A court of this state which does not have
782 jurisdiction to modify a child custody determination, may issue a
783 temporary order enforcing:

784 (a) A visitation schedule made by a court of another
785 state; or

786 (b) The visitation provisions of a child custody
787 determination of another state that does not provide for a
788 specific visitation schedule.

789 (2) If a court of this state makes an order under subsection
790 (1)(a), it shall specify in the order a period that it considers
791 adequate to allow the petitioner to obtain an order from a court
792 having jurisdiction under the criteria specified in Sections 25
793 through 34 of this act. The order remains in effect until an
794 order is obtained from the other court or the period expires.

795 **SECTION 38.** (1) A child custody determination issued by a
796 court of another state may be registered in this state, with or
797 without a simultaneous request for enforcement, by sending to the
798 chancery clerk's office of any county in this state:

799 (a) A letter or other document requesting registration;

800 (b) Two (2) copies, including one (1) certified copy,
801 of the determination sought to be registered, and a statement
802 under penalty of perjury that to the best of the knowledge and
803 belief of the person seeking registration the order has not been
804 modified; and

805 (c) Except as otherwise provided in Section 21 of this
806 act, the name and address of the person seeking registration and
807 any parent or person acting as a parent who has been awarded
808 custody or visitation in the child custody determination sought to
809 be registered.

810 (2) On receipt of the documents required by subsection (1),
811 the registering court shall:

812 (a) Cause the determination to be filed as a foreign
813 judgment, together with one (1) copy of any accompanying documents
814 and information, regardless of their form; and

815 (b) Serve notice upon the persons named under
816 subsection (1)(c) and provide them with an opportunity to contest
817 the registration in accordance with this section.

818 (3) The notice required by subsection (2)(b) must state
819 that:

820 (a) A registered determination is enforceable as of the
821 date of the registration in the same manner as a determination
822 issued by a court of this state;

823 (b) A hearing to contest the validity of the registered
824 determination must be requested within twenty (20) days after
825 service of notice; and

826 (c) Failure to contest the registration will result in
827 confirmation of the child custody determination and preclude
828 further contest of that determination with respect to any matter
829 that could have been asserted.

830 (4) A person seeking to contest the validity of a registered
831 order must request a hearing within twenty (20) days after service
832 of the notice. At that hearing, the court shall confirm the
833 registered order unless the person contesting registration
834 establishes that:

835 (a) The issuing court did not have jurisdiction under
836 Sections 25 through 35 of this act;

837 (b) The child custody determination sought to be
838 registered has been vacated, stayed, or modified by a court having
839 jurisdiction to do so under Sections 25 through 35 of this act; or

840 (c) The person contesting registration was entitled to
841 notice, but notice was not given in accordance with the standards
842 of Section 8 of this act, in the proceedings before the court that
843 issued the order for which registration is sought.

844 (5) If a timely request for a hearing to contest the
845 validity of the registration is not made, the registration is
846 confirmed as a matter of law and the person requesting

847 registration and all persons served must be notified of the
848 confirmation.

849 (6) Confirmation of a registered order, whether by operation
850 of law or after notice and hearing, precludes further contest of
851 the order with respect to any matter that could have been asserted
852 at the time of registration.

853 **SECTION 39.** (1) A court of this state may grant any relief
854 normally available under the law of this state to enforce a
855 registered child custody determination made by a court of another
856 state.

857 (2) A court of this state shall recognize and enforce, but
858 may not modify, except in accordance with Sections 25 through 34
859 of this act, a registered child custody determination of a court
860 of another state.

861 **SECTION 40.** If a proceeding for enforcement under Sections
862 35 through 50 of this act is commenced in a court of this state
863 and the court determines that a proceeding to modify the
864 determination is pending in a court of another state having
865 jurisdiction to modify the determination under Sections 25 through
866 34 of this act, the enforcing court shall immediately communicate
867 with the modifying court. The proceeding for enforcement
868 continues unless the enforcing court, after consultation with the
869 modifying court, stays or dismisses the proceeding.

870 **SECTION 41.** (1) A petition under Sections 35 through 50 of
871 this act must be verified. Certified copies of all orders sought
872 to be enforced and of any order confirming registration must be
873 attached to the petition. A copy of a certified copy of an order
874 may be attached instead of the original.

875 (2) A petition for enforcement of a child custody
876 determination must state:

877 (a) Whether the court that issued the determination
878 identified the jurisdictional basis it relied upon in exercising
879 jurisdiction and, if so, what the basis was;

880 (b) Whether the determination for which enforcement is
881 sought has been vacated, stayed, or modified by a court whose

882 decision must be enforced under this chapter and, if so, identify
883 the court, the case number, and the nature of the proceeding;

884 (c) Whether any proceeding has been commenced that
885 could affect the current proceeding, including proceedings
886 relating to domestic violence, protective orders, termination of
887 parental rights, and adoptions and, if so, identify the court, the
888 case number, and the nature of the proceeding;

889 (d) The present physical address of the child and the
890 respondent, if known;

891 (e) Whether relief in addition to the immediate
892 physical custody of the child and attorney's fees is sought,
893 including a request for assistance from law enforcement officials
894 and, if so, the relief sought; and

895 (f) If the child custody determination has been
896 registered and confirmed under Section 38 of this act, the date
897 and place of registration.

898 (3) Upon the filing of a petition, the court shall issue an
899 order directing the respondent to appear in person with or without
900 the child at a hearing and may enter any order necessary to ensure
901 the safety of the parties and the child. The hearing must be held
902 on the next judicial day after service of the order unless that
903 date is impossible. In that event, the court shall hold the
904 hearing on the first judicial day possible. The court may extend
905 the date of hearing at the request of the petitioner.

906 (4) An order issued under subsection (3) must state the time
907 and place of the hearing and advise the respondent that at the
908 hearing the court will order that the petitioner may take
909 immediate physical custody of the child and the payment of fees,
910 costs, and expenses under Section 45 of this act, and may schedule
911 a hearing to determine whether further relief is appropriate,
912 unless the respondent appears and establishes that:

913 (a) The child custody determination has not been
914 registered and confirmed under Section 26 of this act and that:

915 (i) The issuing court did not have jurisdiction
916 under this act;

917 (ii) The child custody determination for which
918 enforcement is sought has been vacated, stayed, or modified by a
919 court having jurisdiction to do so under Sections 25 through 34 of
920 this act;

921 (iii) The respondent was entitled to notice, but
922 notice was not given in accordance with the standards of Section
923 20 of this act, in the proceedings before the court that issued
924 the order for which enforcement is sought; or

925 (b) The child custody determination for which
926 enforcement is sought was registered and confirmed under Section
927 37 of this act, but has been vacated, stayed, or modified by a
928 court of a state having jurisdiction to do so under this act.

929 **SECTION 42.** Except as otherwise provided in Section 44 of
930 this act, the petition and order must be served, by any method
931 authorized by the law of this state, upon respondent and any
932 person who has physical custody of the child.

933 **SECTION 43.** (1) Unless the court issues a temporary
934 emergency order under Section 28 of this act, upon a finding that
935 a petitioner is entitled to immediate physical custody of the
936 child, the court shall order that the petitioner may take
937 immediate physical custody of the child unless the respondent
938 establishes that:

939 (a) The child custody determination has not been
940 registered and confirmed under Section 38 of this act and that:

941 (i) The issuing court did not have jurisdiction
942 under Sections 25 through 34 of this act;

943 (ii) The child custody determination for which
944 enforcement is sought has been vacated, stayed, or modified by a
945 court of a state having jurisdiction to do so under Section 25
946 through 34 of this act; or

947 (iii) The respondent was entitled to notice, but
948 notice was not given in accordance with the standards of Section 8
949 of this act, in the proceedings before the court that issued the
950 order for which enforcement is sought; or

951 (b) The child custody determination for which
952 enforcement is sought was registered and confirmed under Section
953 38 of this act but has been vacated, stayed, or modified by a
954 court of a state having jurisdiction to do so under Sections 25
955 through 34 of this act.

956 (2) The court shall award the fees, costs, and expenses
957 authorized under Section 45 of this act and may grant additional
958 relief, including a request for the assistance of law enforcement
959 officials, and set a further hearing to determine whether
960 additional relief is appropriate.

961 (3) If a party called to testify refuses to answer on the
962 ground that the testimony may be self-incriminating, the court may
963 draw an adverse inference from the refusal.

964 (4) A privilege against disclosure of communications between
965 spouses and a defense of immunity based on the relationship of
966 husband and wife or parent and child may not be invoked in a
967 proceeding under this act.

968 **SECTION 44.** (1) Upon the filing of a petition seeking
969 enforcement of a child custody determination, the petitioner may
970 file a verified application for the issuance of a warrant to take
971 physical custody of the child if the child is immediately likely
972 to suffer serious physical harm or be removed from this state.

973 (2) If the court, upon the testimony of the petitioner or
974 other witness, finds that the child is imminently likely to suffer
975 serious physical harm or be removed from this state, it may issue
976 a warrant to take physical custody of the child. The petition
977 must be heard on the next judicial day after the warrant is
978 executed unless that date is impossible. In that event, the court
979 shall hold the hearing on the first judicial day possible. The
980 application for the warrant must include the statements required
981 by Section 41(2) of this act.

982 (3) A warrant to take physical custody of a child must:

983 (a) Recite the facts upon which a conclusion of
984 imminent serious physical harm or removal from the jurisdiction is
985 based;

986 (b) Direct law enforcement officers to take physical
987 custody of the child immediately; and

988 (c) Provide for the placement of the child pending
989 final relief.

990 (4) The respondent must be served with the petition,
991 warrant, and order immediately after the child is taken into
992 physical custody.

993 (5) A warrant to take physical custody of a child is
994 enforceable throughout this state. If the court finds on the
995 basis of the testimony of the petitioner or other witness that a
996 less intrusive remedy is not effective, it may authorize law
997 enforcement officers to enter private property to take physical
998 custody of the child. If required by exigent circumstances of the
999 case, the court may authorize law enforcement officers to make a
1000 forcible entry at any hour.

1001 (6) The court may impose conditions upon placement of a
1002 child to ensure the appearance of the child and the child's
1003 custodian.

1004 **SECTION 45.** (1) The court shall award the prevailing party,
1005 including a state, necessary and reasonable expenses incurred by
1006 or on behalf of the party, including costs, communication
1007 expenses, attorney's fees, investigative fees, expenses for
1008 witnesses, travel expenses, and child care during the course of
1009 the proceedings, unless the party from whom fees or expenses are
1010 sought establishes that the award would be clearly inappropriate.

1011 (2) The court may not assess fees, costs, or expenses against
1012 a state unless authorized by law other than this chapter.

1013 **SECTION 46.** A court of this state shall accord full faith
1014 and credit to an order issued by another state and consistent with
1015 this chapter which enforces a child custody determination by a
1016 court of another state unless the order has been vacated, stayed,
1017 or modified by a court having jurisdiction to do so under Sections
1018 25 through 34 of this act.

1019 **SECTION 47.** An appeal may be taken from a final order in a
1020 proceeding under Sections 35 through 50 of this act in accordance

1021 with expedited appellate procedures in other civil cases. Unless
1022 the court enters a temporary emergency order under Section 16 of
1023 this act, the enforcing court may not stay an order enforcing a
1024 child custody determination pending appeal.

1025 **SECTION 48.** (1) In a case arising under this chapter or
1026 involving the Hague Convention on the Civil Aspects of
1027 International Child Abduction, the prosecutor or other appropriate
1028 public official may take any lawful action, including resort to a
1029 proceeding under Sections 35 through 50 of this act or any other
1030 available civil proceeding to locate a child, obtain the return of
1031 a child, or enforce a child custody determination if there is:

1032 (a) An existing child custody determination;

1033 (b) A request to do so from a court in a pending child
1034 custody proceeding;

1035 (c) A reasonable belief that a criminal statute has
1036 been violated; or

1037 (d) A reasonable belief that the child has been
1038 wrongfully removed or retained in violation of the Hague
1039 Convention on the Civil Aspects of International Child Abduction.

1040 (2) A prosecutor or appropriate public official acting under
1041 this section acts on behalf of the court and may not represent any
1042 party.

1043 **SECTION 49.** At the request of a prosecutor or other
1044 appropriate public official acting under Section 36 of this act, a
1045 law enforcement officer may take any lawful action reasonably
1046 necessary to locate a child or a party and assist a prosecutor or
1047 appropriate public official with responsibilities under Section 36
1048 of this act.

1049 **SECTION 50.** If the respondent is not the prevailing party,
1050 the court may assess against the respondent all direct expenses
1051 and costs incurred by the prosecutor or other appropriate public
1052 official and law enforcement officers under Section 48 or 49 of
1053 this act.

1054 **SECTION 51.** Sections 93-23-1, 93-23-3, 93-23-5, 93-23-7,
1055 93-23-9, 93-23-11, 93-23-13, 93-23-15, 93-23-17, 93-23-19,

1056 93-23-21, 93-23-23, 93-23-25, 93-23-27, 93-23-29, 93-23-31,
1057 93-23-33, 93-23-35, 93-23-37, 93-23-39, 93-23-41, 93-23-43,
1058 93-23-45, and 93-23-47, Mississippi Code of 1972, which constitute
1059 the Uniform Child Custody Jurisdiction Act adopted in 1982, are
1060 hereby repealed.

1061 **SECTION 52.** In applying and construing this uniform act,
1062 consideration must be given to the need to promote uniformity of
1063 the law with respect to its subject matter among states that enact
1064 it.

1065 **SECTION 53.** A motion or other request for relief made in a
1066 child custody proceeding or to enforce a child custody
1067 determination which was commenced before the effective date of
1068 this chapter is governed by the law in effect at the time the
1069 motion or other request was made.

1070 **SECTION 54.** The provisions of Sections 13 through 53 of this
1071 act shall be codified as a separate chapter in Title 93,
1072 Mississippi Code of 1972.

1073 **SECTION 55.** If any provision of this act or its application
1074 to any person or circumstance is held invalid, the invalidity does
1075 not affect other provisions or applications of this act which can
1076 be given effect without the invalid provision or application, and
1077 to this end the provisions of this act are severable.

1078 **SECTION 56.** This act shall take effect and be in force from
1079 and after July 1, 2004.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO ENACT THE UNIFORM INTERSTATE ENFORCEMENT OF
2 DOMESTIC VIOLENCE PROTECTION ORDERS ACT; TO SET FORTH DEFINITIONS;
3 TO PROVIDE FOR THE UNIFORM ENFORCEMENT OF JUDICIAL ORDERS; TO
4 PROVIDE FOR UNIFORM NONJUDICIAL ENFORCEMENT OF PROTECTION ORDERS;
5 TO PROVIDE THAT THE STATE DEPARTMENT OF HUMAN SERVICES REGISTER
6 FOREIGN PROTECTION ORDERS IN THIS STATE; TO PROVIDE CIVIL AND
7 CRIMINAL IMMUNITY FOR THOSE PERSONS ACTING IN AN OFFICIAL CAPACITY
8 REGARDING THE REGISTRATION OR ENFORCEMENT OF A FOREIGN PROTECTION
9 ORDER; TO AMEND SECTIONS 93-21-13 AND 93-21-16, MISSISSIPPI CODE
10 OF 1972, IN CONFORMITY THERETO; TO ENACT THE UNIFORM CHILD CUSTODY
11 JURISDICTION AND ENFORCEMENT ACT, WHICH SHALL SUPERCEDE THE
12 UNIFORM CHILD CUSTODY JURISDICTION ACT ADOPTED IN 1982 AND BEING
13 REPEALED IN THIS ACT; TO SET FORTH DEFINITIONS; TO PROVIDE THAT
14 THE ACT SHALL APPLY TO INDIAN TRIBES AND FOREIGN COUNTRIES; TO
15 PROVIDE FOR THE EFFECT OF A CHILD CUSTODY DETERMINATION UNDER THE
16 ACT; TO PROVIDE FOR NOTICE AND OTHER PROCEDURAL MATTERS IN

17 JUDICIAL PROCEEDINGS INVOLVING CHILD CUSTODY JURISDICTION AND
18 ENFORCEMENT; TO PROVIDE RULES FOR DETERMINING JURISDICTION IN
19 CHILD CUSTODY MATTERS UNDER THIS ACT; TO PROVIDE PROCEDURES FOR
20 ENFORCEMENT OF CHILD CUSTODY DETERMINATIONS UNDER THIS ACT; TO
21 REPEAL SECTIONS 93-23-1 THROUGH 93-23-47, MISSISSIPPI CODE OF
22 1972, WHICH CONSTITUTE THE UNIFORM CHILD CUSTODY JURISDICTION ACT
23 ADOPTED IN 1982; AND FOR RELATED PURPOSES.

HR40\SB2992A.J

Don Richardson
Clerk of the House of Representatives