

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2992**

**BY: Committee**

**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.