

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST SPECIAL SESSION-1997

Legislative Document

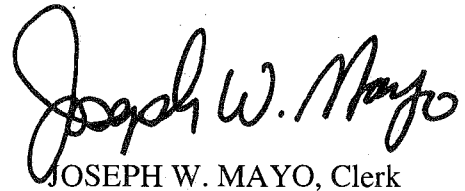
No. 1786

H.P. 1259

House of Representatives, April 14, 1997

An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LANE of Enfield.

Cosponsored by Representatives: BODWELL of Brunswick, GIERINGER of Portland, JOY of Crystal, KASPRZAK of Newport, LAYTON of Cherryfield, MacDOUGALL of North Berwick, PLOWMAN of Hampden, STEDMAN of Hartland.

2 4. Commencement. "Commencement" means the filing of the
first pleading in a proceeding.

4 5. Contestant. "Contestant" means a person who claims a
6 right to custody of, or a right of visitation with, a child under
the laws of a state.

8 6. Home state. "Home state" means a state in which a child
10 lived with a parent or a person acting as a parent for at least 6
consecutive months immediately before the commencement of a
12 proceeding. In the case of a child less than 6 months of age,
the term means a state in which the child lived from birth with a
14 parent or person acting as a parent. A period of temporary
absence of a parent or person acting as a parent is counted as
16 part of the period.

18 7. Initial determination. "Initial determination" means
the first child-custody determination concerning a particular
20 child.

22 8. Issuing state. "Issuing state" means the state in which
a child-custody determination is made.

24 9. Issuing tribunal. "Issuing tribunal" means the tribunal
26 that makes a child-custody determination for which enforcement is
sought under this chapter.

28 10. Modification. "Modification" means a child-custody
30 determination that changes, replaces, supersedes or is otherwise
made after a previous determination concerning the same child,
32 whether or not made by the tribunal that made the previous
determination.

34 11. Person acting as parent. "Person acting as parent"
36 means a person other than a parent, including a state or private
agency who:

38 A. Has physical custody of a child or has had physical
40 custody for a period of 6 consecutive months, including any
42 temporary absence, within one year immediately preceding the
44 commencement of a child-custody proceeding; and

44 B. Has been awarded custody by a tribunal or claims a right
46 to custody under state law.

46 12. Physical custody. "Physical custody" means the
48 physical care and supervision of a child.

50 13. State. "State" means a state of the United States, the
District of Columbia, the Commonwealth of Puerto Rico or any

territory or insular possession subject to the jurisdiction of
the United States. The term includes an Indian tribe as defined
in the Indian Child Welfare Act, 25 United States Code, Section
1901.

14. Tribunal. "Tribunal" means a court, agency or other
entity authorized to establish, enforce or modify a child-custody
determination.

15. Tribunal of this State. "Tribunal of this State" means
a court, an administrative agency, a quasi-judicial entity or a
combination of those entities.

16. Warrant. "Warrant" means an order issued by a tribunal
authorizing law enforcement of officers to detain a child.

§1752. Relationship to other proceedings

A child-custody proceeding that pertains to an Indian child,
as defined in the Indian Child Welfare Act, 25 United States
Code, Section 1901, is not subject to this chapter to the extent
that the proceeding is governed by the Indian Child Welfare Act.

§1753. International application

The provisions of this chapter apply to child-custody
proceedings and determinations of other countries involving
similar legal concepts rendered by appropriate authorities if
there is reasonable notice and opportunity to be heard. A
tribunal of this State may refuse to apply this chapter when the
legal system of the other country ignores basic principles
relating to the protections of human rights and fundamental
freedoms.

§1754. Binding force of child-custody determination

A child-custody determination made by a tribunal of this
State that has jurisdiction under this chapter binds all parties
who have been served in this State or notified in accordance with
section 1756 or who have submitted to the jurisdiction of the
tribunal and been given an opportunity to be heard. The
child-custody determination is conclusive for all issues of law
and fact decided by a tribunal of this State unless that
determination is modified.

§1755. Priority

Upon request of a party to a child-custody proceeding that
raises a question of existence or exercise of jurisdiction under

2 this chapter, the case must be given priority and handled
3 expeditiously.

4 **§1756. Notice to persons outside this State**

6 1. Notice of hearing. Notice of a hearing required for the
7 exercise of jurisdiction over a person outside this State must be
8 given in a manner reasonably calculated to give actual notice and
9 may be given:

10 A. By personal delivery outside this State in the manner
11 prescribed for service of process within this State;

14 B. In a manner prescribed by the laws of another state in
15 which the service of process is made in that state in an
16 action in any of its courts of general jurisdiction;

18 C. By any form of mail addressed to the person to be served
19 and that requires a receipt; or

20 D. As directed by the tribunal, including publication, if
21 other means of notification are ineffective.

24 2. Proof of service. Proof of service outside this State
25 may be made by affidavit of the individual who made the service
26 or in a manner pursuant to the laws of this State, by the order
27 pursuant to which the service is made or the laws of the state in
28 which the service is made. If service is made by mail, proof may
29 be a receipt signed by the addressee or other evidence of
30 delivery to the addressee.

32 3. Notice not required. Notice is not required to be given
33 to a person who submits to the jurisdiction of the tribunal.

34 **§1757. Communication between tribunals**

36 1. Communication between states. A tribunal of this State
37 may communicate with a tribunal in another state concerning a
38 proceeding under this chapter. Communication between tribunals
39 that affect the rights of a party must be made in a manner that
40 allows the parties to participate or allows the parties or their
41 attorneys to present jurisdictional facts and legal arguments to
42 the tribunals before a final determination is made as to which
43 forum is appropriate.

46 2. Record. A record of communication between tribunals
47 must be made. The record may consist of notes or transcripts of
48 a court reporter who listened to a conference call between the
49 tribunals, an electronic recording of a telephone call, a
50 recording of other electronic communications between the

tribunals or a written record made by one or more tribunals after
the communication.

§1758. Taking testimony in another state.

1. Testimony from another state. In addition to other proceedings available to a party, any party to a child-custody proceeding, a guardian ad litem or another representative of the child may offer testimony of witnesses, including parties and the child, by deposition or otherwise, given in another state. The tribunal on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which, and the terms upon which, the testimony is taken.

2. Testimony taken in another state. A tribunal of this State may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means before a designated tribunal or at another location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

3. Documentary evidence. Documentary evidence transmitted from another state to a tribunal of this State, by telephone, telecopier or other means that do not provide for an original writing may not be excluded from evidence on an objection based on the means of transmission.

§1759. Hearings, evaluations and documents in another state

1. Evidence and evaluations. A tribunal of this State may request the appropriate tribunal of another state to:

A. Hold an evidentiary hearing;

B. Order a party to produce or give evidence under procedures of that state;

C. Have an evaluation made with respect to the custody of a child involved in a proceeding pending in the tribunal of this State; and

D. Forward to the tribunal of this State certified copies of the transcript of the record of the hearing, the evidence otherwise presented or any evaluation prepared in compliance with the request.

2. Costs. The cost of the services may be assessed against the parties or, if necessary, ordered paid by the State.

2 3. Order to appear. A tribunal of this State may request
the appropriate tribunal of another state to order a party to a
4 child-custody proceeding pending in the tribunal of this State to
appear in the proceeding and, if that party has physical custody
6 of the child, to appear with the child. The request may state
that travel and other necessary expenses of the party and of the
8 child whose appearance is desired must be assessed against
another party.

10 4. Prior determination. If a child-custody determination
has been rendered in another state concerning a child involved in
12 a child-custody proceeding in a tribunal of this State, the
tribunal of this State upon taking jurisdiction of the case may
14 request from the tribunal of the other state a certified copy of
the transcript of any record and other documents described in
16 this section.

18 5. Preservation of documents. In a child-custody
proceeding in this State the tribunal shall preserve the
20 pleadings, orders, decrees, any record made of its hearings, any
evaluations and other pertinent documents until the child attains
22 18 years of age. The tribunal shall forward all required
documents to a federal child custody registry if it is
24 established. Upon appropriate request by a tribunal or law
enforcement officials of another state, the tribunal shall
26 forward certified copies of those documents.

28 **§1760. Assistance to tribunal of another state**

30 1. Order to appear or for an evaluation. Upon request of a
tribunal of another state, an appropriate tribunal of this State
32 may order an individual in this State to appear at a hearing to
produce or give evidence under procedures available in this State
34 or may order an evaluation to be made for use in a child-custody
proceeding in another state. The clerk of the tribunal shall
36 forward to the requesting tribunal a certified copy of the
transcript of the record of the hearing or the evidence otherwise
38 adduced and any evaluation prepared.

40 2. Voluntary testimony. An individual within this State
may voluntarily give testimony or a statement for use in a
42 child-custody proceeding outside this State.

44 3. Order to appear. Upon request of a tribunal of another
state, an appropriate tribunal of this State may order an
46 individual in this State to appear alone or with the child in a
child-custody proceeding in that other state. The tribunal may
48 condition compliance with the request, upon assurance by the
other state, that travel and other necessary expenses will be
50 advanced or reimbursed.

2 SUBCHAPTER II

4 JURISDICTION

6 §1761. Initial child-custody determination

8 1. Initial determination. Subject to section 1764, a
tribunal of this State that is competent to determine child
10 custody has jurisdiction to make an initial child-custody
determination only if:

12 A. This State is the home state of the child on the date of
14 the commencement of the proceeding or was the home state of
16 the child within 6 months before the date of the
18 commencement of the proceeding and the child is absent from
this State but a parent, or person acting as parent,
continues to live in this State;

20 B. A tribunal of another state does not have jurisdiction
22 under paragraph A or a tribunal of the home state of the
24 child has declined to exercise jurisdiction on the ground
that this State is the more appropriate forum under section
1766.

26 (1) The child and the child's parents, or the child
28 and at least one contestant, have a significant
connection with this State other than mere physical
presence; and

30 (2) Substantial evidence is available in this State
32 concerning the child's care, protection, training and
34 personal relationships; or

36 C. A tribunal of another state does not have jurisdiction
38 pursuant to paragraph A or B or all tribunals having
40 jurisdiction pursuant to paragraph A or B have declined to
exercise jurisdiction on the ground that a tribunal of this
State is the more appropriate forum to determine the custody
of the child under section 1766.

42 2. Physical presence; jurisdiction. Physical presence of
the child in this State, or of the child and one of the
44 contestants, is not sufficient to invoke the jurisdiction of a
tribunal of this State to make a child-custody determination.

46 3. Physical presence not a prerequisite. Physical presence
48 of the child is not a prerequisite for making a child-custody
determination.

2 4. Personal jurisdiction. Personal jurisdiction over a
4 party is not a prerequisite or sufficient for making a
child-custody determination.

6 5. Prior proceeding. Subject to section 1764, a tribunal
8 of this State may not exercise its jurisdiction under this
10 section if at the time of the commencement of the proceeding a
12 proceeding concerning the custody of the child had been commenced
in a tribunal of another state having jurisdiction substantially
in conformity with this chapter, unless the proceeding is stayed
by the tribunal of the other state because the tribunal of this
State is a more convenient forum under section 1766.

14 6. Stay and dismissal. Before hearing a child-custody
16 proceeding, a tribunal of this State shall examine the pleadings
18 and other information supplied by the parties pursuant to section
20 1768. If the tribunal determines that a child-custody proceeding
22 was commenced in a tribunal in another state having jurisdiction
24 substantially in accordance with this chapter, the tribunal of
this State shall stay its proceeding and communicate with the
tribunal of the other state. If the tribunal of the state having
jurisdiction substantially in accordance with this chapter does
not determine that the tribunal of this State is a more
appropriate forum, the tribunal of this State shall dismiss the
proceeding.

26 §1762. Exclusive continuing jurisdiction

28 Subject to section 1764, a tribunal of this State that has
30 made a child-custody determination consistent with section 1761
32 has exclusive continuing jurisdiction over the determination
unless:

34 1. Other jurisdiction. The tribunal determines that:

36 A. It no longer has jurisdiction under section 1761,
38 subsection 1, paragraph A or B; or

40 B. A tribunal of another state would be a more convenient
forum under section 1766; or

42 2. Residence. Neither the child nor a person acting as a
44 parent has continuously resided in this State since the
determination was made.

46 §1763. Modification of determination

48 1. Modifications. Subject to section 1764, a tribunal of
50 this State may not modify a child-custody determination made by a
tribunal of another state unless:

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A. The tribunal of the other state determines that:

(1) It not longer has jurisdiction under section 1762 or determines that a tribunal of this State is a more convenient forum under section 1766; and

(2) A tribunal of this State has jurisdiction under section 1761; or

B. Neither the child nor a parent or person acting as a parent of the child has continuously resided in the other state since the determination was made and a tribunal of this State has jurisdiction under section 1761.

2. Commencement in other state. If a proceeding to modify a child-custody determination is commenced pursuant to this section or pursuant to section 1762, the tribunal shall inquire of the parties as to whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce the determination has been commenced in another state, the tribunal may:

A. Stay the proceedings for modification pending the entry of an order of a tribunal of the other state enforcing, denying or dismissing the proceeding for enforcement;

B. Enjoin the parties from continuing with the proceeding for enforcement; or

C. Proceed with the modification under such conditions as the tribunal considers appropriate.

§1764. Temporary emergency jurisdiction

1. Temporary determination. A tribunal of this State that is competent to make a child-custody determination may make a temporary child-custody determination if the child is present in this State and the child has been abandoned or it is necessary to protect the child because the child or a sibling or parent of the child is subjected to, or threatened with, mistreatment or abuse.

2. Determination not final. A tribunal of this State may not make a final child-custody determination under this section. The tribunal shall require the person seeking the order to commence a proceeding in the state having jurisdiction under section 1761 or 1762.

2 3. Duration. A temporary determination under this section
remains in effect for the period necessary for the person seeking
4 the order to obtain an order from the state having jurisdiction
under section 1761 or 1762 but not longer than 90 days. The
6 duration of the determination must be stated in the order.

8 **§1765. Notice of hearing; opportunity to be heard**

10 Subject to local rules on dispensing with notice in cases of
irreparable harm, before a child-custody determination is made
12 under this chapter, reasonable notice of hearing and an
opportunity to be heard must be given to the contestants, a
14 parent whose parental rights have not been terminated and each
person who has physical custody of the child.

16 **§1766. Inconvenient forum**

18 1. Declining jurisdiction. A tribunal of this State that
has jurisdiction under this chapter to make an initial
20 child-custody determination or a modification may decline to
exercise its jurisdiction at any time before making a
22 determination if the tribunal finds that this State is an
inconvenient forum under the circumstances of the case and that a
24 tribunal of another state is a more appropriate forum. The issue
of inconvenient forum may be raised upon the tribunal's own
26 motion or upon motion of a party or a guardian ad litem or other
representative of the child.

28 2. Determining jurisdiction. Before determining whether
this State is an inconvenient forum, the tribunal of this State
30 shall consider whether it is appropriate that a tribunal of
another state exercise jurisdiction. For this purpose, the
32 tribunal shall conduct a hearing, if requested by a party and
consider all relevant factors including:

36 A. The length of time the child has resided outside this
State;

38 B. The distance between this State and the state in which a
tribunal would assume jurisdiction;

42 C. The relative financial circumstances of the parties;

44 D. Any agreement of the parties as to which state should
assume jurisdiction;

46 E. The nature and location of the evidence required to
48 resolve the pending litigation, including the testimony of
the child;

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2 F. The ability of the tribunal of each state to decide the
issue expeditiously and the procedures necessary to present
4 the evidence;

6 G. The familiarity of the tribunal with the facts and
issues of the pending litigation; and

8 H. The health and safety of the parties.

10 3. Stay. If the tribunal of this State finds that it is an
inconvenient forum and that a tribunal of another state is a more
12 appropriate forum, the tribunal shall stay the proceedings upon
condition that a child-custody proceeding be promptly commenced
14 in another designated state or upon any other condition the
tribunal considers just and proper including the condition that a
16 moving party stipulate to the jurisdiction of the other forum.

18 4. Divorce. The tribunal of this State may decline to
exercise its jurisdiction under this chapter if a child-custody
20 determination is incidental to an action for divorce or another
proceeding while retaining jurisdiction over the divorce or other
22 proceeding.

24 **§1767. Jurisdiction declined by reason of conduct**

26 1. Wrongful conduct. If a tribunal of this State has
jurisdiction under this chapter because of the wrongful conduct,
28 such as secreting, retaining or restraining the child, of the
person invoking the jurisdiction, the tribunal may decline to
30 exercise its jurisdiction.

32 2. Safety. If a tribunal of this State has declined to
exercise its jurisdiction pursuant to subsection 1, it may
34 fashion an appropriate remedy to ensure the safety of the child
and prevent a repetition of the wrongful conduct.

36 3. Expenses. If a tribunal dismisses a petition because
the tribunal declines to exercise its jurisdiction, the tribunal
38 shall charge the party invoking the jurisdiction of the tribunal
with necessary expenses of litigation including attorney's fees
40 and necessary travel and other expenses incurred by other parties
or their witnesses, unless the party who invoked the jurisdiction
42 establishes that the charges are clearly inappropriate.

44 **§1768. Information to be submitted to tribunal**

46 1. Address and other proceeding information. In a
48 child-custody proceeding, each party, in its first pleading or in
an attached affidavit, shall give information, under oath,
50 concerning the child's present address, the places where the

2 child has lived during the 5 years before the proceeding and the
3 names and present addresses of the persons with whom the child
4 has lived during that 5-year period. The pleading or affidavit
5 must state whether the party:

6 A. Has participated, as a party or witness or in any other
7 capacity, in any other litigation concerning the custody of
8 or visitation with the child;

10 B. Has information of any child-custody proceeding
11 concerning the child in a tribunal of this State or any
12 other state; and

14 C. Knows of any person not a party to the proceeding who
15 has physical custody of the child or claims to have a
16 custodial right or a right of visitation with respect to the
17 child.

18 **2. Failure to provide information.** If the information
19 required by subsection 1 is not provided, the tribunal, upon its
20 own motion or that of a party, may stay the proceeding until the
21 information is provided.

24 **3. Additional information.** If the declaration as to any of
25 the items in subsection 1, paragraphs A to C is in the
26 affirmative, the declarant shall give, under oath, additional
27 information required by the tribunal. The tribunal may examine
28 the parties concerning details of the information furnished in
29 the pleading or affidavit and other matters pertinent to the
30 tribunal's jurisdiction and the disposition of the case.

32 **4. Continuing duty.** Each party has a continuing duty to
33 inform the tribunal of any child-custody proceeding concerning
34 the child in this State or any other state from which the party
35 obtained information during the proceeding.

36 **5. Confidentiality.** Upon a finding, which may be made ex
37 parte, that the health, safety or liberty of a party or a child
38 would be unreasonably put at risk by the disclosure of
39 identifying information or if an existing order so provides, a
40 tribunal of this State shall order that the address of the child
41 or party or other identifying information may not be disclosed in
42 a pleading or other document filed in a proceeding under this
43 chapter. Notwithstanding this subsection, the information must
44 be provided to the tribunal.

46 **§1769. Appearance of parties and child**
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1. Order to appear. A tribunal of this State may order a party to a child-custody proceeding who is in this State to appear personally before the tribunal and may order a party who has physical custody of the child to appear personally with the child.

2. Failure to appear. If a party to a child-custody proceeding whose presence is requested by the tribunal is outside this State, the tribunal may order that a notice, given pursuant to section 1756, include a statement that directs the party to appear personally, with or without the child, and that declares that failure to appear may result in a decision adverse to the party.

3. Expenses. If a party to a child-custody proceeding is outside this State and that party is directed to appear under subsection 2 or desires to appear personally before the tribunal, with or without the child, the tribunal may require another party to pay necessary travel and other expenses of the party and of the child.

SUBCHAPTER III

ENFORCEMENT

§1771. Definition

As used in this subchapter, unless the context indicates otherwise, "respondent" means a person against whom an enforcement proceeding has been commenced.

§1772. Scope; temporary visitation

1. Other applications. This subchapter applies to proceedings to enforce orders made under the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abductions Remedies Act, 42 United States Code, Section 11601.

2. Other remedies. The enforcement procedure provided by this subchapter does not affect the availability of other remedies to enforce a child-custody determination.

3. Temporary order. This subchapter does not confer jurisdiction upon a tribunal to modify a child-custody determination issued by a tribunal of another state. A tribunal of this State may issue a temporary order enforcing a visitation schedule that implements the original schedule. A temporary order issued under this subsection remains in effect for the period necessary for a person seeking the order to obtain an order from the state having jurisdiction under subchapter II, but

2 not longer than 90 days. The duration of a temporary order must
3 be stated in the order.

4 **§1773. Duty to enforce**

6 A tribunal of this State shall recognize and enforce a
7 child-custody determination of a tribunal of another state if
8 that tribunal exercised jurisdiction that was in substantial
9 conformity with this chapter or the determination was made under
10 factual circumstances meeting the jurisdictional standards of
11 this chapter and the determination has not been modified in
12 accordance with this chapter. The determination may be enforced
13 in the same manner as a child-custody determination of a tribunal
14 of this State.

16 **§1774. Limited immunity of petitioner**

18 **1. Personal jurisdiction.** Participation by a petitioner in
19 person or by an attorney in a proceeding to enforce a
20 child-custody determination in this State does not confer
21 personal jurisdiction over the petitioner for purposes of other
22 proceedings.

24 **2. Service of process.** An individual is not subject to
25 service of process solely by being physically present in this
26 State for the purpose of participating in a proceeding under this
27 subchapter. Service of process may be made on the individual on
28 a basis other than physical presence in this State.

30 **3. Extent of immunity.** The immunity granted by this
31 section does not extend to civil litigation based on acts
32 unrelated to the participation in a proceeding under this
33 subchapter committed by an individual while present in this State.

34 **§1775. Simultaneous proceedings**

36 If an enforcement proceeding under this subchapter has been
37 commenced in this State and a tribunal of this State determines
38 that a proceeding to modify the determination has been commenced
39 in another state, the tribunal shall immediately communicate with
40 the tribunal in which the proceeding was commenced. The
41 enforcement proceeding continues until the proceeding stayed by a
42 tribunal with jurisdiction under subchapter II.

44 **§1776. Petition**

46 **1. Verification.** A petition under this subchapter must be
47 verified. Certified copies of an order and a proposed order to
48 show cause must be attached to the petition.

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2 2. Contents. A petition for enforcement of a child-custody
3 must state:

4 A. Whether the tribunal that issued the determination
5 identified the jurisdictional basis it relied upon in
6 exercising jurisdiction and, if so, what the basis for
7 jurisdiction is;

8 B. Whether the determination for which enforcement is
9 sought has been stayed, vacated or modified by a tribunal
10 whose decision must be enforced under subchapter II or the
11 Parental Kidnapping Prevention Act, 28 United States Code,
12 Section 1738A;

13 C. Whether any proceeding is pending that could affect the
14 current proceeding, including proceedings relating to
15 domestic violence and protective orders;

16 D. Subject to section 1768, subsection 5, the present
17 address of the child and the respondent, if known; and

18 E. Whether relief in addition to the delivery of the child
19 is sought.

20 3. Order to appear. The tribunal shall issue its order
21 directing the respondent to appear with the child at a hearing
22 within 24 hours after the petition is filed. The tribunal shall
23 inform the respondent that the tribunal will order the delivery
24 of the child and set a hearing to determine whether further
25 relieve is necessary, unless the respondent demonstrates that:

26 A. The issuing tribunal did not have jurisdiction under
27 subchapter II;

28 B. The child-custody determination for which enforcement is
29 sought has been vacated, stayed or modified by a tribunal of
30 a state having jurisdiction under subchapter II; or

31 C. The respondent was entitled to but did not receive
32 notice and opportunity to be heard in the proceedings before
33 the tribunal that issued the order for which enforcement is
34 sought.

35 4. Time. The tribunal for good cause shown may extend or
36 shorten the 24-hour period required by subsection 3.

37 Sec. 4. 22 MRSA §4031, sub-§3, as enacted by PL 1995, c. 694,
38 Pt. D, §41 and affected by Pt. E, §2, is amended to read:

2 **3. Scope of authority.** The court shall consider and act on
child protection petitions regardless of other decrees regarding
4 a child's care and custody. The requirements and provisions of
Title 19-A, chapter 57 ~~57~~ 58 do not apply to child protection
6 proceedings. If custody is an issue in another pending
proceeding, the proceedings may be consolidated in the District
8 Court with respect to the custody issue. In any event, the court
shall make an order on the child protection petition in
10 accordance with this chapter. That order takes precedence over
any prior order regarding the child's care and custody.

12 **Sec. 5. Effective date.** This Act takes effect October 1, 1997.

14

SUMMARY

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This bill repeals the Maine Revised Statutes, Title 19-A,
18 chapter 57, the Uniform Child Custody Jurisdiction Act and
replaces it with an updated version, the Uniform Child Custody
20 Jurisdiction and Enforcement Act.

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