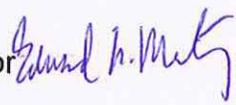


DIVISION OF CHILDREN AND FAMILY SERVICES  
ADMINISTRATIVE MEMO #3-2011

To: All Children and Family Services Staff

From: Edward H. Matney, Policy Section Administrator   
Division of Children and Family Services

Approved by: Todd L. Reckling, Director   
Division of Children and Family Services

Date: March 10, 2011

Re: Uniform Child Custody Jurisdiction Enforcement Act  
(UCCJEA)

Effective: Immediately

Duration: Until Regulation Issuance

Contact: Rita Krusemark, Program Specialist  
Phone: 402-471-9254

**PURPOSE:** The purpose of this memo is to provide information regarding the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA).

**BACKGROUND:** The UCCJEA is a jurisdictional act adopted by most states, including Nebraska. When the courts of more than one state are involved in child custody or visitation matters, the UCCJEA establishes that jurisdiction rests with the child's home state, except in certain emergency situations. It does not dictate standards for making or modifying child custody or visitation decisions, but rather determines which court can make decisions based on the merits of the case.

The UCCJEA applies to the following:

- Interstate situations where there are custody and visitation issues that arise out of proceedings for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence. (See OJJDP's December, 2001, Juvenile Justice Bulletin at: [http://www.ncjrs.gov/html/ojjdp/jjbul2001\\_12\\_2/contents.html](http://www.ncjrs.gov/html/ojjdp/jjbul2001_12_2/contents.html).)

- Interstate situations where one parent takes the child to another jurisdiction, without court approval. UCCJEA includes provisions that allow a parent to retrieve the child from the temporary jurisdiction, as well as provisions to pursue criminal sanctions against the parent who took the child.

The UCCJEA provides that:

- If there is an order from a jurisdiction other than Nebraska, the Nebraska court must recognize and enforce the home state's determinations, deferring to the home state's court as if it were a Nebraska court.
- In an emergency, the court in the county where the event creating the emergency occurred can acquire jurisdiction to provide protective custody and hear the allegations through a juvenile court filing. (For example, when a child travelling through Nebraska is abused or abandoned by the parent in Nebraska, the Nebraska court can acquire emergency custody to act on the child's behalf.) UCCJEA requires that the court taking emergency jurisdiction must immediately communicate with the court in the home state, discussing what actions will be taken in each jurisdiction, and provide notice to the parent(s) as soon as practical, providing the opportunity to be heard on the temporary case.
- The home state and state where the child is located can decline jurisdiction and allow a third state to take jurisdiction.

**REQUIRED ACTION:** CFS staff members must make immediate contact with DHHS-Legal and Regulatory Services for assistance when they know or have reason to believe that a child in a CFS case is a child covered under UCCJEA. DHHS-Legal and Regulatory Services will determine if UCCJEA applies and, if it does apply, legal staff will take the necessary steps to ensure compliance with UCCJEA. CFS staff members must continue providing services as appropriate under DHHS regulations and policy and must continue to coordinate efforts with DHHS-Legal and Regulatory Services.