



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 130**  
[2005 Senate Bill 112]

**Uniform Child Custody Jurisdiction  
and Enforcement Act**

2005 Wisconsin Act 130 replaces the Uniform Child Custody Jurisdiction Act (UCCJA), enacted into current law in 1975, with the updated Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which was in 1997 approved and recommended for passage in all states by the National Conference of Commissioners on Uniform State Laws. The purpose of the UCCJEA is to standardize among the states the general procedural and jurisdictional requirements for interstate child custody matters, which under the UCCJEA include legal custody, physical placement, and visitation.

With respect to child custody proceedings and orders, Act 130 does all of the following:

1. Specifies what notice is sufficient for a court to have jurisdiction over a person who is outside the state and specifies to whom notice must be given before a court may make a child custody determination. The Act defines “child custody proceeding” to mean a proceeding in which legal custody, physical custody, or visitation with respect to a child (under 18 years old) is an issue. The term includes a proceeding for divorce, legal separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under the Act. However, a provision in the Uniform Act stating that the Act does not govern an adoption proceeding was *deleted* prior to enactment.

2. Authorizes a court of one state to communicate with a court of another state concerning a child custody proceeding in one of those states and to request the court of the other state to perform various functions, such as ordering an evaluation, holding an evidentiary hearing, and forwarding a transcript of a hearing.

3. Specifies the circumstances under which a court of a state has jurisdiction to make an initial child custody determination, such as when the state is the home state of the child.

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

4. Authorizes temporary emergency jurisdiction to make a child custody determination if the child is present in the state and has been abandoned or is being subjected to or threatened with mistreatment or abuse.

5. Specifies how long a court that made a child custody determination has exclusive, continuing jurisdiction over the determination, such as until a court of that or another state determines that the child and the child's parents no longer reside in the state.

6. Specifies the circumstances under which a court that made a child custody determination has jurisdiction to modify that determination and the circumstances under which a court has jurisdiction to modify a child custody determination made by a court of another state.

7. Specifies that a court may decline to exercise its jurisdiction to make a child custody determination if it is an inconvenient forum and provides factors for a court to consider in making that determination.

8. Provides procedures for a court to follow with respect to a child custody proceeding if a child custody proceeding already has been commenced in another state. Also, the Act includes provisions relating to its application to Indian tribes and foreign countries.

9. Specifies basic information that must be included in the first pleading in a child custody proceeding and the persons whom the court may require to appear in a child custody proceeding.

10. Imposes a duty on a court to recognize and enforce a child custody determination made by another court if that other court exercised jurisdiction in conformity with the standards under the Act.

11. Provides defenses for a respondent when a court orders that a petitioner may take immediate physical custody of a child.

12. Authorizes a court to issue a warrant that directs law enforcement to take immediate physical custody of a child if the court finds that the child is imminently likely to suffer serious physical harm or be removed from the state.

In general, the Act provides clearer standards for original jurisdiction in child custody proceedings and more complete standards for jurisdiction to modify child custody determinations. In addition, the Act adds standards for continuing jurisdiction over child custody determinations, for temporary emergency jurisdiction over child custody matters, and for enforcement of child custody determinations.

***Initial Applicability:*** The Act first applies to child custody proceedings, including modification proceedings, and proceedings to enforce or register child custody determinations that are commenced on March 25, 2006. [The day following publication, pursuant to s. 991.11, Stats.]

***Prepared by:*** Russ Whitesel, Senior Staff Attorney

April 11, 2006

RW:wu