

CONFERENCE OF CHIEF JUSTICES

Resolution 29

In Opposition to Creating a New Federal Cause of Action to Resolve Child Custody Jurisdictional Conflicts Between State Courts

WHEREAS, legislation was and may again be introduced in Congress to create a new federal cause of action for resolving jurisdictional disputes between state courts and to address issues related to full faith and credit enforcement of interstate child custody orders under the Parental Kidnapping Prevention Act of 1980 (PKPA, 28 U.S.C. Sect. 1738A) by requiring the establishment of a national agency of child custody orders; and

WHEREAS, the *Uniform Child Custody Jurisdiction Act (UCCJA)*, enacted in every state between 1969 and 1983, and the *Parental Kidnapping Prevention Act of 1980*, address judicial procedures for determining the controlling order when there are conflicting state custody decrees by requiring states to give full faith and credit to valid custody orders of sister states; and

WHEREAS, the judicial procedures for determining the controlling order have proved to be effective and as such negate the need for federal intervention; and

WHEREAS, state courts are best qualified to resolve jurisdictional disputes in the best interests of a child;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices opposes any legislation that would create a federal cause of action to resolve conflicts between state courts on the issue of jurisdiction over child custody orders; and

BE IT FURTHER RESOLVED that the Conference, in the spirit of comity, encourages all state court systems to support judicial education on the effective implementation of the full faith and credit provisions to resolve child custody disputes.

Adopted as proposed by the Courts, Children and Families Committee of the Conference of Chief Justices at the 28th Midyear Meeting on January 26, 2005.