
JUDICIAL COMMUNICATION MEMORANDUM

TO: JUDGE OF: *INSERT OFFICIAL TITLE OF JUDGE JURISDICTION A (ADDRESS AND PHONE/FAX/E-MAIL)*

TO: JUDGE OF: *INSERT OFFICIAL TITLE OF JUDGE JURISDICTION B (ADDRESS AND PHONE/FAX/E-MAIL)*

SUBJECT: SUMMARY IN SUPPORT OF SCHEDULED TELEPHONE CONFERENCE REGARDING THE EXERCISE OF SUBJECT MATTER JURISDICTION PURSUANT TO THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

DATE: SUBMITTED:

DATE: SCHEDULED CONFERENCE (STATE TIME AND TIME ZONE)

COUNSEL FOR PLAINTIFF JURISDICTION A, ADDRESS, PHONE NUMBER AND FAX NUMBER

COUNSEL FOR PLAINTIFF JURISDICTION B; ADDRESS, PHONE NUMBER AND FAX NUMBER

COUNSEL FOR DEFENDANT JURISDICTION A, ADDRESS PHONE NUMBER AND FAX NUMBER

COUNSEL FOR DEFENDANT JURISDICTION B ADDRESS, PHONE NUMBER AND FAX NUMBER

WHO WILL BE PLACING THE CALL?

WHO IS RESPONSIBLE FOR COURT REPORTER/RECORDING CONVERSATION? WILL A TRANSCRIPT BE MADE OF THE PROCEEDINGS?

*** *THE UCCJEA APPLIES TO INTERNATIONAL MATTERS. IF THE JUDGE OR JUDICIAL OFFICER IN THE FOREIGN JURISDICTION DOES NOT SPEAK ENGLISH, WILL A TRANSLATOR BE NEEDED/ PROVIDED? WILL THE COMMUNICATION TAKE PLACE ORALLY OR IN WRITING.***

PRELIMINARY STATEMENT

This matter comes before the Court pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, for the resolution of a custody dispute pending simultaneously in two competing jurisdictions. Pursuant to the *mandatory* provisions of the Act, in the circumstance where there is more than one proceeding concerning custody or access of the same minor child, the Court is required to stay the pending proceedings and confer in determining which jurisdiction will proceed in making a child custody determination. Unlike the prior versions of the Act, the provisions of the new legislation require that the parties have an opportunity to be represented during the conference and a record be made of the communication. Further, any determination by the court and findings supporting the determination should be made a part of the record.

This memorandum is designed to assist the court's determination.

Case Name: Jurisdiction A _____;

Jurisdiction B _____

1. What date was the application in Jurisdiction A filed?

What date was the application in Jurisdiction B filed?

Attach a copy of the applications filed, including the jurisdictional statement required under the Act, which certifies the names and ages of the minor children and where they have lived for the last 5 years, and with whom.

2. What is the nature of the applications filed? Initial child custody determination, application for enforcement, application for modification.
3. Is there a written order or judgment entered by a judge or a written agency decision relevant to the exercise of jurisdiction? ***Attach copies of the order, decision or judgment.***
4. How was service of process accomplished in Jurisdiction A, How was service of process accomplished in Jurisdiction B? Has any part of the process in either action been accomplished ***ex parte?*** If so, what reason was given for the need for the application without notice?
5. Are there any other prior or pending proceedings before either court regarding the children who are the subject of this action? Ie. Divorce proceedings, Abuse and Neglect proceedings, Domestic Violence proceedings, Child Support application, action taken by the State in dependency proceedings, Hague Convention Proceedings in State or Federal Court for the return of a child alleged to have been wrongfully removed or retained from a country other than the United States.
6. If the answer to Question 5 is yes, has any aspect of this matter been presented to or considered by another judge? If so, what Judge in what vicinage?
7. What is the essence of the argument being made by the movant in Jurisdiction A for the retention of jurisdiction?
8. What is the essence of the argument being made by the movant in Jurisdiction B for the retention of jurisdiction?
9. Is there is an allegation that one of the Courts should decline to exercise jurisdiction due to the wrongful removal or retention of the child?
10. If there is an allegation that an emergency exists or existed at the time of the application? What is the nature of the emergency and its expected duration?
11. ***Attach a copy of the UCCJEA/ UCCJA as codified in both jurisdiction A and B. What section/sections of the Act does the movant in Jurisdiction A indicate is most important for the proposition that child custody determination should be made there?***

What section/sections of the Act does the movant in Jurisdiction B indicate is most important for the proposition that child custody determination should be made there?

12. Have all necessary parties been notified of the applications and given opportunity to be heard?
13. Please provide a brief summary of the facts of the case.

Respectfully submitted