

UCCJEA Discussion Questions

Communication with Judges in Other States

1. How do you find out you have a subject matter jurisdiction issue in a case?

You get a message from an out of state judge;
You see in the Complaint or other pleading mention of another state's custody action;
It comes up in a hearing that there is or has been another case in another state;
Someone files a Motion to Dismiss;
Someone files a Motion re Inconvenient forum.
Other??

2. When you determine communication with a judge in another state is necessary, how do you arrange it/schedule it/set it up?

At what point do you inform the parties or the lawyers about the communication?

Have you ever had a jurisdiction conversation with a judge in another country?

3. How do you conduct the communication?

Informal telephone conversation? Something more formal?

Do you ever include the lawyer or the parties in the conversation?

4. Have you ever had a situation where you and the other judge have a different understanding of the facts of a case? For example, the judge in the other state believes the child left their state 3 months ago but you have been told the child has been in North Carolina for over a year.

If so, how did you resolve the factual issue?

5. Have you ever had a disagreement with the other judge about the law that applies to the situation? If so, how did you resolve it?

6. If a decision is reached because of the conversation, how is that decision recorded? If an order is required, how is the order drafted and shared with the parties?