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## Child Custody Jurisdiction

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#### Custody Jurisdiction (1/41)

This session is intended to be an introduction to and an overview of the law relating to the subject matter jurisdiction of a North Carolina court to make a child custody determination. The law regarding subject matter jurisdiction is the same whether the child custody determination is made within the context of a child custody case filed pursuant to North Carolina General Statutes **Chapter 50**, a **juvenile abuse, neglect or dependency proceeding** brought pursuant to General Statutes Chapter 7B, a **termination of parental rights proceeding**, a **guardianship proceeding** or a request for an award of temporary child custody as part of a domestic violence protective order in a **Chapter 50B proceeding**.

#### Navigating the Course (2/41)

You navigate through this course using the arrows at the bottom of the screen to pause, go forward and go back. The menu to the right of the screen also allows you to move through the course. The menu to the right also allows you to read the text of this presentation if you prefer to read while you listen or if you prefer to read only and not listen to the audio. You can access the written text by clicking the “notes” button under my picture, in the top left hand corner of your screen.

#### Course Objectives (3/41)

It is my hope that, at the end of this program, you will be able to do each of the following:

First, **identify the state and federal statutes** which define when a North Carolina court has subject matter jurisdiction to enter a child custody determination and when that determination will be entitled to full faith and credit by other states.

Second, recognize that **North Carolina courts *always* have jurisdiction to enforce a child custody determination that was validly entered.**

Third, identify when a North Carolina court has subject matter jurisdiction to enter an ***initial* child custody determination** regarding a particular child.

Fourth, identify when a North Carolina court has subject matter jurisdiction to **modify an existing child custody determination**. Fifth, and finally, **exercise emergency custody jurisdiction in compliance with the law**.

### **Subject Matter vs. Personal Jurisdiction (4/41)**

As we begin our discussion about child custody jurisdiction, it is important to remind ourselves about the difference between **subject matter** jurisdiction and **personal** jurisdiction. Subject matter jurisdiction defines a court's authority to exercise jurisdiction over *a particular case*, while personal jurisdiction defines a court's authority to exercise jurisdiction over *a particular person*. Generally speaking a court must have both subject matter and personal jurisdiction in a case in order for a judgment entered by the court to be valid.

### **Subject Matter Jurisdiction Generally (5/41)**

As stated by the Court of Appeals in the case *Foley v Foley*, subject matter jurisdiction is granted by statute and generally *cannot* be conferred upon the court by the consent of the parties and parties cannot waive objection to a court's lack of subject matter jurisdiction. Orders entered without subject matter jurisdiction are void and can be vacated at any time. For example, in the case of *In Re N.R.M.*, the Court of Appeals vacated a custody determination due to a lack of subject matter jurisdiction even though no party ever raised the issue of jurisdiction during the proceeding in the trial court or when the case was on appeal. According to that opinion, the Court of Appeals has the authority and *the responsibility* to review subject matter jurisdiction in every case. This means that a *trial judge* also must remember to question subject matter jurisdiction in *every* case, even if the parties are not bringing the issue to the attention of the court. In addition, all child custody orders entered by the court should contain **findings of fact** to support the conclusion of law that the court does, in fact, have subject matter jurisdiction in the case. In *Brewington v Serrato*, for example, the Court of Appeals held that orders entered without such findings of fact are not entitled to full faith and credit; other courts need to be able to see from the text of the order itself that the order was entered by a court with appropriate jurisdiction.

### **Subject Matter Jurisdiction - Cases (6/41)**

For your reference, these are the citations to the cases I just mentioned regarding subject matter jurisdiction: *Foley v Foley*, 156 N.C. App. 409 (2003), *In Re N.R.M.*, 165 N.C. App. 294 (2004) and *Brewington v Serrato*, 77 N.C. App. 726 (1985).

### Personal Jurisdiction Generally (7/41)

Personal jurisdiction involves both statutory and constitutional law. A court generally needs three things in order to exercise personal jurisdiction over a litigant:

First, there must be *service of process* on the litigant in accordance with the statutory rules of civil procedure.

Second, there must be specific authority to exercise jurisdiction over the litigant granted by a *long arm statute*.

Third, the exercise of jurisdiction over the person must comply with the requirements of the *due process clause* of the Constitution of the United States. This due process clause requirement often is referred to as the *minimum contacts test*.

Unlike subject matter jurisdiction, a court *can* obtain personal jurisdiction over a litigant by the consent of that litigant. Similarly, a litigant can waive the right to object to personal jurisdiction by failing to object to personal jurisdiction before making a formal appearance in the case. If a litigant consents to personal jurisdiction or waives the right to object to a court's lack of personal jurisdiction, the court can proceed to litigate the case and any resulting judgment will be valid even in the absence of valid service of process, authority granted by a long-arm statute, or minimum contacts between the litigant and the state.

### Personal Jurisdiction in Custody Cases (8/41)

As in all other civil cases, personal jurisdiction rules require that parties in a child custody case be served with process in accordance with the rules of civil procedure. However, the North Carolina Court of Appeals first held in the case of *Hart v. Hart*, 74 NC App 1 (1985), that the other two normal requirements for personal jurisdiction, the long arm statute and the constitutional minimum contacts test, *do not apply* in most child custody determination cases. The vast majority of courts in other states have ruled similarly. *See also* Official Comment, GS 50A-201("neither minimum contacts nor service within the state is required for the court to have jurisdiction to make a child custody determination."). The one *exception* to this rule is a **termination of parental rights** case. Although a termination of parental rights proceeding is a "child custody determination" for the purpose of determining a court's subject matter jurisdiction, appellate courts have ruled constitutional due process rules apply to the proceeding, meaning that a parent must have minimum contacts with the state, or waive objection to a lack of minimum contacts, before the court can proceed with the termination action. As the appellate court explained in the case of *In re Finnican*, 104 NC App 157 (1991), while the requirements of due process may not be implicated in cases dealing with the physical

and legal custody of a child, those requirements are implicated when parents are at risk of permanently losing their parental rights.

### **Summary of Personal Jurisdiction (9/41)**

To summarize, personal jurisdiction in most child custody determinations is relatively uncomplicated. As long as a party is served with process appropriately or waives service of process, requirements for personal jurisdiction are satisfied. In termination of parental rights cases, in addition to appropriate service of process, the minimum contacts due process requirements must be satisfied unless the party consents to jurisdiction or waives objection to it.

### **Subject Matter Jurisdiction (10/41)**

Subject matter jurisdiction is more complicated. The remaining portion of this presentation will relate only to subject matter jurisdiction. When does a court have subject matter jurisdiction to make a child custody determination? Remember, *subject matter jurisdiction cannot be conferred upon the court by the consent of the parties*. Therefore, the consent of the parties, or the failure of the parties to object to jurisdiction, will not allow the court to enter a child custody determination when the law does not give that court jurisdiction.

### **State and Federal Statutes (11/41)**

So, where do we find the law relating to subject matter jurisdiction in custody cases? There is a uniform state law and a federal statute. The uniform state law is the **Uniform Child Custody Jurisdiction and Enforcement Act**, which I will refer to as the **UCCJEA**. The UCCJEA became law in North Carolina on October 1, 1999, and is found in North Carolina General Statutes Chapter 50A, parts 1 through 3. The relevant federal statute is the **Federal Kidnapping Prevention Act**, found at 28 US Code Annotated Section 1738A. I will refer to this statute from here on out as the **PKPA**.

### **Federal PKPA (12/41)**

The Federal PKPA is a **full faith and credit statute**. In other words, the federal statute provides the rules that must be followed in order for a child custody determination made by a court in one state to be entitled to full faith and credit in another state. The PKPA is *not* a subject matter jurisdiction statute. However, if a court order is entered in violation of the PKPA, a court in another state is not required to honor or even consider that order when the court in the other state subsequently is asked to consider custody of the child at issue.

### **UCCJEA (13/41)**

**The UCCJEA defines subject matter jurisdiction.** The statute is called a *uniform law* because it is substantially similar if not identical to a model statute created by a national organization called the Uniform Laws Commissioners. As the name of the group implies, the Uniform Laws Commissioners create model statutes to address areas of the law where it is particularly important to have uniformity in the laws of the various states in order to serve a common interest. For custody determinations, uniform

laws were created to discourage parents from forum shopping, running from one state to another with children in hopes of obtaining a more favorable custody decision. The goal of this particular uniform law is to designate clearly and uniformly when a state court can act in a custody matter and when it must defer to a court in another state.

#### **PKPA (16/41)**

Let's talk about the PKPA first. Congress enacted the PKPA in 1980 in response to a concern over forum shopping by parents and inconsistent custody judgments involving the same children from judges in different states. The federal act does not attempt to define the jurisdiction of state courts. However, the PKPA does provide that if its provisions are not followed, the resulting state court judgment is not entitled to full faith and credit. The PKPA sets two primary rules: First, a state with **home state jurisdiction** has priority jurisdiction to enter an **initial** custody determination with regard to a particular child. It is only when there is no home state that a state court can look to the alternative grounds for exercising jurisdiction. Second, a state that enters a custody order in accordance with the provisions of the PKPA retains **continuing exclusive jurisdiction to modify** that order until certain conditions occur that will allow another state to act with regard to the child.

#### **UCCJEA (17/41)**

In 1997, the Uniform Laws Commissioners adopted the *UCCJEA* to replace an earlier version of the uniform law called the Uniform Child Custody and Jurisdiction Act, or the *UCCJA*. The new uniform act – the *UCCJEA* - incorporates and conforms to the provisions of the PKPA, something the *UCCJA* did not do. North Carolina adopted the *UCCJEA* in 1999, and *all other states* have now adopted the statute as well. It is important to remember that the *UCCJEA* complies with the PKPA. **The rules regarding jurisdiction and full faith & credit are now essentially the same.** For that reason and for ease of reference throughout the rest of this course, I will refer only to the provisions of the *UCCJEA*. Because custody cases frequently require judges in North Carolina to communicate with judges in other states, it is important to remember that all states have adopted the *UCCJEA*. While there may be minor differences in the statutes of various states, it is relatively safe for you to assume the law of the other state is substantially the same as the law of North Carolina.

#### **UCCJEA (18/41)**

The *UCCJEA* is found in **Chapter 50A** of the NC General Statutes. 50A -102(3) and (4) provide a broad scope for the act by defining the term **“custody determination”** to include *any* **“judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child, including permanent, temporary, initial, and modification orders,”** and by defining the term **“child custody proceeding”** to include *any* proceeding **“in which legal custody, physical custody, or visitation with respect to a child is at issue.”** The statute specifies that the term **“custody proceeding”**

includes proceedings for **divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence.**

#### **UCCJEA Subject Matter Jurisdiction (19/41)**

Subject matter jurisdiction is determined under the UCCJEA primarily by the **past and present physical location of the child and the parties.** Because factual information regarding the past and present location of the child and the parties is necessary for a court to determine whether it has jurisdiction to proceed in particular case, GS 50A-209 requires that every pleading requesting a custody determination contain the information set out in that statute. The North Carolina Administration Office of the Courts has developed a form entitled “**Affidavit as to the Status of Minor Child**” to be used in custody cases to be sure the court receives all required information. This form is available online and in the clerk’s office in every county. It is Form number AOC-CV-609. Parties are not required to use the form, and many attorneys choose to include the required information in the pleading itself.

#### **Required Information (20/41)**

The following information is required by 50A-209:

the child’s present address

places where the child has lived the last five years, and

the names and present addresses of the persons with whom the child has lived during that period.

In addition, the party filing the pleading must state:

whether he or she has participated in any other proceeding involving this child,

knows of any other proceeding that could affect the current proceedings, or

knows the names and addresses of any person not a party to the present action who claims right to custody.

#### **Types of Proceedings (21/41)**

The jurisdictional analysis applicable to a particular case depends on whether the party filing the pleading is requesting an **initial determination** of custody, **modification** of an existing custody determination, or **enforcement** of an existing custody order

### Enforcement (22/41)

The analysis for enforcement is the most simple. This is because North Carolina, like every other state, **always** has subject matter jurisdiction to **enforce** a custody order that was validly entered, regardless of where that order was entered. The UCCJEA states this rule in G.S. 50A-303. **Part 3 of the UCCJEA** is the section of the act addressing enforcement of custody determinations and it contains detailed procedures to be used when a party wants to *register* an order from another state and detailed procedures to be used when a party wishes to *enforce* of an order from another state. The procedures for enforcement are beyond the scope of this presentation. What is important to remember at this point is that *every* state has the jurisdiction and *the obligation* to enforce orders from other states, as long as those orders were validly entered. Validly entered means entered in accordance with the uniform jurisdictional rules of the UCCJEA and the PKPA.

### Initial Determinations (23/41)

An initial proceeding is defined in GS 50A-202(8) as the *first* child custody determination regarding a particular child. 50A-201 provides that North Carolina courts have jurisdiction to enter an initial custody determination if:

NC is the home state of the child, or was the home state of the child within six months of the filing of the action and a parent or person acting as a parent continues to reside in the state; or

There is no home state and NC has significant connection substantial evidence jurisdiction; or

A state with jurisdiction decides NC is a more convenient forum; or

No state has jurisdiction. This is referred to as default jurisdiction.

In compliance with the PKPA, the UCCJEA sets out a clear preference that jurisdiction be exercised by the child's home state.

### Home State (24/41)

Home state is defined as the state **where the child has lived at least six months immediately before the filing of the action**. GS 50A-102(7). The six month residence requirement is designed to be bright-line easy to apply rule to determine jurisdiction. The second part of the definition of home state jurisdiction found in GS 50A-201(a)(1) ["or was the home state of the child within six months of the filing of the action and a parent or person acting as a parent continues to reside in the state"] is sometimes referred to as the extended home-state rule. A state that has attained home state status for a child will remain home state for a period of time sufficient to allow a new state to attain home-state status. However, both the UCCJEA and the PKPA provide for the extended home state jurisdiction **only if one parent remains in the home state**.

### No Home State (25/41)

If there is state with no home state jurisdiction in a particular case either because the child has not lived in any particular state for 6 months or because all parties have left the previous state, the court can nevertheless exercise jurisdiction if there **is no other state with home state status and North Carolina has significant connection substantial evidence jurisdiction pursuant to 50A-201(a)(2)**. To meet this jurisdiction standard the court must find two things:

First, the child and the child's parents or person acting as a parent have **significant connections** with the state other than physical presence, and

Second there is **substantial evidence** in the state concerning the child's care, protection, training and personal relationships.

This standard is much more *subjective* than home state jurisdiction. Remember that it can only be considered if the court first concludes the child has no home state.

### Appellate Opinions (26/41)

North Carolina has only two appellate opinions examining the application of significant connection/substantial evidence jurisdiction. In *Pheasant v. McKibben*, 100 NC App 379 (1990), the court found that North Carolina did have significant connection jurisdiction in a situation where the child had lived in North Carolina with his mother for 14 out of the previous 24 months. In *Holland v. Holland*, 56 NC App 96 (1982), the court determined that North Carolina did not have significant connection/substantial evidence jurisdiction where the 11-year-old child had spend the last 6 years in Georgia. In the *Holland* case, the court held that before exercising significant connection/substantial evidence jurisdiction, the trial court should conclude there is evidence in the state **beyond "the declarations of competing parents" and that there are resources of information in the state that address aspects of the child's "present or future care, protection, training, and personal relationships"**.

### More Convenient Forum

When a state does not have home state jurisdiction or significant connection/substantial evidence jurisdiction, the state nevertheless may obtain jurisdiction from a state with jurisdiction if the state with jurisdiction determines that the other state is the more appropriate forum within which to litigate the custody dispute. G.S. 50A-207 allows a court with jurisdiction to "decline" to exercise jurisdiction when that court determines based on factors set out in that statute that it is more appropriate for a court in another state to hear and decide the custody matter. So for example, if Tennessee is the home state of a child because the child lived in Tennessee for more than six months, but moved to North Carolina less than six months ago with mom, and dad remains in Tennessee, the Tennessee court may decide that it is more appropriate to allow North Carolina to litigate the custody issue. The Tennessee court may base that decision on number of factors, including the relative financial situations of the parties and the location of the evidence that will be necessary in a custody trial. If Tennessee makes such a

determination, North Carolina will have jurisdiction to decide custody, even though Tennessee is the home state of the child.

Test Yourself (27/41)

### **Modification Jurisdiction (28/41)**

A modification proceeding is defined by 50A-102(11) as a “custody determination that changes, replaces, or supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.”

### **Continuing Exclusive Jurisdiction (29/41)**

The key concept in modification jurisdiction is the concept of **continuing exclusive jurisdiction** or **CEJ** for short. The concept of CEJ was created in order to limit the ability of state courts to modify custody orders validly entered in another state. **GS 50A-203 prohibits a North Carolina court from modifying an order of another state, unless the North Carolina court first determines that the state which entered the order no longer has CEJ, or the state has CEJ but has entered an order concluding North Carolina should exercise jurisdiction because it is a more convenient forum.**

### **CEJ (30/41)**

So when does a court have CEJ? CEJ is defined in GS 50A-202. That statute provides that when a state enters an initial order, that state retains the continuing exclusive jurisdiction to modify that order until:

***that state determines it no longer has significant connection/substantial evidence jurisdiction, or***

***any state determines that none of the parties to the initial custody order or the child continue to reside in the state that entered the initial order.***

This means simply that once a court makes a custody determination, that state retains the exclusive authority to make all decisions about jurisdiction as long as one party or the child continues to reside in that state. This doesn't necessarily mean that the state will in fact have jurisdiction in a particular case, but rather it means that the state will be the only state with authority to make a jurisdictional decision. Once all the parties and the child leave the state however, then other courts can determine if they have jurisdiction to modify an order.

### **Modification Jurisdiction Example**

So, for example, suppose New York entered an initial custody order regarding a child in 2010. Immediately thereafter, mom and child move to North Carolina and dad moves to Tennessee. If any action is filed seeking modification of that 2010 New York custody order, the New York court will not

have CEJ because both parties and the child have left New York. However, if dad had stayed in New York rather than moving to Tennessee, the New York court would have CEJ, meaning the New York court would have the exclusive right to determine whether New York still has grounds to exercise jurisdiction at the time the motion to modify is filed. No other state court would have the authority to make that determination, as long as dad continues to reside in New York.

### **Modification Jurisdiction for Orders Entered in Other States (31/41)**

G.S. 50A-203 provides that a North Carolina court can modify an order entered in another state only if the North Carolina judge determines:

**First**, that **no other state has CEJ**, or that the state with CEJ has decided North Carolina is the more convenient forum pursuant to GS 50A-207 which we discussed earlier in the context of initial jurisdiction - **and**

**Second**, **NC has a basis for jurisdiction under GS 50A-201(a)(1) or (a)(2)**, meaning North Carolina now is the home state, or there is no home state and North Carolina has significant connection/substantial evidence jurisdiction.

### **Modification Jurisdiction Example**

So, returning to our previous example where the New York court entered an initial custody order in 2010. Suppose that after entry of the custody order, mom and child move to North Carolina and dad moves to Tennessee. When mom and child have lived in North Carolina for one year, mom files a motion to modify the New York custody order in a North Carolina court. In this situation, North Carolina has modification jurisdiction because first, New York does not have CEJ because all parties and the child have left that state. And second, North Carolina is now the home state of the child because the child has lived in this state for more than 6 months. The answer would be different however, if dad had stayed in New York. If dad was still in New York when mom filed the request for modification, North Carolina would not have subject matter jurisdiction to consider the modification request because New York has CEJ. In that situation, New York could decide, pursuant to the terms of GS 50A-207, that North Carolina is the more convenient forum to litigate the modification hearing. If New York declines jurisdiction in this way, North Carolina will have subject matter jurisdiction to consider the modification request.

### **Modification of North Carolina Orders (32/41)**

A North Carolina court must consider modification jurisdiction rules even if the initial custody order was entered by a North Carolina court. GS 50A-202(b) prohibits modification of a North Carolina order by a North Carolina court unless the North Carolina court first determines that North Carolina has CEJ, meaning at least one party or the child resides here *and* there is significant connection/substantial evidence jurisdiction. North Carolina also may have modification jurisdiction even if it does not have CEJ if North Carolina is the home state at the time the modification request is filed in North Carolina, or if there is no home state and North Carolina has significant connection/substantial evidence jurisdiction.

And, as always, North Carolina can exercise jurisdiction if a state with jurisdiction has entered an order stating North Carolina is more appropriate forum for deciding custody.

Test Yourself (33/41)

### Emergency Jurisdiction (34/41)

As do all laws dealing with the custody of children, the UCCJEA recognizes that there will be times when a court must be able to act to protect a child from harm, even if that court does not have jurisdiction to enter an initial order or modify an existing order. GS 50A-204 allows a court to exercise **temporary emergency jurisdiction** in certain circumstances. The official comments to that statute state that emergency jurisdiction is ***an extraordinary jurisdiction reserved for extraordinary circumstances***. GS 50A-204(a) allows a NC court to exercise emergency jurisdiction if two circumstances are present:

**First**, the child is present in NC, and

**Second**, the court determines *either* that the child has been abandoned or it is necessary in an emergency to protect child because child or sibling or parent of the child is subjected to or threatened with abuse.

Test Yourself (35/41)

### Emergency Jurisdiction (36/41)

So, how does a court exercise temporary emergency jurisdiction? The procedure is set out in detail in GS 50A-204. If a state with “real” jurisdiction has acted or is acting with regard to the child, the North Carolina judge being asked to assume emergency jurisdiction must immediately communicate with the court in the other state to resolve the emergency. Returning to our earlier example, suppose New York has acted by entering a custody order in 2010 and dad remains in New York while mom and child have moved to North Carolina. Before sending child to New York to visit with dad, mom discovers child was abused by dad’s new girlfriend the last time child visited New York. Mom files an action in North Carolina asking the court to modify the visitation provisions in the New York custody order. In this situation, New York has CEJ so North Carolina does not have jurisdiction to modify the New York custody order. However, based on the allegations of possible abuse and the fact that the child is present in North Carolina when the modification request was filed, the North Carolina court can exercise temporary emergency jurisdiction if the court thinks it is necessary to do so to protect the child. However, because New York has entered a custody order, meaning it “has acted” in the past and still has jurisdiction, the North Carolina court must **immediately communicate** with the New York court to determine how to best “resolve the emergency” and return the custody issue to the court with appropriate jurisdiction, in this case New York. The conversation between the North Carolina judge and the judge in New York must focus on how to protect the safety of the parties and the child and determine a period of time for

the duration of the temporary emergency order. It is critical that the North Carolina judge contact the New York court as soon as possible. In the case of *In re J.W.S.*, 194 NC App 439 (2008), the North Carolina Court of Appeals held that an adjudication order in a juvenile case entered by North Carolina judge was void for lack of subject matter jurisdiction where the record showed that the North Carolina judge did not make immediate contact with a New York court that had entered a temporary custody order with regard to the same child six years earlier. Also, North Carolina appellate courts have made it clear in cases such as *In re Malone*, 129 NC App 338 (1998), that *the judge* must make contact with the other court. An attorney or representative from the Department of Social Services may not perform this task on behalf of the judge.

### **Emergency Jurisdiction (37/41)**

Any emergency order entered by a North Carolina judge after talking with a judge in the state with jurisdiction must be of limited duration. The North Carolina order must specify a period of time the court considers adequate for the person asking for emergency relief to schedule a hearing before the court in the state with jurisdiction. So returning to our example, any order entered by the North Carolina judge must expire by its own terms on a date specified in the order. The North Carolina judge will set this expiration date based on information obtained from the New York judge concerning when the New York judge will be able to hear mom's modification request.

### **Emergency jurisdiction (38/41)**

The process is much less complicated if the state with jurisdiction has not acted in the past and is not acting at the present time. In that case, if the judge determines 1) the child is present in North Carolina, 2) there is a basis for exercising emergency jurisdiction and 3) there is no previous or ongoing custody matter in the state with jurisdiction, the North Carolina judge has no obligation to make contact with the judge in the other state, and the order entered by the North Carolina judge is not required to contain a clear termination date. GS 50A-204(b) states that a custody determination made pursuant to emergency jurisdiction when the state with jurisdiction has not acted and is not acting at present may "become a final determination if it so provides, and this state becomes the home state of the child." However, if the court with jurisdiction acts at any time before North Carolina becomes home state, then the North Carolina judge must immediately communicate with the other court. This requirement is found in 50A-204(d).

### **Test Yourself (39/41)**

### **Emergency Jurisdiction (40/41)**

Emergency jurisdiction is invoked most frequently in juvenile cases and most of the time in these cases a North Carolina court will have the authority to enter orders necessary to protect children. However, recent appellate case law in North Carolina has made it clear that the procedures set forth in the

UCCJEA must be followed closely in order for these emergency orders to be valid in North Carolina and subject to recognition by other states.

**Wrap Up (41/41)**

This presentation was intended to be an introduction to the law relating to jurisdiction in court proceedings involving child custody. This is a very technical area of the law, but answers to most questions can be found within the statutory provisions of chapter 50A, the UCCJEA. In addition for your reference, a flow chart outline of this jurisdictional analysis can be found at the link below. As always, if you have any questions, feel free to contact me at the phone number or email address on the screen.