

Senator Michael Rodrigues, Chair
Senate Committee on Ways & Means
State House, Room 212
24 Beacon Street
Boston, Massachusetts 02133

Cc: Senator Jamie Eldridge, Senator Cynthia Creem

Re: S. 2754, An act relative to the uniform child custody jurisdiction and enforcement act

Dear Chair Rodrigues:

We are writing on behalf of our organizations—the Boston Bar Association, the Massachusetts Bar Association, and the Massachusetts chapter of the American Academy of Matrimonial Lawyers—in support of S. 2754, An act relative to the Uniform Child Custody Jurisdiction and Enforcement Act. **We respectfully request that the Senate Ways & Means Committee report the bill to the floor, so that Massachusetts can join every other state in the US in enacting the UCCJEA.**

The purpose of the act is to remedy conflicts that occur under the current Massachusetts child-custody jurisdiction scheme (M.G.L. c. 209B) when one of the parents of the child lives in another state. Under the UCCJEA, once a state has exercised jurisdiction over custody, that state has exclusive jurisdiction over potential changes in the judgment or order, so long as a parent, the child, or someone acting as a parent remains in the original issuing state. This is a change from our current law, which cedes jurisdiction over our own custody orders to the home state of the custodial parent and child after six (6) months of their residency in the new state. Massachusetts is the only state that cedes jurisdiction over its own orders in this way.

The current Massachusetts law is often unfair to the “left behind” non-custodial parent, who is then forced to travel and litigate in another state to resolve custody issues which arise after the departure from Massachusetts. The goal of the UCCJEA is to prevent forum-shopping by a parent seeking a more-favorable outcome in another state, and to prevent the problem of dueling lawsuits in different jurisdictions. The UCCJEA’s “exclusive jurisdiction” design for child-custody cases mirrors current law in all fifty states for child-support jurisdiction, including Massachusetts (M.G.L. c. 209D).

The mobility of US citizens has increased over time and will likely continue to do so. More and more people move about the country for various reasons, taking children with them. This only serves to heighten the importance of the UCCJEA. Efforts to permanently remove children from Massachusetts are the subject of some of the most difficult domestic litigation. These cases almost always go to trial because non-custodial parents are reluctant—and rightly so—to agree to allow a custodial parent to move out of Massachusetts if the result will be that, once six months have passed, the left-behind non-

custodial parent will be barred from going back to court in Massachusetts should circumstances change.

Enacting the UCCJEA will therefore make it easier for people to reach settlement agreements when the issue of removal arises. It will also create uniformity and cause far less confusion when a former Massachusetts resident seeks a modification in another jurisdiction. Currently in such cases, the former resident may try to convince the new jurisdiction that it should simply ignore the Massachusetts custody ruling. Again, all of the other 49 states have already enacted the UCCJEA.

S. 2754 was reported favorably by the Judiciary Committee after input from the Probate & Family Court, and it has passed the Senate in multiple previous sessions. The family-law bar in Massachusetts is united behind the legislation, and we are aware of no opposition.

We believe that the status quo is untenable for the vast majority of families who have parents living in different states, and we hope that Massachusetts will not continue to be the only holdout on enacting the UCCJEA. We are committed to enactment of a better custody-jurisdiction law for Massachusetts in this legislative session, and we believe the UCCJEA accomplishes this.

Although time is short in the current legislative session, we hope the Legislature does not miss the opportunity to enact this bill, and we are all available to help you in your work or to answer any questions you may have.

Sincerely,

Boston Bar Association, Massachusetts Bar Association, and Massachusetts chapter of the American Academy of Matrimonial Lawyers