

REGISTRATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

The attached forms are available for use for the purpose of simply registering an out-of-state custody order. This packet may not include all forms required for your particular circumstances. If you are seeking to establish or modify custody under the UCCJEA, you may be required to file additional pleadings. You may consult with an attorney or you may find helpful information on the State Court Administrator Office's self-help legal center at michiganlegalhelp.org.

Register Interstate Child-Custody Determination Checklist

The Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA), MCL 722.1101 *et seq.*, prescribes the court's powers and duties in a child-custody proceeding¹ that involves this state and a proceeding or party outside of this state.

A child-custody determination² issued by a court of another state may be registered in Michigan (with or without a simultaneous request for enforcement). MCL 722.1304(1). There is no fee for registration. MCR 3.214(D). Subchapter 3.200 of the Michigan Court Rules, which governs domestic relations actions, applies to an expedited proceeding "to register a foreign judgment or order under [the UCCJEA]," and to any ancillary or subsequent proceedings related to custody, parenting time, or support. Once registered, the court MAY grant relief available under Michigan law to enforce the registered child-custody determination made by a court of another state. MCL 722.1305(1). For a checklist on a request for enforcement, see the Michigan Judicial Institute's *Request for Enforcement of Child-Custody Determination Checklist (Preliminary Matters)* and *Request for Enforcement of Child-Custody Determination Checklist (Hearing)*.

Note: Modification of another state's child-custody determination is not permissible except in accordance with the UCCJEA, article 2. MCL 722.1305(2). Refer to the Michigan Judicial Institute's *Determine or Modify an Interstate Child-Custody Dispute Checklist (Preliminary Matters)* and *Determine or Modify an Interstate Child-Custody Dispute Checklist (Hearing)*.

Confirmation of a registered child-custody determination precludes further contest of the child-custody determination with respect to a

¹ For purposes of the UCCJEA, *child-custody proceeding* is defined in MCL 722.1102(d).

² For purposes of the UCCJEA, *child-custody determination* is defined in MCL 722.1102(c).

matter that could have been asserted at the time of registration. MCL 722.1304(6).

To make sure all the proper procedures have been followed:

- Determine the child is not an Indian child³ OR the child is or the court has reason to believe the child is an Indian child and the provisions of the Indian Child Welfare Act (ICWA), 25 USC 1901 *et seq.*, and the Michigan Indian Family Preservation Act (MIFPA), MCL 712B.1 *et seq.*, are being followed. MCL 722.1104(1).
- Ensure the requesting party submitted:
 - a letter or other document requesting registration, AND
 - two copies, including one certified copy, of the child-custody determination sought to be registered, AND
 - a statement under penalty of perjury that, to the best of the knowledge and belief of the person seeking registration, the child-custody determination has not been modified, AND
 - the name and address of the person seeking registration and of each parent or person acting as a parent who has been awarded custody or parenting time in the child-custody determination sought to be registered. MCL 722.1304(1).
 - If a party alleges that a party's or child's health, safety, or liberty is at risk by the disclosure of identifying information, seal and do not disclose the information to the other party or the public. MCL 722.1209(5); MCL 722.1304(1).
 - If after a hearing in which the party's or child's health, safety, and liberty were considered and it is determined that the disclosure is in the interest of justice, the court may order disclosure of the identifying information. MCL 722.1209(5); MCL 722.1304(1).

On receipt of submitting documents, the registering court must:

³ “Indian child” means an unmarried person who is under the age of 18 and is either of the following: (i) [a] member of an Indian tribe[;] (ii) [e]ligible for membership in an Indian tribe as determined by that Indian tribe.” MCL 712B.3(k). See also MCR 3.002(12), which contains substantially similar language; 25 USC 1903(4), which contains substantially similar language except that it also requires that the Indian child “[be] eligible for membership in an Indian tribe *and* [be] the biological child of a member of an Indian tribe.” (Emphasis added.)

- Cause the child-custody determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information regardless of form. MCL 722.1304(2).
- Serve notice on the person seeking registration and each parent or person acting as parent who has been awarded custody or parenting time in the child-custody determination that provides:
 - a registered child-custody determination is enforceable as of the date of the registration in the same manner as a child-custody determination issued by a court of this state.
 - a hearing to contest the validity of the registered child-custody determination must be requested within 21 days after service of notice.
 - failure to contest the registration will result in confirmation of the child-custody determination and preclude further contest of that child-custody determination with respect to a matter that could have been asserted. MCL 722.1304(2); MCL 722.1304(3).
- Provide an opportunity to contest the registration. MCL 722.1304(2).

Determine whether a hearing has been requested by a person seeking to contest the validity of the registered child-custody determination within 21 days after service of notice. See MCL 722.1304(4).

- If NO, confirm the registered child-custody determination as a matter of law. Notify the person requesting registration, and each person served, of the confirmation. MCL 722.1304(5).
- If YES, hold a contested hearing.

During a contested hearing:

- Confirm the registered child-custody determination UNLESS the person contesting the registration establishes one of the following:
 - the issuing court did not have jurisdiction under the UCCJEA, article 2.⁴
 - the child-custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under the UCCJEA, article 2.

the person contesting registration was entitled to notice in the proceedings before the court that issued the child-custody determination for which registration is sought, but notice of those proceedings was not given in accordance with the standard of MCL 722.1108. MCL 722.1304(4).

For court forms related to domestic relations actions, see the One Court of Justice website.

For additional domestic relations resources, see the Friend of the Court Bureau website.

⁴A Michigan trial court is not required to afford full faith and credit to another state's child-custody order when the other state lacked subject-matter jurisdiction over the case under the UCCJEA. *Nock v Miranda-Bermudez*, ___ Mich App ___, ___ (2023) (California lacked subject-matter jurisdiction over a custody dispute when the defendant filed for custody in California more than six months after the plaintiff moved the children with her to Michigan, making Michigan the home state for purposes of the UCCJEA and authorizing the Michigan trial court to issue orders concerning custody of the parties' children).

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTYNOTICE OF REGISTRATION OF
OUT-OF-STATE CHILD-CUSTODY
DETERMINATION(UCCJEA)

CASE NO.

Court address

Court telephone no.

TO:

Respondent name, address, and telephone no.
(nonregistering party)

1. Date of registration: _____

2. Date of notice: _____

3. An order for

 custody
 parenting time,

issued by a court in

Issuing tribunal and state

Petitioner name

v

Respondent name

on _____ has been
Date

registered with the county clerk of this county.

4. A copy of the registered child-custody determination is attached.
5. A registered child-custody determination or any order to enforce issued by another state is entitled to full faith and credit, unless the order has been vacated, stayed, or modified.
6. A hearing to contest the validity of the registered child-custody determination must be requested within 21 days after service of this notice by completing the request for hearing on the bottom of this notice and returning it to the court address above.
7. Failure to contest the registration will result in confirmation of the child-custody determination and preclude further contest of that child-custody determination with respect to a matter that could have been asserted.
8. If you request a hearing, you will be notified of the date, time, and location of the hearing, by first-class mail sent to the address you provide.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this notice and a copy of the required documents on the parties or their attorneys by first-class mail addressed to the addresses provided pursuant to MCL 722.1304(1)(C).

Date

Signature of clerk

To request a hearing, check the appropriate box in item 1, sign and date the request, and return it to the court at the above address.

REQUEST FOR HEARING

1. I request a hearing on the validity of the registration of a custody/parenting time order for the following reason(s). (Check all that apply.)
 - The issuing court did not have jurisdiction.
 - The child-custody determination sought to be registered has been vacated, stayed, or modified by a court of a state having jurisdiction to do so.
 - I did not receive proper notice before the child-custody determination was issued.
2. My address, if different from above, is _____

Date

/s/
Signature

STATE OF MICHIGAN
JUDICIAL CIRCUIT
PROBATE COURT
COUNTY

UNIFORM CHILD CUSTODY
JURISDICTION
ENFORCEMENT ACT AFFIDAVIT

CASE NO. and JUDGE

Court address

Court telephone no.

Plaintiff's name	v	Defendant's name
In the matter of _____		

1. The name and present address of each child (under 18) in this case is:
2. The Cities/States/Countries the child(ren) have lived in during the last 5 years along with the dates the child(ren) lived there (include addresses if available):
3. The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:
4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child(ren), in this state or any other state, **except:** Specify case name and number, court name and address, and date of child custody determination, if one.

5. I do not know of any pending proceeding that could affect the current child custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, in this state or any other state, **except:** Specify case name and number, court name and address, and nature of the proceeding.

That proceeding is continuing. has been stayed by the court.

Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation

6. I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except:** State name(s) and address(es) of each person.

7. The child(ren)'s "home state" is _____ . *See definition of "home state" below.

8. I state that a party's or child's health, safety, or liberty would be put at risk by the disclosure of this identifying information.

I have filled this form out completely, and I acknowledge a continuing duty to advise this court of any proceeding in this state or any other state that could affect the current child-custody proceeding.

Signature of affiant _____ **Name of affiant (type or print)** _____ **Address of affiant** _____

Name of animal (type of print)

Address of applicant

Subscribed and sworn to before me on _____
Date _____

Deputy clerk/Notary public signature

My commission expires on _____.

Name (type or print)

Notary public, State of Michigan, County of _____ . Acting in the County of _____
 This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

******"Home state" means the state in which the child(ren) lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with a parent or person acting as a parent. A period of temporary absence of a parent or person acting as a parent is included as part of the period. MCL 722.1102(g).

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER REGARDING REGISTRATION OF OUT-OF-STATE CHILD-CUSTODY DETERMINATION (UCCJEA)	CASE NO.
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Court address

FAX no.

Court telephone no.

Petitioner name, address, and telephone no.

Attorney:

v

Respondent name, address, and telephone no.

Attorney:

1. An order issued by _____ providing for custody/parenting time was registered
 Name of issuing tribunal and state _____
 in this county on _____ .
 Date _____
2. A notice of registration of out-of-state child-custody determination, dated _____, was served on the respondent.

THE COURT FINDS:

3. a. The respondent did not request a hearing within 21 days from the date of the notice.
 b. The respondent challenged the validity of the enforcement of the order and evidence was presented.
 c. The respondent requested a hearing but failed to appear.
 d. The issuing state lacked jurisdiction to make the determination.
 e. The child-custody determination has been vacated, stayed, or modified by a court of a state having jurisdiction to do so.
 f. The respondent did not receive proper notice before the child-custody determination was issued.

IT IS ORDERED:

4. a. The registration is confirmed. Confirmation of a registered child-custody determination, whether by operation of law or after notice and hearing, precludes further contest of the child-custody determination with respect to a matter that could have been asserted at the time of registration.
 b. The registration is vacated.

Date _____

Judge _____

Bar no. _____