

2015 -- H 5960

=====
LC001669
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————
A N A C T

RELATING TO DOMESTIC RELATIONS -- UNIFORM CHILD CUSTODY JURISDICTION
AND ENFORCEMENT ACT

Introduced By: Representatives Filippi, Roberts, Nardolillo, and Price

Date Introduced: March 20, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-14.1-19 of the General Laws in Chapter 15-14.1 entitled
2 "Uniform Child Custody Jurisdiction and Enforcement Act" is hereby amended to read as
3 follows:

4 **15-14.1-19. Inconvenient forum.** -- (a) A court of this state which has jurisdiction under
5 this chapter to make a child custody determination may decline to exercise its jurisdiction at any
6 time if it determines that it is an inconvenient forum under the circumstances and that a court of
7 another state is a more appropriate forum. The issue of inconvenient forum may be raised upon
8 motion of a party, the court's own motion, or request of another court.

9 (b) Before determining whether it is an inconvenient forum, a court of this state shall
10 consider whether it is appropriate for a court of another state to exercise jurisdiction. For this
11 purpose, the court shall allow the parties to submit information and shall consider all relevant
12 factors, including:

13 (1) Whether domestic violence has occurred and is likely to continue in the future and
14 which state could best protect the parties and the child;

15 (2) The length of time the child has resided outside this state;

16 (3) The distance between the court in this state and the court in the state that would
17 assume jurisdiction;

18 (4) The relative financial circumstances of the parties;

1 (5) Any agreement of the parties as to which state should assume jurisdiction;

2 (6) The nature and location of the evidence required to resolve the pending litigation,
3 including testimony of the child;

4 (7) The ability of the court of each state to decide the issue expeditiously and the
5 procedures necessary to present the evidence; and

6 (8) The familiarity of the court of each state with the facts and issues in the pending
7 litigation.

8 (c) If a court of this state determines that it is an inconvenient forum and that a court of
9 another state is a more appropriate forum, it shall stay the proceedings upon condition that a child
10 custody proceeding be promptly commenced in another designated state and may impose any
11 other condition the court considers just and proper.

12 (d) A court of this state may decline to exercise its jurisdiction under this chapter if a
13 child custody determination is incidental to an action for divorce or another proceeding while still
14 retaining jurisdiction over the divorce or other proceeding.

15 (e) Notwithstanding any provision of this or any other statute to the contrary, an
16 agreement of the parties as to which state shall assume jurisdiction to make a determination as to
17 child custody shall be enforced by the court of this state having jurisdiction of the matter if the
18 matter pending before the court involves a foreign country.

19 SECTION 2. This act shall take effect upon passage.

=====
LC001669
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO DOMESTIC RELATIONS -- UNIFORM CHILD CUSTODY JURISDICTION
AND ENFORCEMENT ACT

- 1 This act would provide that agreements between the parties as to jurisdiction of child
- 2 custody disputes will be enforced when a foreign country is involved.
- 3 This act would take effect upon passage.

=====
LC001669
=====