

SENATE No. 2550

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, July 10, 2025.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to the uniform child custody jurisdiction and enforcement act (Senate, No. 1052), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2550).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to the uniform child custody jurisdiction and enforcement act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are hereby amended by striking out chapter 209B and
2 inserting in place thereof the following chapter:-

3 CHAPTER 209B

4 UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

5 ARTICLE 1. GENERAL PROVISIONS

6 Section 1-101. SHORT TITLE

7 This chapter may be cited as the Massachusetts Uniform Child Custody Jurisdiction and
8 Enforcement Act.

9 Section 1-102. DEFINITIONS

10 As used in this chapter, the following words shall have the following meanings unless the
11 context clearly requires otherwise:

12 “Abandoned”, left without provision for reasonable and necessary care or supervision.

13 “Child”, an individual who has not attained 18 years of age.

14 “Child-custody determination”, a judgment, decree or other order of a court providing for
15 legal custody, physical custody, parenting time or visitation with respect to a child. The term
16 shall include a permanent, temporary, initial and modification order. The term shall not include
17 an order relating to child support or other monetary obligations of an individual.

18 “Child-custody proceeding”, a proceeding in which legal custody, physical custody,
19 parenting time or visitation with respect to a child is at issue. The term shall include a proceeding
20 for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of
21 parental rights and protection from domestic violence in which the issue may appear. The term
22 shall not include a proceeding involving juvenile delinquency, contractual emancipation or
23 enforcement under article 3.

24 “Commencement”, the filing of the first pleading in a proceeding.

25 “Court”, an entity authorized under the law of a state to establish, enforce or modify a
26 child-custody determination.

27 “Domestic violence”, abuse as defined in section 1 of chapter 209A.

28 “Home state”, the state in which a child lived with a parent or a person acting as a parent
29 for not less than 6 consecutive months immediately before the commencement of a child-custody
30 proceeding. For a child less than 6 months of age, “home state” shall mean the state in which the
31 child lived from birth with any of the persons mentioned. A period of temporary absence of any
32 of the mentioned persons is part of the period.

33 “Initial determination”, the first child-custody determination concerning a particular
34 child.

35 “Issuing court”, the court that makes a child-custody determination for which
36 enforcement is sought under this chapter.

37 “Issuing state”, the state in which a child-custody determination is made.

38 “Modification”, a child-custody determination that changes, replaces, supersedes or is
39 otherwise made after a previous determination concerning the same child, whether or not it is
40 made by the court that made the previous determination.

41 “Person”, an individual, corporation, business trust, estate, trust, partnership, limited
42 liability company, association, joint venture, government; governmental subdivision, agency, or
43 instrumentality; public corporation or any other legal or commercial entity.

44 “Person acting as a parent”, a person, other than a parent, who: (i) has physical custody of
45 the child or has had physical custody for a period of 6 consecutive months, including any
46 temporary absence, within 1 year immediately before the commencement of a child-custody
47 proceeding; and (ii) has been awarded legal custody by a court or claims a right to legal custody
48 under the law of the commonwealth.

49 “Physical custody”, the physical care and supervision of a child.

50 “State”, a state of the United States, the District of Columbia, the Commonwealth of
51 Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the
52 jurisdiction of the United States.

53 “Tribe”, an Indian tribe or band, or Alaskan Native village, that is recognized by federal
54 law or formally acknowledged by a state.

55 “Warrant”, an order issued by a court authorizing law enforcement officers to take
56 physical custody of a child.

57 Section 1-103. PROCEEDINGS GOVERNED BY OTHER LAW

58 This chapter does not govern an adoption proceeding or a proceeding pertaining to the
59 authorization of emergency medical care for a child.

60 Section 1-104. APPLICATION TO INDIAN TRIBES

61 (a) A child-custody proceeding that pertains to an Indian child as defined in the Indian
62 Child Welfare Act, 25 U.S.C. 1901 et seq., is not subject to this chapter to the extent it is
63 governed by the Indian Child Welfare Act.

64 (b) A court of the commonwealth shall treat a tribe as if it were a state of the United
65 States for the purpose of applying articles 1 and 2.

66 (c) A child-custody determination made by a tribe under factual circumstances in
67 substantial conformity with the jurisdictional standards of this chapter shall be recognized and
68 enforced under article 3.

69 Section 1-105. INTERNATIONAL APPLICATION OF ACT

70 (a) A court of the commonwealth shall treat a foreign country as if it were a state of the
71 United States for the purpose of applying articles 1 and 2.

72 (b) Except as otherwise provided in subsection (c), a child-custody determination made in
73 a foreign country under factual circumstances in substantial conformity with the jurisdictional
74 standards of this chapter shall be recognized and enforced under article 3.

75 (c) The court of the commonwealth need not apply this chapter if the child custody law of
76 a foreign country violates fundamental principles of human rights.

77 Section 1-106. EFFECT OF CHILD-CUSTODY DETERMINATION

78 A child-custody determination made by a court of the commonwealth that had
79 jurisdiction under this chapter binds all persons who have been served in accordance with the
80 laws of the commonwealth or notified in accordance with section 1-108 or who have submitted
81 to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those
82 persons, the determination is conclusive as to all decided issues of law and fact except to the
83 extent the determination is modified.

84 Section 1-107. PRIORITY

85 If a question of existence or exercise of jurisdiction under this chapter is raised in a child-
86 custody proceeding, the question, upon request of a party, shall be given priority on the calendar
87 and handled expeditiously.

88 Section 1-108. NOTICE TO PERSONS OUTSIDE STATE

89 (a) Notice required for the exercise of jurisdiction when a person is outside the
90 commonwealth may be given in a manner prescribed by the law of the commonwealth for the
91 service of process or by the law of the state in which the service is made. Notice shall be given in

92 a manner reasonably calculated to give actual notice but may be by publication if other means
93 are not effective.

94 (b) Proof of service may be made in the manner prescribed by the law of the
95 commonwealth or by the law of the state in which the service is made.

96 (c) Notice shall not be required for the exercise of jurisdiction with respect to a person
97 who submits to the jurisdiction of the court.

98 Section 1-109. APPEARANCE AND LIMITED IMMUNITY

99 (a) A party to a child-custody proceeding, including a modification proceeding, or a
100 petitioner or respondent in a proceeding to enforce or register a child-custody determination shall
101 not be subject to personal jurisdiction in the commonwealth for another proceeding or purpose
102 solely by reason of: (i) having participated, or of having been physically present for the purpose
103 of participating in a proceeding under this chapter; or (ii) having participated, or having been
104 physically present for the purpose of participating, in another proceeding.

105 (b) A person who is subject to personal jurisdiction in the commonwealth on a basis
106 other than physical presence is not immune from service of process in the commonwealth. A
107 party present in the commonwealth who is subject to the jurisdiction of another state shall not be
108 immune from service of process allowable under the laws of that state.

109 (c) The immunity granted by subsection (a) shall not extend to civil litigation based on
110 acts unrelated to the participation in a proceeding under this chapter committed by an individual
111 while present in the commonwealth.

112 Section 1-110. COMMUNICATION BETWEEN COURTS

113 (a) A court of the commonwealth may communicate with a court in another state
114 concerning a proceeding arising under this chapter.

115 (b) The court may allow the parties to participate in the communication. If the parties are
116 not able to participate in the communication, they shall be given the opportunity to present facts
117 and legal arguments before a decision on jurisdiction is made.

118 (c) Communication between courts on schedules, calendars, court records and similar
119 matters may occur without informing the parties. A record need not be made of that
120 communication.

121 (d) Except as otherwise provided in subsection (c), a record shall be made of the
122 communication under this section. The parties shall be informed promptly of the communication
123 and granted access to the record.

124 (e) For the purposes of this section, “record” shall mean information that is inscribed on a
125 tangible medium or that is stored in an electronic or other medium and is retrievable in
126 perceivable form.

127 Section 1-111. TAKING TESTIMONY IN ANOTHER STATE

128 (a) In addition to other procedures available to a party, a party to a child-custody
129 proceeding may participate by telephonic, audiovisual or other electronic means and may offer
130 testimony of witnesses who are located in another state, including testimony of the parties and
131 the child, by deposition or other means allowable in the commonwealth for testimony taken in
132 another state. In making a request for telephonic, audiovisual or electronic participation, the
133 party shall provide a reason for the request, which may include, but shall not be limited to,

134 whether domestic violence or financial hardship prohibits that party from attending a hearing in
135 the commonwealth. The court on its own motion may order that the testimony of a person be
136 taken in another state and may prescribe the manner in which and the terms upon which the
137 testimony is taken.

138 (b) A court of the commonwealth may permit an individual residing in another state to be
139 deposed or to testify by telephonic, audiovisual or other electronic means before a designated
140 court or at another location in that state. A court of the commonwealth shall cooperate with
141 courts of other states in designating an appropriate location for the deposition or testimony.

142 (c) Documentary evidence transmitted from another state to a court of the commonwealth
143 by technological means that do not produce an original writing shall not be excluded from
144 evidence on an objection based on the means of transmission.

145 Section 1-112. COOPERATION BETWEEN COURTS; PRESERVATION OF
146 RECORDS

147 (a) A court of the commonwealth may request the appropriate court of another state to:

148 (1) hold an evidentiary hearing;

149 (2) order a person to produce or give evidence pursuant to procedures of that state;

150 (3) order that an evaluation be made with respect to the custody of a child involved in a
151 pending proceeding;

152 (4) forward to the court of the commonwealth a certified copy of the transcript of the
153 record of the hearing, the evidence otherwise presented and any evaluation prepared in
154 compliance with the request; and

155 (5) order a party to a child-custody proceeding or a person having physical custody of the
156 child to appear in the proceeding, with or without the child.

157 (b) Upon request of a court of another state, a court of the commonwealth may hold a
158 hearing or enter an order described in subsection (a).

159 (c) Travel and other necessary and reasonable expenses incurred under subsections (a)
160 and (b) may be assessed against the parties according to the law of the commonwealth.

161 (d) A court of the commonwealth shall preserve the pleadings, orders, decrees, records of
162 hearings, evaluations and other pertinent records with respect to a child-custody proceeding until
163 the child attains 18 years of age. Upon appropriate request by a court or law enforcement official
164 of another state, the court shall forward a certified copy of those records.

165 ARTICLE 2. JURISDICTION

166 Section 2-201. INITIAL CHILD-CUSTODY JURISDICTION

167 (a) Except as otherwise provided in section 2-204, a court of the commonwealth shall
168 have jurisdiction to make an initial child-custody determination only if:

169 (1) the commonwealth is the home state of the child on the date of the commencement of
170 the proceeding or was the home state of the child within 6 months before the commencement of
171 the proceeding and the child is absent from the commonwealth but a parent or person acting as a
172 parent continues to live in the commonwealth;

173 (2) a court of another state does not have jurisdiction under paragraph (1) or a court of the
174 home state of the child has declined to exercise jurisdiction on the ground that the
175 commonwealth is the more appropriate forum under section 2-207 or 2-208 and:

176 (i) the child and the child's parents, or the child and at least 1 parent or a person acting as
177 a parent, have a significant connection with the commonwealth other than mere physical
178 presence; and

179 (ii) substantial evidence is available in the commonwealth concerning the child's care,
180 protection, training and personal relationships;

181 (3) all courts having jurisdiction under paragraphs (1) or (2) have declined to exercise
182 jurisdiction on the ground that a court of the commonwealth is the more appropriate forum to
183 determine the custody of the child under section 2-207 or 2-208; or

184 (4) no court of any other state would have jurisdiction under the criteria specified in
185 paragraph (1), (2) or (3).

186 (b) Subsection (a) shall be the exclusive jurisdictional basis for making a child-custody
187 determination by a court of the commonwealth.

188 (c) Physical presence of, or personal jurisdiction over, a party or a child shall not be
189 necessary or sufficient to make a child-custody determination.

190 Section 2-202. EXCLUSIVE, CONTINUING JURISDICTION

191 (a) Except as otherwise provided in section 2-204, a court of the commonwealth that has
192 made a child-custody determination consistent with section 2-201 or 2-203 shall have exclusive,
193 continuing jurisdiction over the determination until:

194 (1) a court of the commonwealth determines that neither the child, nor the child and 1
195 parent, nor the child and a person acting as a parent have a significant connection with the

196 commonwealth and that substantial evidence is no longer available in the commonwealth
197 concerning the child's care, protection, training and personal relationships; or

198 (2) a court of the commonwealth or a court of another state determines that the child, the
199 child's parents, and any person acting as a parent do not presently reside in the commonwealth.

200 (b) A court of the commonwealth that has made a child-custody determination and does
201 not have exclusive, continuing jurisdiction under this section may modify that determination
202 only if it has jurisdiction to make an initial determination under section 2-201.

203 Section 2-203. JURISDICTION TO MODIFY DETERMINATION

204 Except as otherwise provided in section 2-204, a court of the commonwealth shall not
205 modify a child-custody determination made by a court of another state unless a court of the
206 commonwealth has jurisdiction to make an initial determination under paragraph (1) or (2) of
207 subsection (a) of section 2-201 and:

208 (1) the court of the other state determines it no longer has exclusive, continuing
209 jurisdiction under section 2-202 or that a court of the commonwealth would be a more
210 convenient forum under section 2-207; or

211 (2) a court of the commonwealth or a court of the other state determines that the child, the
212 child's parents and any person acting as a parent do not presently reside in the other state.

213 Section 2-204. TEMPORARY EMERGENCY JURISDICTION

214 (a) A court of the commonwealth shall have temporary emergency jurisdiction if the
215 child is present in the commonwealth and the child has been abandoned or it is necessary in an

216 emergency to protect the child because the child, or a sibling or parent of the child, is subjected
217 to or threatened with mistreatment or abuse as defined in section 1 of chapter 209A.

218 (b) If there is no previous child-custody determination that is entitled to be enforced
219 under this chapter and a child-custody proceeding has not been commenced in a court of a state
220 having jurisdiction under sections 2-201 to 2-203, inclusive, a child-custody determination made
221 under this section shall remain in effect until an order is obtained from a court of a state having
222 jurisdiction under said sections 2-201 to 2-203, inclusive. If a child-custody proceeding has not
223 been or is not commenced in a court of a state having jurisdiction under said sections 2-201 to 2-
224 203, inclusive, a child-custody determination made under this section shall become a final
225 determination if it so provides and the commonwealth becomes the home state of the child.

226 (c) If there is a previous child-custody determination that is entitled to be enforced under
227 this chapter or a child-custody proceeding has been commenced in a court of a state having
228 jurisdiction under sections 2-201 to 2-203, inclusive, any order issued by a court of the
229 commonwealth under this section shall specify in the order a period that the court considers
230 adequate to allow the person seeking an order to obtain an order from the state having
231 jurisdiction under said sections 2-201 to 2-203, inclusive. The order issued in the commonwealth
232 shall remain in effect until an order is obtained from the other state within the period specified or
233 the period expires.

234 (d) A court of the commonwealth that has been asked to make a child-custody
235 determination under this section, upon being informed that a child-custody proceeding has been
236 commenced in, or a child-custody determination has been made by, a court of a state having
237 jurisdiction under sections 2-201 to 2-203, inclusive, shall immediately communicate with the

238 other court. A court of the commonwealth that is exercising jurisdiction pursuant to said sections
239 2-201 to 2-203, inclusive, upon being informed that a child-custody proceeding has been
240 commenced in, or a child-custody determination has been made by, a court of another state under
241 a statute similar to this section, shall immediately communicate with the court of that state to
242 resolve the emergency, protect the safety of the parties and the child and determine a period for
243 the duration of the temporary order.

244 Section 2-205. NOTICE; OPPORTUNITY TO BE HEARD; JOINDER

245 (a) Before a child-custody determination is made under this chapter, notice and an
246 opportunity to be heard in accordance with the standards of section 1-108 shall be given to all
247 persons entitled to notice under the law of the commonwealth as in child-custody proceedings
248 between residents of the commonwealth, any parent whose parental rights have not been
249 previously terminated and any person having physical custody of the child.

250 (b) This chapter shall not govern the enforceability of a child-custody determination
251 made without notice and an opportunity to be heard.

252 (c) The obligation to join a party and the right to intervene as a party in a child-custody
253 proceeding under this chapter are governed by the law of the commonwealth as in child-custody
254 proceedings between residents of the commonwealth.

255 Section 2-206. SIMULTANEOUS PROCEEDINGS

256 (a) Except as otherwise provided in section 2-204, a court of the commonwealth shall not
257 exercise its jurisdiction under article 2 if, at the time of the commencement of the proceeding, a
258 proceeding concerning the custody of the child has been commenced in a court of another state

259 having jurisdiction substantially in conformity with this chapter, unless the proceeding has been
260 terminated or is stayed by the court of the other state because a court of the commonwealth is a
261 more convenient forum under section 2-207.

262 (b) Except as otherwise provided in section 2-204, a court of the commonwealth, before
263 hearing a child-custody proceeding, shall examine the court documents and other information
264 supplied by the parties pursuant to section 2-209. If the court determines that a child-custody
265 proceeding has been commenced in a court in another state having jurisdiction substantially in
266 accordance with this chapter, the court of the commonwealth shall stay its proceeding and
267 communicate with the court of the other state. If the court of the state having jurisdiction
268 substantially in accordance with this chapter does not determine that the court of the
269 commonwealth is a more appropriate forum, the court of the commonwealth shall dismiss the
270 proceeding.

271 (c) In a proceeding to modify a child-custody determination, a court of the
272 commonwealth shall determine whether a proceeding to enforce the determination has been
273 commenced in another state. If a proceeding to enforce a child-custody determination has been
274 commenced in another state, the court may:

275 (1) stay the proceeding for modification pending the entry of an order of a court of the
276 other state enforcing, staying, denying or dismissing the proceeding for enforcement;

277 (2) enjoin the parties from continuing with the proceeding for enforcement; or

278 (3) proceed with the modification under conditions it considers appropriate.

279 SECTION 2-207. INCONVENIENT FORUM

280 (a) A court of the commonwealth that has jurisdiction under this chapter to make a child-
281 custody determination may decline to exercise its jurisdiction at any time if the court determines
282 that it is an inconvenient forum under the circumstances and that a court of another state is a
283 more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party,
284 the court's own motion or request of another court.

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

289 (1) whether domestic violence has occurred and is likely to continue in the future and
290 which state could best protect the parties and the child;

291 (2) the length of time the child has resided outside the commonwealth;

292 (3) the distance between the court in the commonwealth and the court in the state that
293 would assume jurisdiction;

294 (4) the relative financial circumstances of the parties;

295 (5) an agreement of the parties as to which state should assume jurisdiction;

296 (6) the nature and location of the evidence required to resolve the pending litigation,
297 including testimony of the child;

298 (7) the ability of the court of each state to decide the issue expeditiously and the
299 procedures necessary to present the evidence; and

300 (8) the familiarity of the court of each state with the facts and issues of the pending
301 litigation.

302 (c) If a court of the commonwealth determines that it is an inconvenient forum and that a
303 court of another state is a more appropriate forum, the court shall stay the proceedings upon
304 condition that a child-custody proceeding be promptly commenced in another designated state
305 and may impose any other condition the court considers just and proper.

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

309 Section 2-208. JURISDICTION DECLINED BY REASON OF CONDUCT

310 (a) Except as otherwise provided in section 2-204 or by another law of the
311 commonwealth, if a court of the commonwealth has jurisdiction under this chapter because a
312 person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall
313 decline to exercise its jurisdiction unless:

314 (1) the parents and all persons acting as parents have acquiesced to the exercise of
315 jurisdiction;

316 (2) a court of the state otherwise having jurisdiction under sections 2-201 to 2-203,
317 inclusive, determines that the commonwealth is a more appropriate forum under section 2-207;
318 or

319 (3) no court of another state would have jurisdiction under the criteria specified in
320 sections 2-201 to 2-203, inclusive.

321 (b) If a court of the commonwealth declines to exercise its jurisdiction pursuant to
322 subsection (a), the court may fashion an appropriate remedy to ensure the safety of the child and
323 prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child-
324 custody proceeding is commenced in a court having jurisdiction under sections 2-201 to 2-203,
325 inclusive.

326 (c) If a court dismisses a complaint or a petition or stays a proceeding because it declines
327 to exercise its jurisdiction under subsection (a), the court shall assess against the party seeking to
328 invoke its jurisdiction necessary and reasonable expenses including costs, communication
329 expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child
330 care during the course of the proceedings, unless the party from whom fees are sought
331 establishes that the assessment would be clearly inappropriate. The court shall not assess fees,
332 costs or expenses against the commonwealth unless authorized by law other than this chapter.

333 Section 2-209. INFORMATION TO BE SUBMITTED TO COURT

334 (a) Subject to local law providing for the confidentiality of procedures, addresses and
335 other identifying information, in a child-custody proceeding, each party, in its first pleading or in
336 an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the
337 child's present address or whereabouts, the places where the child has lived during the last 5
338 years and the names and present addresses of the persons with whom the child has lived during
339 that period. The pleading or affidavit shall state whether the party:

340 (1) has participated, as a party or witness or in any other capacity, in any other
341 proceeding concerning the custody of, the parenting time of or visitation with the child and, if so,
342 identify the court, the case number and the date of the child-custody determination, if any;

343 (2) knows of any proceeding that could affect the current proceeding, including
344 proceedings for enforcement and proceedings relating to domestic violence, protective orders,
345 termination of parental rights and adoptions and, if so, identify the court, the case number and
346 the nature of the proceeding; and

347 (3) knows the names and addresses of any person not a party to the proceeding who has
348 physical custody of the child or claims rights of legal custody or physical custody of, parenting
349 time of or visitation with the child and, if so, the names and addresses of those persons.

350 (b) If the information required by subsection (a) is not furnished, the court, upon motion
351 of a party or its own motion, may stay the proceeding until the information is furnished.

352 (c) If the declaration as to any of the items described in paragraphs (1) to (3), inclusive,
353 of subsection (a) is in the affirmative, the declarant shall give additional information under oath
354 as required by the court. The court may examine the parties under oath as to details of the
355 information furnished and other matters pertinent to the court's jurisdiction and the disposition of
356 the case.

357 (d) Each party shall have a continuing duty to inform the court of any proceeding in the
358 commonwealth or any other state that could affect the current proceeding.

359 (e) If a party alleges in an affidavit or a pleading under oath that the health, safety or
360 liberty of a party or child would be jeopardized by disclosure of identifying information, the
361 information shall be sealed and shall not be disclosed to the other party or the public unless the
362 court orders the disclosure to be made after a hearing in which the court takes into consideration
363 the health, safety or liberty of the party or child and determines that the disclosure is in the
364 interest of justice.

365 Section 2-210. APPEARANCE OF PARTIES AND CHILD

366 (a) In a child-custody proceeding in the commonwealth, the court may order a party to
367 the proceeding who is in the commonwealth to appear before the court in person with or without
368 the child. The court may order any person who is in the commonwealth and who has physical
369 custody or control of the child to appear in person with the child.

370 (b) If a party to a child-custody proceeding whose presence is desired by the court is
371 outside the commonwealth, the court may order that a notice given pursuant to section 1-108
372 include a statement directing the party to appear in person with or without the child and
373 informing the party that failure to appear may result in a decision adverse to the party.

374 (c) The court may enter any orders necessary to ensure the safety of the child and of any
375 person ordered to appear under this section.

376 (d) If a party to a child-custody proceeding who is outside the commonwealth is directed
377 to appear under subsection (b) or desires to appear personally before the court with or without
378 the child, the court may require another party to pay reasonable and necessary travel and other
379 expenses of the party so appearing and of the child.

380 ARTICLE 3. ENFORCEMENT

381 Section 3-301. DEFINITIONS

382 As used in article 3, the following words shall have the following meanings unless the
383 context clearly requires otherwise:

384 “Defendant” or “Respondent”, a person against whom a proceeding has been commenced
385 for enforcement of an order for return of a child under the Hague Convention on the Civil
386 Aspects of International Child Abduction or enforcement of a child-custody determination.

387 “Plaintiff” or “Petitioner”, a person who seeks enforcement of an order for return of a
388 child under the Hague Convention on the Civil Aspects of International Child Abduction or
389 enforcement of a child-custody determination.

390

391 Section 3-302. ENFORCEMENT UNDER HAGUE CONVENTION.

392 A court of the commonwealth may enforce an order for the return of the child made
393 under the Hague Convention on the Civil Aspects of International Child Abduction as if the
394 order were a child-custody determination.

395 Section 3-303. DUTY TO ENFORCE

396 (a) A court of the commonwealth shall recognize and enforce a child-custody
397 determination of a court of another state if the latter court exercised jurisdiction in substantial
398 conformity with this chapter or the determination was made under factual circumstances meeting
399 the jurisdictional standards of this chapter and the determination has not been modified in
400 accordance with this chapter.

401 (b) A court of the commonwealth may utilize any remedy available under the law of the
402 commonwealth to enforce a child-custody determination made by a court of another state. The
403 remedies provided in article 3 are cumulative and shall not affect the availability of other
404 remedies to enforce a child-custody determination.

405 Section 3-304. TEMPORARY VISITATION

406 (a) A court of the commonwealth that does not have jurisdiction to modify a child-
407 custody determination may issue a temporary order enforcing:

408 (1) a parenting plan or visitation schedule made by a court of another state; or

409 (2) the parenting plan or visitation provisions of a child-custody determination of another
410 state that does not provide for a specific visitation schedule.

411 (b) If a court of the commonwealth makes an order under paragraph (2) of subsection (a),
412 it shall specify in the order a period that it considers adequate to allow the plaintiff or petitioner
413 to obtain an order from a court having jurisdiction under the criteria specified in article 2. The
414 order remains in effect until an order is obtained from the other state or the period expires.

415 Section 3-305. REGISTRATION OF CHILD-CUSTODY DETERMINATION

416 (a) A child-custody determination issued by a court of another state may be registered in
417 the commonwealth, with or without a simultaneous request for enforcement, by sending to the
418 appropriate court in the commonwealth:

419 (1) a letter or other document requesting registration;

420 (2) 2 copies, including 1 certified copy, of the determination sought to be registered and a
421 statement under penalty of perjury that to the best of the knowledge and belief of the person
422 seeking registration the order has not been modified; and

423 (3) except as otherwise provided in section 2-209, the name and address of the person
424 seeking registration and any parent or person acting as a parent who has been awarded custody,
425 parenting time or visitation in the child-custody determination sought to be registered.

426 (b) (1) On receipt of the documents required by subsection (a), the registering court shall
427 cause the determination to be filed as a foreign judgment, together with 1 copy of any
428 accompanying documents and information, regardless of their form.

429 (2) The person seeking registration shall serve notice upon the persons named pursuant to
430 paragraph (3) of subsection (a) and provide them with an opportunity to contest the registration
431 in accordance with this section.

432 (c) The notice required by paragraph (2) of subsection (b) shall state that:

433 (1) a registered determination is enforceable as of the date of the registration in the same
434 manner as a determination issued by a court of the commonwealth;

435 (2) a hearing to contest the validity of the registered determination shall be requested
436 within 20 days after service of notice; and

437 (3) failure to contest the registration shall result in confirmation of the child-custody
438 determination and preclude further contest of that determination with respect to any matter that
439 could have been asserted.

440 (d) A person seeking to contest the validity of a registered order shall request a hearing
441 within 20 days after service of the notice. At that hearing, the court shall confirm the registered
442 order unless the person contesting registration establishes that:

443 (1) the issuing court did not have jurisdiction under article 2;

444 (2) the child-custody determination sought to be registered has been vacated, stayed or
445 modified by a court of a state having jurisdiction to do so under article 2; or

446 (3) the person contesting registration was entitled to notice, but notice was not given in
447 accordance with the standards of section 1-108, in the proceedings before the court that issued
448 the order for which registration is sought.

449 (e) If a timely request for a hearing to contest the validity of the registration is not made,
450 the registration is confirmed as a matter of law and the person requesting registration and all
451 persons served shall be notified of the confirmation.

452 (f) Confirmation of a registered order, whether by operation of law or after notice and
453 hearing, precludes further contest of the order with respect to any matter that could have been
454 asserted at the time of registration.

455 Section 3-306. ENFORCEMENT OF REGISTERED DETERMINATION

456 (a) A court of the commonwealth may grant any relief normally available under the law
457 of the commonwealth to enforce a registered child-custody determination made by a court of
458 another state.

459 (b) A court of the commonwealth shall recognize and enforce, but shall not modify,
460 except in accordance with article 2, a registered child-custody determination of a court of another
461 state.

462 Section 3-307. SIMULTANEOUS PROCEEDINGS

463 If a proceeding for enforcement under this article is commenced in a court of the
464 commonwealth and the court determines that a proceeding to modify the determination is

465 pending in a court of another state having jurisdiction to modify the determination under article
466 2, the enforcing court shall immediately communicate with the modifying court. The proceeding
467 for enforcement continues unless the enforcing court, after consultation with the modifying
468 court, stays or dismisses the proceeding.

469 Section 3-308. EXPEDITED ENFORCEMENT OF CHILD-CUSTODY
470 DETERMINATION

471 (a) A complaint or petition under this article shall be verified. Certified copies of all
472 orders sought to be enforced and of any order confirming registration shall be attached to the
473 complaint or petition. A copy of a certified copy of an order may be attached instead of the
474 original.

475 (b) A complaint or petition for enforcement of a child-custody determination shall state:

476 (1) whether the court that issued the determination identified the jurisdictional basis it
477 relied upon in exercising jurisdiction and, if so, what the basis was;

478 (2) whether the determination for which enforcement is sought has been vacated, stayed
479 or modified by a court whose decision shall be enforced under this chapter and, if so, identify the
480 court, the case number and the nature of the proceeding;

481 (3) whether any proceeding has been commenced that could affect the current
482 proceeding, including proceedings relating to domestic violence, protective orders, termination
483 of parental rights and adoptions and, if so, identify the court, the case number and the nature of
484 the proceeding;

485 (4) the present physical address of the child and the defendant or respondent, if known;

486 (5) whether relief in addition to the immediate physical custody of the child and
487 attorney's fees is sought, including a request for assistance from law enforcement officials and, if
488 so, the relief sought; and

489 (6) if the child-custody determination has been registered and confirmed under section 3-
490 305, the date and place of registration.

491 (c) Upon the filing of a complaint or petition, the court shall issue an order directing the
492 defendant or respondent to appear with or without the child at a hearing and may enter any
493 orders necessary to ensure the safety of the parties and the child. The hearing shall be held on the
494 next judicial day after service of the order unless that date is impossible. In that event, the court
495 shall hold the hearing on the first judicial day possible. The court may extend the date of the
496 hearing at the request of the plaintiff or petitioner.

497 (d) An order issued under subsection (c) shall state the time and place of the hearing and
498 shall advise the defendant or respondent that at the hearing the court will order that the plaintiff
499 or petitioner may take immediate physical custody of the child and the payment of fees, costs
500 and expenses under section 3-312 and may schedule a hearing to determine whether further relief
501 is appropriate, unless the defendant or respondent appears and establishes that:

502 (1) the child-custody determination has not been registered and confirmed under section
503 3-305 and that:

504 (i) the issuing court did not have jurisdiction under article 2;

505 (ii) the child-custody determination for which enforcement is sought has been vacated,
506 stayed or modified by a court having jurisdiction to do so under article 2; or

507 (iii) the defendant or respondent was entitled to notice, but notice was not given in
508 accordance with the standards of section 1-108, in the proceedings before the court that issued
509 the order for which enforcement is sought; or

510 (2) the child-custody determination for which enforcement is sought was registered and
511 confirmed under section 3-304, but has been vacated, stayed or modified by a court of a state
512 having jurisdiction to do so under article 2.

513 Section 3-309. SERVICE OF COMPLAINT OR PETITION AND ORDER

514 Except as otherwise provided in section 3-311, the complaint or petition and order shall
515 be served, by any method authorized by the law of the commonwealth, upon the defendant or
516 respondent and any person who has physical custody of the child.

517 Section 3-310. HEARING AND ORDER

518 (a) Unless the court enters a temporary emergency order pursuant to section 2-204, upon
519 a finding that a plaintiff or petitioner is entitled to immediate physical custody of the child, the
520 court shall order that the plaintiff or petitioner may take immediate physical custody of the child
521 unless the defendant or respondent establishes that:

522 (1) the child-custody determination has not been registered and confirmed under section
523 3-305 and that:

524 (i) the issuing court did not have jurisdiction under article 2;

525 (ii) the child-custody determination for which enforcement is sought has been vacated,
526 stayed or modified by a court of a state having jurisdiction to do so under article 2; or

527 (iii) the defendant or respondent was entitled to notice, but notice was not given in
528 accordance with the standards of section 1-108, in the proceedings before the court that issued
529 the order for which enforcement is sought; or

530 (2) the child-custody determination for which enforcement is sought was registered and
531 confirmed under section 3-305 but has been vacated, stayed or modified by a court of a state
532 having jurisdiction to do so under article 2 or federal law.

533 (b) The court shall award the fees, costs and expenses authorized under section 3-312 and
534 may grant additional relief, including a request for the assistance of law enforcement officials,
535 and set a further hearing to determine whether additional relief is appropriate.

536 (c) If a party called to testify refuses to answer on the ground that the testimony may be
537 self-incriminating, the court may draw an adverse inference from the refusal.

538 (d) A privilege against disclosure of communications between spouses and a defense of
539 immunity based on the spousal relationship or parent and child relationship does not apply in a
540 proceeding under article 3.

541 Section 3-311. WARRANT TO TAKE PHYSICAL CUSTODY OF CHILD

542 (a) Upon the filing of a complaint or petition seeking enforcement of a child-custody
543 determination, the plaintiff or petitioner may file a verified application for the issuance of a
544 warrant to take physical custody of the child if the child is immediately likely to suffer serious
545 physical harm or be removed from the commonwealth.

546 (b) If the court, upon the testimony of the plaintiff or petitioner or other witness, finds
547 that the child is imminently likely to suffer serious physical harm or be removed from the

548 commonwealth, it may issue a warrant to take physical custody of the child. The complaint or
549 petition shall be heard on the next judicial day after the warrant is executed unless it is
550 impossible on that date. In that event, the court shall hold the hearing on the first judicial day
551 possible. The application for the warrant shall include the statements required by subsection (b)
552 of section 3-308.

553 (c) A warrant to take physical custody of a child shall:

554 (1) recite the facts upon which a conclusion of imminent serious physical harm or
555 removal from the commonwealth is based;

556 (2) direct law enforcement officers to take physical custody of the child immediately; and

557 (3) provide for the placement of the child pending final relief.

558 (d) The defendant or respondent shall be served with the complaint or petition, warrant
559 and order immediately after the child is taken into physical custody.

560 (e) A warrant to take physical custody of a child is enforceable throughout the
561 commonwealth. If the court finds on the basis of the testimony of the plaintiff or petitioner or
562 other witness that a less intrusive remedy is not effective, it may authorize law enforcement
563 officers to enter private property to take physical custody of the child. If required by the exigent
564 circumstances of the case, the court may authorize law enforcement officers to make a forcible
565 entry at any hour.

566 (f) The court may impose conditions upon placement of a child to ensure the appearance
567 of the child and the child's custodian.

568 Section 3-312. COSTS, FEES AND EXPENSES

569 (a) The court shall award the prevailing party, including a state, necessary and reasonable
570 expenses incurred by or on behalf of the party, including costs, communication expenses,
571 attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care during
572 the course of the proceedings, unless the party from whom fees or expenses are sought
573 establishes that the award would be clearly inappropriate.

574 (b) The court shall not assess fees, costs or expenses against a state unless authorized by
575 law other than this chapter.

576 Section 3-313. RECOGNITION AND ENFORCEMENT

577 A court of the commonwealth shall accord full faith and credit to an order issued by
578 another state and consistent with this chapter that enforces a child-custody determination by a
579 court of another state unless the order has been vacated, stayed or modified by a court having
580 jurisdiction to do so under article 2.

581 Section 3-314. APPEALS

582 An appeal may be taken from a final order in a proceeding under this article in
583 accordance with expedited appellate procedures in other civil cases. Unless the court enters a
584 temporary emergency order under section 2-204, the enforcing court shall not stay an order
585 enforcing a child-custody determination pending appeal.

586 Section 3-315. ROLE OF PROSECUTOR OR PUBLIC OFFICIAL

587 (a) In a case arising under this chapter or involving the Hague Convention on the Civil
588 Aspects of International Child Abduction, the prosecutor or other appropriate public official may
589 take any lawful action, including resort to a proceeding under this article or any other available

590 civil proceeding to locate a child, obtain the return of a child or enforce a child-custody
591 determination if there is:

592 (1) an existing child-custody determination;

593 (2) a request to do so from a court in a pending child-custody proceeding;

594 (3) a reasonable belief that a criminal statute has been violated; or

595 (4) a reasonable belief that the child has been wrongfully removed or retained in violation
596 of the Hague Convention on the Civil Aspects of International Child Abduction.

597 (b) A prosecutor or appropriate public official acting under this section acts on behalf of
598 the court and shall not represent any other party to the proceeding.

599 Section 3-316. ROLE OF LAW ENFORCEMENT

600 At the request of a prosecutor or other appropriate public official acting under section 3-
601 315, a law enforcement officer may take any lawful action reasonably necessary to locate a child
602 or a party and assist a prosecutor or appropriate public official with responsibilities under said
603 section 3-315.

604 Section 3-317. COSTS AND EXPENSES

605 If the defendant or respondent is not the prevailing party, the court may assess against the
606 defendant or respondent all direct expenses and costs incurred by the prosecutor or other
607 appropriate public official and law enforcement officers under section 3-315 or 3-316.

608 ARTICLE 4. MISCELLANEOUS PROVISIONS

609 Section 4-401. APPLICATION AND CONSTRUCTION

610 In applying and construing this uniform act, consideration shall be given to the need to
611 promote uniformity of the law with respect to its subject matter among states that enact it.

612 Section 4-402. SEVERABILITY CLAUSE

613 If any provision of this chapter or its application to any person or circumstance is held
614 invalid, the invalidity shall not affect other provisions or applications of this chapter that can be
615 given effect without the invalid provision or application, and to this end the provisions of this
616 chapter are severable.

617 SECTION 2. A motion or other request for relief made in a child-custody proceeding or
618 to enforce a child-custody determination that was commenced before the effective date of this
619 chapter shall be governed by the law in effect at the time the motion or other request was made.

620 SECTION 3. This act shall take effect on December 31, 2025.