

[Enter heading information as to the court, etc.]

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In re the Matter of:

[Parent One]

and

[Parent Two]

Case No.

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REGISTRATION OF  
CERTIFIED COPIES OF DECREES  
FROM

[Enter name of Country]

[Enter state code equivalents for 9 ULA 15, 9 ULA 23

[e.g., California Family Code 3416, 3424]

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EXHIBIT A [through N -- copies of the various decrees being registered]

TABLE OF AUTHORITIES CITED

Blosser v Blosser (Ark.App. 1981)  
2 Ark.App.37 [616 S.W.2d 29]

Creed v Schultz (1983), Hrg.Den. 25 Jan 84  
148 Cal.App.3d 733 [196 Cal.Rptr. 252]

Holt v District Court (Ok.1981)  
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In re Marriage of Malak (Cal.App. 6 Dist 1986)  
182 Cal.App.3d 1018 [227 Cal.Rptr. 841]

Keeler v. Superior Court (1970)  
2 Cal.3d 619 [87 Cal.Rptr. 481]

Lundell v Clawson (Tex.App. 1985)

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Miller v Superior Court (1979)  
22 Cal.3d 923 [151 Cal.Rptr. 6]

Pyne v Meese (Cal.App. 3 Dist 1985)  
172 Cal.App.3d 392

Roehl v O'Keefe (Ga.1979)  
243 Ga.696 [256 S.E.2d 375]

Scheafnocker v Scheafnocker (Pa.Super. 1986)  
514 A.2d 172

Zenide v Superior Court (Ignaccolo)  
(Cal.App. 2 Dist. 5 Div. 1994)  
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#### TABLE OF CODE SECTIONS CITED

California Evid. Code

1530

California Family Code

3401

3416

3424

Uniform Laws Annotated

9 ULA 1

9 ULA 15

9 ULA 23

1.0 [Name of Country] DECREE(S)

1.1 [Here insert a precis of each document attached, ending with Exhibit n, where there are A through n documents attached.

2.0 EFFECT OF FILING THE [Name of Country] DECREE

2.1 9 Uniform Laws Annotated (ULA) 15 [Insert the state code equivalent of this section of the ULA, e.g., California Family Code Section 3416]. Filing of Custody Decree of Another State With Superior Court Clerk--Expenses in Enforcing Decree.

(1) A certified copy of a custody decree of another state may be filed in the office of the clerk of any superior court of this state. The clerk shall treat the decree in the same manner as a custody decree of the superior court of this state. A custody decree so filed has the same effect and shall be enforced in like manner as a custody decree rendered by a court of this state.

(2) A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' fees, incurred by the party entitled to the custody or his witnesses.

3.0 POINTS AND AUTHORITIES RE: ENFORCEMENT

- 3.1 The filing of a certified copy of the decree is all that is required to make the decree enforceable. No order is required to enter it as a judgment.

Roehl v O'Keefe (Ga.1979)  
243 Ga.696 [256 S.E.2d 375, 377]

Lundell v Clawson (Tex.App.1985)  
697 S.W.2d 836, 841

- 3.2 The state where the child is found (the residential state) may make orders to enforce an out of state decree.

Holt v District Court (Ok.1981)  
626 P.2d 1336, 1345

- 3.3 The UCCJA does not require a party to plead a sister state's law.

Blosser v Blosser (Ark.App.1981)  
2 Ark.App.37 [616 S.W.2d 29, 32]

- 3.4 A general purpose of the UCCJA is to facilitate the enforcement of custody decrees of other states.

9 Uniform Laws Annotated 1(a)(7) [Enter the registering state's equivalent, e.g., California Family Code 3401(a)(7)].

Creed v Schultz (1983), Hrg.Den. 25 Jan 84  
148 Cal.App.3d 733, 742 [196 Cal.Rptr. 252, 258]

Scheafnocker v Scheafnocker (Pa.Super. 1986)  
514 A.2d 172, 178

- 3.5 The enforcement of a decree of a foreign nation is governed by 9 ULA 23, adopted in [Name of state where the document is being registered, e.g., California] as [Enter state code section equivalent, e.g., California Family Code Section 3424]:

International Applicability of Policies.

The general policies of this title extend to the international area. The provisions of this title relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

- 3.5.1 The Commissioners' Note to this section of the Uniform Laws Annotated reads as follows [Note: The parallel citations for the ULA are from the California Family Code]:

Not all of the provisions of the Act lend themselves to direct application in international custody disputes; but the basic policies of avoiding jurisdictional conflict and multiple litigation are as strong if not stronger when children are moved back

and forth from one country to another by feuding relatives. Compare Application of Lang, 9 App.Div.2d 401, 193 N.Y.S.2d 763 (1959) and Swindle v. Bradley, 240 Ark.903, 403 S.W.2d 63 (1966).

The first sentence makes the general policies of the Act applicable to international cases. This means that the substance of section 1 (FC 3401) and the principles underlying provisions like sections 6 (FC 3406), 7 (FC 3407), 8 (FC 3409), and 14(a) (FC 3414[a]), are to be followed when some of the persons involved are in a foreign country or a foreign custody proceeding is pending.

The second sentence declares that custody decrees rendered in other nations by appropriate authorities (which may be judicial or administrative tribunals) are recognized and enforced in this country. The only prerequisite is that reasonable notice and opportunity to be heard was given to the persons affected. It is also to be understood that the foreign tribunal had jurisdiction under its own law rather than under section 3 (FC 3403) of this Act. Compare Restatement of the Law Second, Conflict of Laws, Proposed Official Draft, sections 10, 92, 98, and 109(2) (1967). Compare also Goodrich Conflict of Laws 390-93 (4th ed., Scoles, 1964).

- 3.5.2 Reports of commissions are entitled to substantial weight in construing a particular statute:

"Reports of commissions which have proposed statutes that are subsequently adopted are entitled to substantial weight in construing the statutes....This is particularly true where the statute proposed by the commission is adopted by the Legislature without any change whatsoever and where the commission's comment is brief, because in such a situation there is ordinarily strong reason to believe that the legislators' votes were based in large measure upon the explanation of the commission proposing the bill."

Miller v Superior Court (1979)  
22 Cal.3d 923, 943 [151 Cal.Rptr. 6, 18]

Keeler v. Superior Court (1970)  
2 Cal.3d 619, 630 [87 Cal.Rptr. 481, 487-488]

- 3.5.3 [Name of state where order is being registered, e.g. California] decisional law holds that decrees of a foreign nation are to be enforced according to their terms: [Enter citations for this proposition, e.g., for California: (Australia) Miller v Superior Court (1979), 22 Cal.3d 923 [151 Cal.Rptr. 61]; (Lebanon) In re Marriage of Malak (1986), 182 Cal.App.3d 1018, 1025 [227 Cal.Rptr. 841, 846]; (France) Zenide v Superior Court (Ignaccolo) (Cal.App. 2 Dist. 5 Div. 1994) 22 Cal.App.4th 1287, 1293-1294].

- 3.5.4 The foreign nation decrees show that they have been authenticated pursuant to [Enter applicable code section of registering state, e.g., California Evid. Code Section 1530(a)(3)] and are therefore admissible. Pyne v Meese (Cal.App. 3 Dist 1985) 172 Cal.App.3d 392, 409.

4.0 SUBMISSION  
4.1 Respectfully submitted on [Date Submitted]

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[Name of Attorney/Party]