

**ENFORCING A CHILD CUSTODY DECREE IN A “FOREIGN” STATE – I.E. NOT
THE ORIGINAL JURISDICTION – UCCJEA – Idaho
IA INSTRUCTION 01**

Generally, all states have procedures available for both registering a foreign state’s child custody decrees/orders for enforcement purposes, and moving for enforcement of the terms of the decree/order. The filing fee and process may vary by state. Usually there is a specialized filing fee for filing a custody determination from another state. Idaho has no fee for these filings, Idaho’s Fee Category is S.3. The copy of the custody determination which you want to register with the Court must be a **certified** copy of the decree/order.

The steps in the process are:

1. Obtain a **certified** copy of the custody order you wish to have enforced. This must be done at the Courthouse where the original decree/order was issued. If you provide your own copy the fee for obtaining the certified copy will be less. If you are not able to physically get into the originating Court’s Clerk’s office and thus are mailing your request, you need to send the appropriate fee for the service of certifying, and a return addressed stamped envelope so the Court Clerk can return the certified document to you. If you are not sending in a copy of the order you will need to provide the Court Clerk with the case name, case number, and the date of the order you wish to have copied and certified. Request a certified copy. Enclose payment for both the copy and for the certification.

2. Contact the Court Clerk in the County where you will register the custody order to find out the filing fee, and any specialized procedure you will have to follow. Under the UCCJEA, Uniform Child Custody Jurisdiction and Enforcement Act, you are required to furnish two copies of the Order, the certified copy plus one other copy, and a sworn statement that to the best of the knowledge and belief of the person seeking registration the order has not been modified, plus the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered. You will also be required to furnish a Notice of Registration form for the case showing the case caption in the new court and containing a warning that a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state. Failure to contest the registration within twenty days after service of this notice will result in a confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted. The Court Clerk’s office will be in the County seat of the County where you will be seeking enforcement of the order. (Most maps list the names of Counties, and the County Seat will often be shown in specialized type.)

3. Mail or deliver the certified copy of the order, a second copy, a letter requesting that the document be registered, plus your sworn statement, to the Court Clerk’s office in the new county. You must enclose the appropriate filing fee. You may enclose an extra copy (total of 3 documents) of the custody Order to be conformed and returned to you. This will enable you to have a copy showing the filing information, i.e. date & time stamp and Case Number if one has been assigned. If you anticipate problems, you should ask that your copy be certified by the new

Court, so you will have a certified copy to show law enforcement if you should need to involve them, there will be a fee for obtaining a certified copy. If you want anything to be returned to you, enclose a stamped envelope with your return address on it.

4. If you need to obtain a Court order enforcing the terms of the custody order you registered you will need to file a verified petition with the Clerk of the Court outlining the violations that are/have occurred and asking for the specific order (called “relief”) that you want the Judge to enter. As with any other judgment, **Law Enforcement will generally provide no greater assistance than a welfare check and/or a peaceable stand-by unless you have obtained a specific Writ/Order directing them to act in a certain fashion.** The other parent or person(s) acting as a parent will have to be served with a copy of your Petition, and a Notice that it has been filed which outlines the time-frame for them to file any written response with the Court and the hearing date. At the hearing you must be prepared to put on proof of the things you’ve claimed in your Petition. **You cannot use an enforcement action to change the terms of your Custody Order. If you want to change the provisions of your Custody Order you must file your Motion to Modify with the Court that has jurisdiction of your case in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act.** (Generally, the Court that entered your custody order will have exclusive, continuing jurisdiction, e.g. Idaho Code Section 32-11-202.)