

CHAPTER 2
UNIFORM CHILD-CUSTODY JURISDICTION
AND ENFORCEMENT ACT

SUB-CHAPTER 1.
GENERAL PROVISIONS

Section 2-101. Short Title.

The provisions of Sections 2-101 through 2-317 may be cited as the Uniform Child-custody Jurisdiction and Enforcement Act.

Section 2-102. Application to Indian Tribes.

(a) A child-custody proceeding that pertains to an Indian child as defined in the federal Indian Child Welfare Act, 25 U.S.C. § 1901 et seq., is not subject to this Act, and the requirements contained herein, to the extent that it is governed by the federal Indian Child Welfare Act.

(b) The Sac and Fox courts shall treat a tribe as if it were a State of the United States for the purpose of applying Sub-Chapters 1 and 2.

(c) A child-custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this Act must be recognized and enforced under Sub-Chapter 3.

Section 2-103. Definitions.

As used in Sections 2-101 through 2-317:

(a) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(b) "Act" means the uniform child-custody jurisdiction and enforcement act.

(c) "Child" means an individual who has not attained 18 years of age.

(d) "Child-custody determination" means a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(e) "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under Sections 2-301 through 2-317.

(f) "Commencement" means the filing of the first pleading in a proceeding.

(g) "Court" means an entity authorized under the law of a jurisdiction to establish, enforce, or modify a child-custody determination.

(h) "Home jurisdiction" means the tribal or state jurisdiction in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than six months of age, the term means the tribal or state jurisdiction in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(i) "Initial determination" means the first child-custody determination concerning a particular child.

(j) "Issuing court" means the court that makes a child-custody determination for which enforcement is sought under this act.

(k) "Issuing jurisdiction" means the tribal or state jurisdiction in which a child-custody determination is made.

(l) "Modification" means a child-custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination.

(m) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(n) "Person acting as a parent" means a person, other than a parent, who:

(1) Has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence, within one year immediately before the commencement of a child-custody proceeding; and

(2) has been awarded legal custody by a court or claims a right to legal custody under the law of the Sac and Fox Nation.

(o) "Physical custody" means the physical care and supervision of a child.

(p) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(q) "Tribe" means an Indian tribe or band, or Alaskan Native village, which is recognized by federal law or formally acknowledged by a state.

(r) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

(s) "Jurisdiction" means a Tribe or State.

(t) "Tribal Court" means the tribal court of the Sac and Fox Nation.

Section 2-104. Proceeding Governed by Other Law.

This act does not govern a proceeding pertaining to the authorization of emergency medical care for a child.

Section 2-105. International Application of Act.

(a) A court of the Sac and Fox Nation shall treat a foreign country as if it were a state of the United States for the purpose of applying Sections 2-101 through 2-210 and amendments thereto.

(b) Except as otherwise provided in subsection (c), a child-custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this act must be recognized and enforced under Sections 2-301 through 2-317.

(c) A court of the Sac and Fox Nation need not apply this act if the child custody law of a foreign country violates fundamental principles of human rights.

Section 2-106. Effect of Child-custody Determination.

A child-custody determination made by the Sac and Fox Nation court under this Act binds all persons who have been served in accordance with the laws of the Sac and Fox Nation or notified in accordance with Section 2-108, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

Section 2-107. Priority.

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

Section 2-108. Notice to Persons Outside Jurisdiction.

(a) Notice required for the exercise of jurisdiction when a person is outside the Tribal Court jurisdiction may be given in a manner prescribed by the law of the Sac and Fox Nation for service of process or by the law of the jurisdiction in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of the Sac and Fox Nation or by the law of the jurisdiction in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the Tribal Court.

Section 2-109. Appearance and Limited Immunity.

(a) A party to a child-custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child-custody determination, is not subject to personal jurisdiction of the Tribal Court for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(b) A person who is subject to personal jurisdiction in the Tribal Court on a basis other than physical presence is not immune from service of process of the Sac and Fox Nation. A party present in the Tribal Court who is subject to the jurisdiction of another tribe or state is not immune from service of process allowable under the laws of that jurisdiction.

(c) The immunity granted by subsection (a) does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this act committed by an individual while present in the Sac and Fox jurisdiction.

Section 2-110. A Communication Between Courts.

(a) The Tribal Court may communicate with a court in another jurisdiction concerning a proceeding arising under this act.

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

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

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

(e) For the purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Section 2-111. Taking Testimony in Another Jurisdiction.

(a) In addition to other procedures available to a party, a party to a child-custody proceeding may offer testimony of witnesses who are located in another jurisdiction, including testimony of the parties and the child, by deposition or other means allowable in the Tribal Court for testimony taken in another jurisdiction. The Tribal Court on its own motion may order that the testimony of a person be taken in another jurisdiction and may prescribe the manner in which and the terms upon which the testimony is taken.

(b) The Tribal Court may permit an individual residing in another jurisdiction to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that jurisdiction. The Tribal Court shall cooperate with courts of other jurisdictions in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another jurisdiction to the Tribal Court by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

Section 2-112. Cooperation Between Courts; Preservation of Records.

(a) The Tribal Court may request the appropriate court of another jurisdiction to:

(1) hold an evidentiary hearing;

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

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

(4) forward to the court of the Sac and Fox Nation a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

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

(b) Upon request of a court of another jurisdiction, the Sac and Fox Court may hold a hearing or enter an order described in subsection (a).

(c) Travel and other necessary and reasonable expenses incurred under subsections (a) and (b) may be assessed against the parties according to the Sac and Fox Nation Code.

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

**SUB-CHAPTER II.
JURISDICTION**

Section 2-201. Initial Child-custody Jurisdiction.

(a) Except as otherwise provided in 2-204 and amendments thereto, the Tribal Court has jurisdiction to make an initial child-custody determination only if:

(1) The Sac and Fox Nation is the home jurisdiction of the child on the date of the commencement of the proceeding, or was the home jurisdiction of the child within six months before the commencement of the proceeding and the child is absent from the Sac and Fox jurisdiction but a parent or person acting as a parent continues to live in the Sac and Fox jurisdiction;

(2) a court of another jurisdiction does not have jurisdiction under paragraph (1), or a court of the home jurisdiction of the child has declined to exercise jurisdiction on the ground that the Sac and Fox Nation is the more appropriate forum under Sections 2-207 or 2-208, and:

(A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with the Sac and Fox Nation other than mere physical presence; and

(B) substantial evidence is available in the Sac and Fox jurisdiction concerning the child's care, protection, training, and personal relationships;

(3) all courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that the Tribal Court is the more appropriate forum to determine the custody of the child under Sections 2-207 or 2-208; or

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

(b) Subsection (a) is the exclusive jurisdictional basis for making a child-custody determination by the Tribal Court.

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

Section 2-202. Exclusive, Continuing Jurisdiction.

(a) Except as otherwise provided in Section 2-204, the Tribal Court having made a child-custody determination consistent with Sections 2-201 or 2-203, has exclusive, continuing

jurisdiction over the determination until:

(1) The Tribal Court determines that neither the child, the child's parents, and any person acting as a parent do not have a significant connection with the Sac and Fox jurisdiction and that substantial evidence is no longer available in the Sac and Fox jurisdiction concerning the child's care, protection, training, and personal relationships; or

(2) the Tribal Court or a court of another jurisdiction determines that the child, the child's parents, and any person acting as a parent do not presently reside in the Sac and Fox Nation jurisdiction.

(b) The Tribal Court having made a child-custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under Section 2-201.

Section 2-203. Jurisdiction to Modify Determination.

Except as otherwise provided in Section 2-204, the Tribal Court may not modify a child-custody determination made by a court of another jurisdiction unless the Tribal Court has jurisdiction to make an initial determination under subsection (a)(1) or (2) of 201, and:

(a) The court of the other jurisdiction determines it no longer has exclusive, continuing jurisdiction under Section 2-202, or that the Sac and Fox Nation Court would be a more convenient forum under Section 2-207; or

(b) the Tribal Court or a court of the other jurisdiction determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other jurisdiction.

Section 2-204. Temporary Emergency Jurisdiction.

(a) The Tribal Court has temporary emergency jurisdiction if the child is present within the Sac and Fox jurisdiction and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) If there is no previous child-custody determination that is entitled to be enforced under this act and a child-custody proceeding has not been commenced in a court of another tribe or state having jurisdiction under Sections 2-201 through 2-203, a child-custody determination made under this section remains in effect until an order is obtained from a court having jurisdiction under Sections 2-201 through 2-203. If a child-custody proceeding has not been or is not commenced in a court having jurisdiction under Sections 2-201 through 2-203, a child-custody determination made under this section becomes a final determination, if it so provides and the Sac and Fox Nation becomes the home jurisdiction of the child.

(c) If there is a previous child-custody determination that is entitled to be enforced under this act, or a child-custody proceeding has been commenced in a court having jurisdiction under Sections 2-201 through 2-203, any order issued by the Tribal Court under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the Tribal Court having jurisdiction under Sections 2-201 through 2-203. The order issued in the Tribal Court remains in effect until an order is obtained from the other jurisdiction within the period specified or the period expires.

(d) The Tribal Court having been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court having jurisdiction under Sections 2-201 through 2-203, shall immediately communicate with the other court. The Sac and Fox Nation court exercising jurisdiction pursuant to Sections 2-201 through 2-203, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another jurisdiction under a statute, ordinance or law similar to this section shall immediately communicate with the court of that jurisdiction to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

Section 2-205. Notice; Opportunity to Be Heard; Joinder.

(a) Before a child-custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of Section 2-108, must be given to all persons entitled to notice under the Sac and Fox Nation Code as in child-custody proceedings between residents of the Sac and Fox Nation, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) This act does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this act are governed by the Sac and Fox Nation Code as in child-custody proceedings between residents of the Tribal jurisdiction.

Section 2-206. Simultaneous Proceedings.

(a) Except as otherwise provided in Section 2-204, the Tribal Court may not exercise its jurisdiction under Section 2-201 through 2-210 if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in another court having jurisdiction substantially in conformity with this act, unless the proceeding has been terminated or is stayed by the other court because the Sac and Fox court is a more convenient forum under Section 2-207 and amendments.

(b) Except as otherwise provided in Section 2-204, the Tribal Court, before hearing a child-custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to Section 2-209. If the court determines that a child-custody proceeding has been commenced in a court in another jurisdiction having jurisdiction substantially in accordance with this act, the Tribal Court shall stay its proceeding and communicate with the court of the other jurisdiction. If the court of the tribe or state having jurisdiction substantially in accordance with this act does not determine that the Tribal Court is a more appropriate forum, the Tribal Court shall dismiss the proceeding.

(c) In a proceeding to modify a child-custody determination, the Tribal Court shall determine whether a proceeding to enforce the determination has been commenced in another jurisdiction. If a proceeding to enforce a child-custody determination has been commenced in another jurisdiction, the court may:

- (1) Stay the proceeding for modification pending the entry of an order of a court of the other jurisdiction enforcing, staying, denying, or dismissing the proceeding for enforcement;
- (2) enjoin the parties from continuing with the proceeding for enforcement; or
- (3) proceed with the modification under conditions it considers appropriate.

Section 2-207. Inconvenient Forum.

(a) The Tribal Court, having jurisdiction under this act to make a child-custody determination, may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another jurisdiction is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the Tribal Court's own motion, or request of another court.

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

- (1) Whether domestic violence has occurred and is likely to continue in the future and which jurisdiction could best protect the parties and the child;
- (2) the length of time the child has resided outside the Sac and Fox jurisdiction;
- (3) the distance between the Sac and Fox court and the court of the tribe or state that would assume jurisdiction;
- (4) the relative financial circumstances of the parties;

(5) any agreement of the parties as to which court should assume jurisdiction;

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

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

(8) the familiarity of the court of each jurisdiction with the facts and issues in the pending litigation.

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

(d) The Tribal Court may decline to exercise its jurisdiction under this act if a child-custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

Section 2-208. Jurisdiction Declines by Reason of Conduct.

(a) Except as otherwise provided in Section 2-204 or by other law of the Sac and Fox Nation, if the Tribal Court has jurisdiction under this act because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the Tribal Court shall decline to exercise its jurisdiction unless:

(1) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(2) a court of the tribe or state otherwise having jurisdiction under Sections 2-201 through 2-203, determines that the Sac and Fox Nation court is a more appropriate forum under Section 2-207; or

(3) no court of any other tribe or state would have jurisdiction under the criteria specified in Section 2-201 through 2-203.

(b) If the Tribal Court declines to exercise its jurisdiction pursuant to subsection (a), it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child-custody proceeding is commenced in a court having jurisdiction under Sections 2-201 through 2-203.

(c) If the Tribal Court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction pursuant to subsection (a), it shall assess against the party seeking to

invoke its jurisdiction necessary and reasonable expenses including costs, communication expenses, attorney fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against the Sac and Fox Nation unless authorized by law other than this act.

Section 2-209. Information to Be Submitted to Court.

(a) Subject to subsection (e), in a child-custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last five years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

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

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

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

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

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

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other jurisdiction that could affect the current proceeding.

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

Section 2-210. Appearance to Parties and Child.

(a) In a child-custody proceeding in the Tribal Court, the court may order a party to the proceeding who is in the tribal jurisdiction to appear before the court in person with or without the child. The court may order any person who is in the Sac and Fox jurisdiction and who has physical custody or control of the child to appear in person with the child.

(b) If a party to a child-custody proceeding whose presence is desired by the court is outside the Sac and Fox jurisdiction, the court may order that a notice given pursuant to Section 2-108 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.

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

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

**SUB-CHAPTER III.
ENFORCEMENT**

Section 2-301. Definitions; Enforcement.

In this Act:

(a) “Petitioner” means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child-custody determination.

(b) “Respondent” means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child-custody determination.

Section 2-302. Enforcement under Hague Convention.

Under this Act the court may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child-custody determination.

Section 2-303. Duty to Enforce.

(a) The Tribal Court shall recognize and enforce a child-custody determination of a court of another jurisdiction if the latter court exercised jurisdiction in substantial conformity with this Act or the determination was made under factual circumstances meeting the jurisdictional standards of this act and the determination has not been modified, in accordance with this act.

(b) The Tribal Court may utilize any remedy available under other law of the Sac and Fox Nation to enforce a child-custody determination made by a court of another jurisdiction. The remedies provided in Sections 2-301 through 2-317, are cumulative and do not affect the availability of other remedies to enforce a child-custody determination.

Section 2-304. Temporary Visitation.

(a) The Tribal Court even if it does not have jurisdiction to modify a child-custody determination, may issue a temporary order enforcing:

- (1) A visitation schedule made by a court of another jurisdiction; or
- (2) the visitation provisions of a child-custody determination of another

jurisdiction that does not provide for a specific visitation schedule.

(b) If the Tribal Court makes an order under subsection (a)(2), it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in Sections 2-201 through 2-210. The order remains in effect until an order is obtained from the other court or the period expires.

Section 2-305. Registration of Child-Custody Determination.

(a) A child-custody determination issued by a court of another jurisdiction may be registered in the Sac and Fox jurisdiction, with or without a simultaneous request for enforcement, by sending to the Tribal district court:

(1) A letter or other document requesting registration;

(2) two copies, including one certified copy, of the 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 order has not been modified; and

(3) except as otherwise provided in Section 2-209, 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.

(b) On receipt of the documents required by subsection (a), the registering court shall:

(1) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) serve notice upon the persons named pursuant to subsection (a)(3) and provide them with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subsection (b)(2) must state that:

(1) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by the Tribal Court;

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

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

(d) A person seeking to contest the validity of a registered order must request a hearing

within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) The issuing court did not have jurisdiction under Sections 2-201 through 2-210;

(2) the child-custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under Sections 2-201 through 2-210; or

(3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of Section 2-108, in the proceedings before the court that issued the order for which registration is sought.

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

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

(g) There shall be no fee for registering a child-custody determination issued by a court of another jurisdiction pursuant to this section. The fee for enforcement or modification of any child custody determination shall be as set in the Tribal Court fee schedule.

Section 2-306. Enforcement of Registered Determination.

(a) the Tribal Court may grant any relief normally available under the Tribal Code to enforce a registered child-custody determination made by a court of another jurisdiction.

(b) The Tribal Court shall recognize and enforce, but may not modify, except in accordance with Sections 2-201 through 2-210, a registered child-custody determination of a court of another jurisdiction.

Section 2-307. Simultaneous Proceedings.

If a proceeding for enforcement under Sections 2-301 through 2-317 is commenced in the Tribal Court and the court determines that a proceeding to modify the determination is pending in a court of another tribe or state having jurisdiction to modify the determination under Sections 2-201 through 2-210, the Tribal Court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the Tribal Court, after consultation with the modifying court, stays or dismisses the proceeding.

Section 2-308. Expedited Enforcement of Child-Custody Determination.

(a) A petition under Sections 2-301 through 2-317, must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child-custody determination must state:

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

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

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

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

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

(6) if the child-custody determination has been registered and confirmed under Section 2-305, the date and place of registration.

(c) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing must be held on the next court date after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first court date possible. The court may extend the date of hearing at the request of the petitioner.

(d) An order issued under subsection (c) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under Section 2-312, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) The child-custody determination has not been registered and confirmed under Section 2-305 and that:

(A) The issuing court did not have jurisdiction under Sections 201 through 210;

(B) the child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under Sections 2-201 through 2-210;

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of Section 2-108, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child-custody determination for which enforcement is sought was registered and confirmed under Section 2-304, but has been vacated, stayed, or modified by a court of a tribe or state having jurisdiction to do so under Sections 2-201 through 2-210.

Section 2-309. Service of Petition and Order.

Except as otherwise provided in Section 2-311, the petition and order must be served, by any method authorized under Sac and Fox law, upon respondent and any person who has physical custody of the child.

Section 2-310. Hearing and Order.

(a) Unless the court issues a temporary emergency order pursuant to Section 2-204, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) The child-custody determination has not been registered and confirmed under Section 2-305, and that:

(A) The issuing court did not have jurisdiction under Sections 2-201 through 2-210;

(B) the child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under Sections 2-201 through 2-210; or

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of 2-108, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child-custody determination for which enforcement is sought was registered and confirmed under Section 2-305, but has been vacated, stayed, or modified by a court having jurisdiction to do so under Sections 2-201 through 2-210.

(b) The court shall award the fees, costs, and expenses authorized under Section 2-312 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

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

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under Sections 2-301 through 2-317.

Section 2-311. Warrant to Take Physical Custody of Child.

(a) Upon the filing of a petition seeking enforcement of a child-custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is immediately likely to suffer serious physical harm or be removed from the Sac and Fox jurisdiction.

(b) If the Tribal Court, upon the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from the Sac and Fox jurisdiction, it may issue a warrant to take physical custody of the child. The petition must be heard on the next available court date after the warrant is executed unless that date is impossible. In that event, the court shall hold the hearing on the first court day possible. The application for the warrant must include the statements required by Sub-Section 2-308 (b) .

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

(1) Recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

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

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

(d) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(e) A warrant to take physical custody of a child is enforceable anywhere within the Sac and Fox jurisdiction. If the court finds on the basis of the testimony of the petitioner or other

witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

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

Section 2-312. Costs, Fees, and Expenses.

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

(b) The court may not assess fees, costs, or expenses against a tribe or state unless authorized by law other than this act.

Section 2-313. Recognition and Enforcement.

The Tribal Court shall accord full faith and credit to an order issued by another jurisdiction and consistent with this act which enforces a child-custody determination by a court of another jurisdiction unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under Sections 2-201 through 2-210.

Section 2-314. Appeals.

An appeal may be taken from a final order in a proceeding under 2-301 through 2-314, in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under 2-204, the enforcing court may not stay an order enforcing a child-custody determination pending appeal.

Section 2-315. Role of Attorney General.

(a) In a case arising under this Act or involving the Hague Convention on the Civil Aspects of International Child Abduction, the Attorney General may take any lawful action, including resort to a proceeding under this Article or any other available civil proceeding to locate a child, obtain the return of a child, or enforce a child-custody determination if there is:

- (1) an existing child-custody determination;

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

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

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

(b) The Attorney General acting under this section acts on behalf of the court and may not represent any party.

Section 2-316. Role of Law Enforcement.

At the request of the Attorney General acting under Section 2-315, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist the Attorney General with responsibilities under Section 2-315.

Section 2-317. Costs and Expenses.

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the Attorney General and law enforcement officers under Sections 2-315 or 2-316.