

**CAO FLE INSTRUCTION 1-2
HOW TO REGISTER ANOTHER STATE'S CUSTODY DECISION IN IDAHO
FOR ENFORCEMENT**

Talk to an attorney, if possible.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. We always recommend you talk to a lawyer about your problem before filing your paperwork. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the Idaho State Bar Lawyer Referral Service (208-334-4500) for the name of an attorney in your area who will provide an initial half-hour consultation for \$35. Contact the Court Assistance Office for information about resources for low-income people, or visit the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

Registration of a Child Custody Determination.

The Uniform Child Custody Jurisdiction and Enforcement Act is a uniform law which has been adopted by every state, including Idaho. This uniform law helps courts decide which state should exercise jurisdiction over a child custody determination so that multiple or conflicting custody orders are not issued in different states. The Act also provides for the recognition and enforcement of custody orders issued in other states, by Idaho Courts. These instructions will explain how to register a child custody determination entered in another state so that it can be enforced in Idaho in the same way an Idaho court's custody decision can be enforced.

How to Apply For Registration.

To start the process of registering an out of state custody order, you must first provide certain information to the clerk of the court. You may use form CAO FLE 1-2 Application for Registration of a Child Custody Determination to provide all of the required information. The Application can be filed with the clerk of the court in any county of Idaho. In deciding where to file the Application, you should consider filing in a county where enforcement of the order might be more practical, such as the county where the children and/or the other custodial party reside.

Completing Form CAO FLE 1-2 Application for Registration of a Child Custody Determination.

Fill in the form by typing or by printing neatly and legibly in black ink.

At the top left-hand corner of page 1, fill in your full legal name, mailing address and telephone number.

The Court Heading. Fill in the county and judicial district where you are filing the Application in capital letters (for example, "IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, IN AND FOR THE COUNTY OF ADA"). If you need assistance on identifying the county or judicial district you can find that information on the Idaho Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

The Caption. In the caption, fill in your name as the “Plaintiff”, the person filing the Application. Fill in the name of the other parent or person who has custody or visitation under the custody order, as the “Defendant”. Leave the case number blank. The clerk will provide that number when the Application is filed.

Introductory Paragraph. Next, insert your full name as the “Plaintiff” who is applying for registration.

Paragraph 1. Insert your address.

Paragraph 2. Read and make sure this statement is true.

Paragraph 3. Read and make sure this statement is true.

Paragraph 4. Insert the name and address of any other parent or person acting as a parent who has been awarded custody or visitation in the custody order you are registering.

Paragraph 5. Read and make sure this statement is true.

Paragraph 6. Read and make sure this statement is true.

Paragraph 7. Read and make sure you comply with this statement. You are required to provide two copies of the order, judgment or decree you are registering, one of which must be a certified copy. A certified copy is one where the clerk of the court which entered the order, affixes an original stamp or certification indicating the copy is a true and correct copy of the original on file with that court. You must contact the clerk of the court which entered the original order to obtain certified copies. You must submit with your application, one copy and one original certified copy of the custody order.

Paragraph 8. Read and make sure this statement is true.

Date and sign the Application in front of a Notary Public or a court clerk, swearing/affirming that the statements in the Application are true.

File the signed Application along with the copies of the custody order with the clerk of the court in the county you have selected for the registration. You will also need a second copy of the Application which will be sent to the other party and a copy for yourself if you wish to have a conformed copy for your records.

The clerk of the court will file the custody order as a foreign judgment and send the other parent or person having custody rights under the order, a notice informing them of the pending registration and their right to contest the validity of the registration within twenty (20) days of service of the notice. You need to provide the court clerk a completed form CAO FLE 1-1 Notice of Registration of a Child Custody Determination when you file your Application.

Completing Form CAO FLE 1-1 Notice of Registration of a Child Custody Determination.

Follow the same instructions outlined above for filling in your name, address, judicial district, county and the court caption. Insert the name and address of the other parent or person with custody/visitation rights where indicated.

The court clerk will provide the information needed for the remaining blanks in the rest of the notice. After that information is inserted, the clerk will date and sign the Notice. You must provide the clerk a stamped, addressed envelope to use in sending the Notice.

Hearing on Objection to Registration.

If an objection to the registration is filed within twenty (20) days, you will be notified of hearing date for that objection. The judge will consider the objection and determine whether the registration should be confirmed.

If the registration is confirmed by the judge after a hearing, or if no objection was filed which results in an automatic confirmation, you and the opposing party will be notified that registration of the order has been confirmed.

Enforcement of the Order.

Once the registration is confirmed, the out of state custody determination is treated just as though it was issued in an Idaho court and is enforceable in the same manner as an Idaho judgment, for example, by filing a motion for contempt against a non-compliant party. The Uniform Child Custody Jurisdiction and Enforcement Act also provides a procedure for the expedited enforcement of out of state custody orders under which the court can order the immediate transfer of physical custody of the child/ren consistent with the terms of the registered order.

Both the contempt option and the expedited enforcement process are very legally complex. No forms for either proceeding have been created or authorized under the Idaho Supreme Court's Form Development Policy at this time. It is strongly suggested that you contact an attorney to assist you with your options for enforcement of the custody order following registration.