

INSTRUCTIONS FOR REGISTRATION OF FOREIGN CHILD CUSTODY DETERMINATIONS

This court has jurisdiction to register and enforce child custody determinations from other states. There are three (3) basic process that can occur

1. Registration only
2. Registration and a petition to enforce.
3. Registration, a petition to enforce and a request to issue a warrant for the child.

The following is the procedure when a request is made. Initially there must be a "request" to register a foreign child custody determination. The request must be in writing. The statute, T.C.A. 36-6-229(a) provides that it may be in the form of a letter or other document. Additionally the following are required:

1. Two (2) copies, including one (1) certified copy, of the determination sought to be registered
2. 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
3. The name and address of the person seeking registration
4. The name and address of any parent or person acting as a parent who has been awarded custody or visitation in the child-custody determination sought to be registered.

If someone wants to register a foreign child custody order they can also use the "*Request For Registration of Foreign Child Custody Determination*" form in the clerk's office.

Once those forms and information are received the clerk then files the foreign judgment.

REGISTRATION ONLY

The next steps apply **ONLY** if the party is requesting registration and not enforcement. If someone is also requesting enforcement then proceed to **REGISTRATION AND ENFORCEMENT**. If not then the clerk

1. Prepares a "*Notice of Registration of Foreign Child Custody Determination*".
2. Attach a copy of the filed Foreign Child Custody Decree
3. Attach a "*Request for Hearing to Contest Registration of Foreign Child Custody Determination*".
4. Send to the appropriate person for service as in any other case (Sheriff, Petitioner's attorney or Petitioner).

The case is not docketed. The non-requesting party has 20 (working) days to file contest of the registration. If the non-requesting party files a contest (on the form provided or otherwise) Issue a "*Notice of Hearing to Contest Registration of Foreign Child Custody Determination*" and

schedule a hearing within 30 days and mail notice to both parties. If the non-requesting party does not file a contest of the registration with 20 days then prepare an "**Order Regarding Registration of Foreign Child Custody Determination**" and give it to the appropriate Judicial Officer for signature.

REGISTRATION AND ENFORCEMENT

If a person is also requesting that the filed order be enforced then they may file a petition to enforce. In addition to the documents needed to file for registration they may file their own or may use the form "**Petition to Enforce a Foreign Child Custody Determination**" at the clerk's office. Once this is filed the clerk shall

1. Prepare an "**ORDER TO APPEAR – REGISTRTION OF FOREIGN CHILD CUSTODY DETERMINATION**"
2. Attach a copy of the Petition
3. Attach a copy of the filed Foreign Child Custody Determination
4. Send to the appropriate person for service as in any other case (Sheriff, Petitioner's attorney or Petitioner).

The case is not docketed initially. Upon return of the Order to Appear the case is docketed for the next Monday docket after the date of service.

In addition the petitioner may also request a warrant for physical custody. This means that we issue an order to apprehend the child from the respondent and to place the child with the petitioner. If the petitioner is requesting this then use the form "**Application for the Issuance of a Warrant to Take Physical Custody of a Child**". Upon completing the application it must be presented to the Judicial Officer along with a "**Warrant For Physical Custody of a Child**". If the warrant is ordered by the Judicial Officer it is included both the Application and Warrant with the paper work above.

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

Docket No: _____

File No: _____

Petitioner,

vs.

Respondent.

Child(ren) who are the subject of this petition: _____ dob: _____

_____ dob: _____

PETITION TO ENFORCE A FOREIGN CHILD CUSTODY DETERMINATION

Comes now the Petitioner, and would respectfully show to this Honorable Court the following:

1. That on _____ the _____ Court of _____ County, _____ issued a Child Custody Determination regarding the above referenced children. Said court did did not identify the jurisdictional basis it relied upon in exercising jurisdiction.

If it did the basis was: _____

2. To the best of my knowledge, said Child Custody Determination has has not been modified. If it has been modified the court, case number and nature of the proceedings are:

4. To the best of my knowledge a proceeding has has not been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions. If it has been commenced the court, case number and nature of the proceedings are:

5. To the best of my knowledge, the physical address of the child and respondent is: _____

6. The child custody determination was registered and confirmed in the following places:

_____ / date _____

36-6-232 (a) (b)

WHEREFORE, PETITIONER PRAYS:

That proper process issue and that the Respondent be ordered to appear with without the above referenced child(ren).

(check all that apply)

_____ That the Respondent be found in willful civil contempt of court and that the Respondent be ordered to purge this contempt by restoring to the Petitioner the number of day of visitation willfully withheld.

_____ That the Respondent be found in willful criminal contempt of court pursuant to T.C.A. 29-9-101 et seq. for failure to comply with this Court's order on visitation and that the Respondent be sentenced to the Metropolitan Davidson County Jail for a period of ten (10) days per violation of this Court's orders.

_____ That a warrant issue for the immediate physical custody of the child(ren).

_____ That the petitioner be awarded all necessary and reasonable expenses incurred by or on behalf of the petitioner, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care during the course of these proceedings.

_____ Other: _____

_____ That the costs of this cause be taxed to the Respondent.

For such other general relief as this cause may warrant.

Respectfully Submitted,

Petitioner

Sworn to and subscribed before me this _____ day of _____, _____.

Notary / Clerk

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE



_____ Petitioner No: _____

vs. _____ File No: _____

_____ Respondent. _____ Magistrate Rosenberg Calloway Ottman

Child(ren) who are the subject of this petition: _____ dob: _____

_____ dob: _____

APPLICATION FOR THE ISSUANCE OF A WARRANT TO TAKE PHYSICAL CUSTODY OF A CHILD

STATE OF TENNESSEE COUNTY OF DAVIDSON

Comes now the affiant, Petitioner and, after being duly sworn, swears and /or affirms to the following:

- 1. Said minor child(ren) is / are presently in the possession of the Respondent Other; _____
- 2. For the following reasons I believe that said child(ren) is/are likely to suffer serious physical harm or is/are likely to be removed from this State:

4. All statements contained in my Petition to Enforce Foreign Child Custody Determination are incorporated herein by reference.

Petitioner

Sworn to and subscribed before me this _____ day of _____, _____.

Notary / Clerk

36-6-235(a)

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF:

File No. _____

Docket No. _____

A minor child under the age of 18 years



REQUEST FOR REGISTRATION OF
FOREIGN CHILD CUSTODY DETERMINATION

1. My name is _____ and I am requesting the Juvenile Court of Davidson County to register a Child Custody Determination from another state.
2. I have attached two (2) copies of the determination including one certified copy.
3. To the best of my knowledge and belief the attached child custody determination has not been modified.
4. My address is _____

5. The name and address of the parent or person acting as a parent who has been awarded custody or visitation in the attached Child Custody Determination is:

(only complete if different from the person filing for registration)

I swear or affirm that the above information is true and correct to the best of my knowledge information and belief.

Requesting Party

Sworn to and subscribed before me this _____ day of _____, _____.

Notary / Clerk

36-6-2799

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF:

File No. _____

Docket No. _____

A minor child under the age of 18 years



**NOTICE OF HEARING TO CONTEST
REGISTRATION OF FOREIGN CHILD CUSTODY DETERMINATION**

NOTICE IS HEREBY GIVEN TO THE PARTIES:

On _____ the non-registering party was served with the Request to Register a Foreign Child Custody Determination filed in this matter by the registering party. The non-requesting party timely filed a contest to the registration of said determination. Therefore, a hearing has been scheduled in this matter for

_____ 20 _____ at _____ a.m. / p.m.
**at the Juvenile Justice Center of Davidson County, Tennessee
100 Woodland Street, Nashville, Tennessee, 37213.**

The only issues to be addressed by the court are whether:

- a. The court that issued the child custody determination did not have jurisdiction under T.C.A. 36-2-201 et seq.; or
- b. The child custody determination has been vacated, stayed, or modified by a court having jurisdiction to do so under said part; or
- c. The non-requesting party was entitled to, but was not given notice in accordance with the standards of T.C.A. 36-6-211, in the proceedings before the court that issued the determination.

THE PURPOSE OF THE HEARING TO CONTEST IS NOT TO DETERMINE WHETHER COURT ISSUING THE DETERMINATION MADE THE RIGHT DECISION OR TO MODIFY THE REGISTERED DETERMINATION.

DAVID SMITH, CLERK

ISSUED ON _____ by: _____
DEPUTY CLERK

Mailed to the parties on _____ to the following addresses:

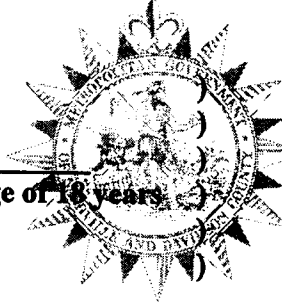
Registering Party

Non-Registering Party

36-6-229 (d)

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF:



File No. _____

Docket No. _____

A minor child under the age of 18 years.

**REQUEST FOR HEARING TO CONTEST
REGISTRATION OF FOREIGN CHILD CUSTODY DETERMINATION**

I hereby give notice that I am contesting the registration of the foreign child custody determination filed in this matter.

Non Registering Party:

Name: _____

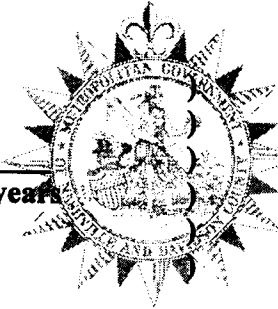
Address: _____

Signature: _____

Date: _____

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF:



File No. _____

Docket No. _____

A minor child under the age of 18 years

NOTICE OF REGISTRATION OF FOREIGN CHILD CUSTODY DETERMINATION

TO:

YOU ARE HERE HEREBY NOTIFIED that:

1. The attached Child Custody Determination issued by the _____ court has been filed for registration with the Davidson County Juvenile Court;
2. 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;
3. You may request a hearing to contest the validity of the registered determination. The request must be made within twenty (20) days after you are served this notice ;
4. If you do not contest the registration of this determination, it will be confirmed and will preclude further contest of that determination with respect to any matter that could have been asserted.
5. If you do contest the registration of the determination you must establish that;
 - a. The court that issued the determination did not have jurisdiction under T.C.A. 36-6-201 et seq.;
 - or
 - b. The child custody determination has been vacated, stayed, or modified by a court having jurisdiction to do so under said part; or
 - c. You were entitled to, but were not given notice in accordance with the standards of T.C.A. 36-6-211, in the proceedings before the court that issued the determination.

THE PURPOSE OF THE HEARING TO CONTEST IS NOT TO DETERMINE WHETHER COURT ISSUING THE DETERMINATION MADE THE RIGHT DECISION OR TO MODIFY THE REGISTERED DETERMINATION.

The address for filing you contest is:
DAVID A. SMITH, Juvenile Court Clerk
Juvenile Justice Center
100 Woodland Street
Nashville, Tennessee, 37213

Attorney for Petitioner (or Petitioner if pro se)
Name: _____
Address: _____
City/St./Zip: _____
Phone: _____

OFFICER'S RETURN

I certify and return, that on the _____ day of _____, _____ I served this Notice and Foreign Child Custody Determination on the Respondent.

36-6-229(c)

Authorized Officer

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

Petitioner,

vs.

Respondent,



Petition No: _____

File No: _____

J.O. : Rosenberg Ottman Robertson

Child(ren) who are the subject of this petition: _____ dob : _____

_____ dob : _____

ORDER ON EX PARTE PETITION FOR TEMPORARY EMERGENCY CUSTODY

In this cause, on _____ the Petitioner has filed a petition seeking emergency temporary custody. Upon review of the pleading and sworn affidavits the court makes the following findings and orders.

_____ The petition and affidavit do not establish sufficient ground to show an emergency and that the child(ren) are in imminent risk of immediate harm.

_____ The above-referenced child(ren) has/have been in the care and control of the Petitioner for _____ months/years and based on this the Petitioner should continue to have possession of said child(ren) and that the Respondent should be enjoined and restrained from interfering with the Petitioner's peaceful possession of said child(ren).

_____ The Petitioner is the mother of the above-referenced minor child(ren) and there has never been a legal determination of custody by any court. Based on this and T.C.A. 36-2-304 the mother shall have legal custody of said child(ren) pending further orders of the court.

Other: _____

It Is Further Ordered that a copy of this order be served upon the Respondent with the petition and accompanying affidavits.

ENTERED THIS _____ DAY OF _____, 20____.

JUDGE/MAGISTRATE



Requests for ADA accommodation should be made to Administrative Services at 862-8000.

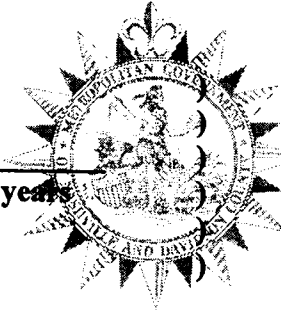
IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF:

File No. _____

Docket No. _____

A minor child under the age of 18 years



**ORDER REGARDING
REGISTRATION OF FOREIGN CHILD CUSTODY DETERMINATION**

In this cause, a foreign child custody determination regarding the above-referenced child from the _____ Court of _____ was filed with this court on the _____ day of _____, 20____. The non-registering party was served with notice of the registration on the _____ day of _____, 20____.

- The non-requesting party failed to contest registration within the time allowed by law.
- Pursuant to a hearing on _____, 20____ the non-registering party
 - FAILED TO ESTABLISH**
 - SUCCESSFULLY ESTABLISHED that:**
 - The court that issued the determination did not have jurisdiction under T.C.A. 36-6-201 et seq.; or
 - The determination has been vacated, stayed, or modified by a court having jurisdiction to do so under said part; or
 - The non-registering party was entitled to, but was not given notice in accordance with the standards of T.C.A. 36-6-211, in the proceedings before the court that issued the determination.

IT IS THEREFORE ORDERED THAT the foreign child custody determination filed in this matter is hereby
 CONFIRMED AS REGISTERED **NOT CONFIRMED**

If confirmed the determination may not be further contested with regard to any matter that could have been asserted at the time of registration.

IT IS ACCORDINGLY ORDERED

on _____.

JUDGE / MAGISTRATE

CERTIFICATE OF SERVICE

I certify that a true and exact copy of this Order has been served upon the parties below in the manner set forth.

- Requesting party in Court Mailing to the address provided at filing.
- Non-Requesting Party: in Court Mailing to the address where served or provided at the time of contest.

36-6-229(d)(e)

On _____.

Deputy Clerk

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE



Petitioner, vs.

Petition No: _____

File No: _____

Respondent.

Magistrate Rosenberg Calloway Ottman

Child(ren) who are the subject of this petition: _____ dob: _____
_____ dob: _____

ORDER TO APPEAR - REGISTRATION OF FOREIGN CHILD CUSTODY DETERMINATION TO THE ABOVE NAMED RESPONDENT:

You are Ordered to appear [] with [] without the above referenced child(ren) at the date, time and location listed below to for a hearing with regard to the Petition to Enforce a Foreign Child Custody Determination filed in this matter.

First Monday following the date you are served with this Order at 8:30 a.m. at the Juvenile Justice Center of Davidson County, Tennessee 100 Woodland Street, Nashville, Tennessee, 37213.

You are advised that, if the court has not already issued a Warrant for Physical Custody of the Child, the court may take immediate physical custody of the above mentioned child(ren) and may order you to pay fees, costs and expenses pursuant to T.C.A. 36-6-236 and may schedule a hearing to determine whether further relief is appropriate unless you establish that

- (1) the child custody determination has not been registered and confirmed under T.C.A. 36-6-229 and that:
a. The court that issued the determination did not have jurisdiction under T.C.A. 36-2-201 et seq.;
b. The determination sought to be enforced has been vacated, stayed, or modified by a court having jurisdiction to do so under said part;
c. You were entitled to, but were not given notice in accordance with the standards of T.C.A. 36-6-211, in the proceedings before the court that issued the determination; or
(2) that the determination sought to be enforce has been vacated, stayed or modified by a court of a state having jurisdiction to do so under T.C.A. 36-6-229.

Ordered and Issued this the _____ day of _____, _____ DAVID SMITH, CLERK

JUDGE / MAGISTRATE

DEPUTY CLERK

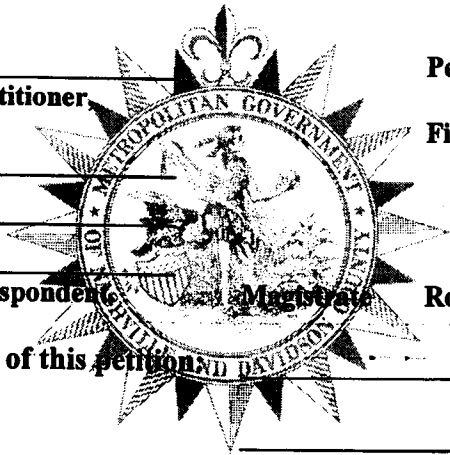
OFFICER'S RETURN

I certify and return, that on the _____ day of _____, 20_____.

- [] I served this Order to Appear together with the attached documents as follow:
[] I failed to serve this Order to Appear together with the attached documents for the following reasons:

Authorized Officer

IN THE JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE



_____ Petitioner _____
 vs. _____

 _____ Respondent _____ Magistrate _____ Rosenberg Calloway Ottman
 Child(ren) who are the subject of this petition _____ dob: _____
 _____ dob: _____

WARRANT FOR PHYSICAL CUSTODY OF A CHILD

In this cause, the Petitioner has filed Petition to Enforce a Foreign Child Custody Determination. Upon review of the pleading and sworn affidavits the court makes the following findings and orders.

The following facts alleged in the petition and sworn affidavit indicate a that said child(ren) is/are likely to suffer serious physical harm or is/are likely to be removed from this State:

IT IS THEREFORE ORDERED that any law enforcement officer shall take physical custody of said child immediately and place the child(ren) in the possession of the Petitioner pending further orders of this court.

IT IS FURTHER ORDERED that a copy of the Petition to Enforce a Foreign Child Custody Determination, this warrant and accompanying Notice, affidavits and registered determination shall be served on the Respondent with this warrant.

ENTERED THIS _____ DAY OF _____, 20_____.

36-6-235 (b) (c)

JUDGE / MAGISTRATE