



WHAT PRACTITIONERS NEED TO KNOW ABOUT INTERSTATE CUSTODY AND RELOCATION MATTERS

BWJP

Imagine Madison, a mother of two, who finally lands a life-changing job in a neighboring state. She is very excited that her life is changing for the better--she just finished the court process of securing a protection order that gives her custody of her children for two years. This is an opportunity that offers financial security and a fresh start away from her abusive partner. But with this excitement for the future, comes a critical question:

Can she take her children with her?

For survivors of domestic violence, relocating isn't as simple as finding a new place to live. When children are involved, crossing state lines can trigger a maze of legal issues. Each state has its own custody laws and navigating them can feel overwhelming. Without the right legal steps, a survivor risks not only her safety, and/or criminal charges, but also the ability to stay with her children.

In some situations, leaving a state with children, without the proper court authorization, could be considered unlawful, even if done for safety reasons. When faced with these situations survivors need to know if they can relocate with their children, if their protection order will be enforced in that neighboring state, what legal actions can the abusive partner take if the survivor does leave, how custody in the protection order intersects with a permanent custody case, and so much more.

To support attorneys and advocates working with survivors seeking to relocate, the National Center on Protection Orders and Full Faith & Credit (NCPOFFC) has created a series of tools to help navigate these complex legal waters.

The Interstate Custody Tool Series

This resource provides guidance on how federal and state laws intersect in custody cases that cross state or tribal lines. It covers essential topics, including:

Frequently Asked Questions (FAQ): Answers to common questions about interstate custody laws.

VAWA – A Practitioner’s Guide: How the Violence Against Women Act (VAWA) including the full faith and credit provision of VAWA impacts custody matters.

UCCJEA – A Practitioner’s Guide: The Uniform Child Custody Jurisdiction Enforcement Act determines which state has the jurisdiction to issue or change a custody order.

PKPA – A Practitioner’s Guide: Discusses how the Parental Kidnapping Prevention Act (PKPA) applies in custody disputes.

ICWA – A Practitioner’s Guide: Highlights protections under the Indian Child Welfare Act (ICWA).

Child Custody Jurisdiction in Domestic Violence Cases: A flow chart designed to assist practitioners determine which court has jurisdiction to determine child custody.

Recorded Webinar: How Attorneys and Advocates Can Assist Survivors with Interstate Custody and Relocation Cases

NCPOFFC, in collaboration with the Legal Resource Center on Violence Against Women¹ (LRC), offers a recorded webinar originally held on September 19, 2024, for attorneys and advocates who want to further their understanding of the federal laws that govern custody issues. This training specifically covers:

- Survivors’ rights and legal strategies when moving across state or tribal boundaries.
- How to enforce existing custody orders when one parent lives in another state.
- A legal overview of key laws, including the UCCJEA, that affect interstate custody cases.

This recorded webinar equips professionals with practical information for helping survivors plan a safe and legally protected move for themselves and their children.

Additional Resources to Assist Attorneys and Advocates

Advocate’s Guide to Full Faith and Credit

This guide provides an overview of the full faith and credit provision of the Violence Against Women Act (VAWA)¹, helping advocates understand how to better assist survivors with enforcing protection orders across jurisdictions.

Recorded Webinar: Full Faith and Credit 101

Originally held on September 24, 2024, this session introduces the full faith and credit provision of VAWA. It walks through scenarios and discusses enforcement of different types of protection orders.

National Council of Juvenile and Family Court Judges (NCJFCJ)’s Frequently Asked Questions on Relocation for Victim Advocates

This resource is designed to equip advocates to answer frequently asked questions survivors may have when considering moving from one state or tribal jurisdiction to another with children.

For more resources and support, visit www.fullfaithandcredit.org or contact NCPOFFC at ncffc@bwjp.org or 1.800.903.0111, prompt 2.

Endnotes

1 The Legal Resource Center on Violence Against Women (LRCVAW.org) provides free technical assistance to attorneys and advocates handling interstate custody cases involving domestic violence, offering resources, training, and referrals to help survivors find legal representation.

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