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I. Introduction

It is estimated that as many as 100,000 children are kidnapped annually by one of the child's parents. The major contributing factor to the increasing number of parents who resort to the self-help remedy of "seize and run" is the prevalence of divorce. Child-snatching, either before or after a child custody decree, therefore, has become "quasi-accepted behavior, somewhere in a no man's land of the law." The security, stability, and continuity of the parent-child relationship form an integral part of a child's development. Experts agree that dis-
ruptions in child development produce damaging effects, varying only in degree with respect to a child's age and environment. The divorced parents, whether motivated by parental love, need, or the desire to antagonize the other parent, compete for the affection and possession of the child. Unfortunately, this often produces a no-win situation for the child. The losing parent frequently resorts to the remedy of self-help, and, thereby, creates an unhealthy environment for the child.

II. LACK OF FULL FAITH AND CREDIT: THE CENTRAL PROBLEM

When the kidnapped child is taken to another jurisdiction, the injured parent faces two obstacles: convincing the court to recognize a foreign custody decree and persuading the same court to enforce that decree. This requires that a state give full faith and credit to the laws and policies of a sister state. In the past, state courts often tacitly legalized the abduction or illegal retention of children by failing to accord full faith

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5. See J. Goldstein, A. Freud & A. Solnit, Beyond The Best Interests Of The Child 31-34, 37-39 (1973) (effects may vary from sleeping and eating difficulties to deep emotional problems such as resentment of parent); Watson, The Children of Armageddon: Problems of Custody Following Divorce, 21 Syracuse L. Rev. 55, 71 (1979) (stability of environment more important than quality).


7. See U.C.C.J.A., Commissioners' Prefatory Note (child loses regardless of which parent wins, if later dragged back and forth legally or illegally).

8. See id. Such tactics have even resulted in death. See Kidnapping: A Family Affair, Newsweek, Oct. 18, 1976 at 24 (both child and father killed during father's kidnapping attempt).


10. Article IV, Section 1 of the United States Constitution provides, in pertinent part: "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other state." U.S. Const. art. IV, § 1.
and credit to child custody decrees. Furthermore, prior laws usually condoned rather than punished child-snatching. While attempts to rectify the situation on a state level were made, they met with limited success.

The United States Supreme Court's first opportunity to determine the constitutional ramifications of parental kidnapping arose in Halvey v. Halvey. The Court, upholding a New York court's modification of a Florida custody decree, gave states full discretionary power to deal with a sister state's custody decree. Similarly, in May v. Anderson, the Court refused to enforce application of the full faith and credit clause, relying on the decree's invalidity due to lack of in personam jurisdiction. By refusing to denounce the transfer of children in flagrant defi-


13. See MINN. STAT. ANN. § 609.26 (West Supp. 1981) (obtaining or retaining child in violation of existing custody order is a felony); N.C. GEN. STAT. § 14-320.1 (1969) (transporting child outside state with intent to violate custody order is a felony); TEX. PENAL CODE ANN. art. 25.03 (Vernon 1966) (interference with child custody order is third degree felony); Foster & Freed, Child Snatching and Custodial Fights: The Case for the Uniform Child Custody Jurisdiction Act, 28 HASTINGS L. J. 1011, 1015-18 (1977) (few cases have held that taking child after custody order is wrongful conduct, and prosecution and conviction seldom occur); 55 N.C. L. REV. 1275, 1282-85 (1977) (fear of criminal conviction not a deterrent if parent unaware and criminal laws generally ineffective outside state's own borders).


15. Id. at 614-15. The Supreme Court held that Florida custody decrees were not final judgments as they were subject to modification. Id. at 612. "The State of the forum," therefore, "has at least as much leeway to disregard the judgment, to qualify it, or to depart from it as does the State where it was rendered." Id. at 615.


17. 345 U.S. 528 (1953).
18. See id. at 532.
ance of court orders, the May Court encouraged forum shopping, thereby allowing parents to seek a jurisdiction favorable to their position.19

Courts have exercised some restraint in modifying foreign custody decrees through application of the doctrines of "clean hands,"20 "comity,"21 and res judicata.22

Since the application of these doctrines is discretionary, they have not been applied evenly, and the result is a body of law which is uncertain and unpredictable.23 Undoubtedly, the failure to accord full faith and credit to child custody decrees has been the major impetus behind paren-


tal child-snatching.24

III. THE UNIFORM CHILD CUSTODY JURISDICTION ACT: A CONTEMPORARY APPROACH TO AN ANCIENT DILEMMA

Two of the primary purposes of the Uniform Child Custody Jurisdiction Act (UCCJA)25 are to eliminate relitigation of custody decrees in other states26 and end court practices which protect the kidnapping parent.27 To attain these results, the UCCJA encourages interstate cooperation by providing specific guidelines for initial jurisdiction,28 jurisdiction modification,29 and emergency jurisdiction,30 and thus permits the court

24. See, e.g., Larson v. Larson, 252 N.W. 329, 330 (Minn. 1934) (Minnesota court awarded custody to mother although custody had been awarded to father by sister state); Roebuck v. Roebuck, 508 P.2d 1057, 1061 (Mont. 1973) (Montana court awarded custody to mother although Oregon court previously awarded custody to father); Dees v. McKenna, 134 S.E.2d 644, 649 (N.C. 1964) (father took children to North Carolina and obtained custody although California decree had given mother custody).


27. See U.C.C.J.A. § 1, Commissioners' Note. The Act's remedial character was designed to eliminate objectionable features of prior laws. Id.

28. U.C.C.J.A. § 3(a); see, e.g., Bias v. Bias, 374 So.2d 64, 64 (Fla. Dist. Ct. App. 1979) (Florida court had proper jurisdiction since child was out-of-state in violation of Florida decree); Sharp v. Aarons, 420 N.Y.S.2d 1013, 1014 (Fam. Ct. 1979) (New York court had jurisdiction although mother moved to England with child and father moved to Wisconsin); Mayer v. Mayer, 283 N.W.2d 591, 595 (Wis. Ct. App. 1979) (Wisconsin court did not lose home state jurisdiction because father moved out-of-state). See also U.C.C.J.A. § 3(a)(2) (personal jurisdiction over all parties not required); Bodenheimer, Interstate Custody: Initial Jurisdiction and Continuing Jurisdiction Under the UCCJA, 14 FAM. L. Q. 203, 204-05 (1981); Bodenheimer, Progress Under the Uniform Child Custody Jurisdiction Act and Remaining Problems: Punitive Decrees, Joint Custody, and Excessive Modifications, 65 CALIF. L. REV. 978, 1000 (1977).

29. U.C.C.J.A. § 14. Under section 14 of the Act a state may only modify a foreign state's custody decree when the foreign state no longer has jurisdiction or declines to assume jurisdiction. Id; see, e.g., Pierce v. Pierce, 287 N.W.2d 879, 882 (Iowa 1980) (in order for court to modify decree, court rendering decree must not have jurisdiction or decline to assume it); Settle v. Settle, 556 P.2d 962, 966-67 (Or. 1976) (jurisdiction to modify Indiana custody decree because of best interests of children and significant contacts with Oregon existed); Fernandez v. Rodriguez, 411 N.Y.S.2d 134, 138 (Sup. Ct. 1978) (New York court could modify Puerto Rican decree as Puerto Rican court had no jurisdiction).

30. U.C.C.J.A. § 3(a)(3). Under section 3(a)(3), a state may assume emergency jurisdiction to protect a child within the state who has been abandoned or has been or is in danger of being abused. Id; see Roberta v. Dist. Ct., 596 P.2d 65, 68-69 (Colo. 1979) (Colorado court refused to modify California decree because emergency situation was not demonstrated); Young v. Dist. Ct., 570 P.2d 249, 250-51 (Colo. 1977) (father's unsupported and disputed claims that child was in bad circumstances with mother does not justify emergency jurisdic-
best able to protect the child's interest to decide which parent obtains custody. Additionally, the UCCJA encourages cooperation and communication among courts of different jurisdictions to aid in resolving jurisdictional conflicts. Under the UCCJA, jurisdiction is limited to the child's home state, or to a state having significant connections with the child and his family. To prevent a parent from delaying or prohibiting a home state from exercising its proper function, the Act enables the court


32. See U.C.C.J.A. § 6 (court will not exercise jurisdiction under act if a proceeding is pending in another jurisdiction); id. § 7 (court may decline jurisdiction under Act if another jurisdiction is more appropriate); id. § 16 (court of each state will maintain registry of out-of-state custody decrees); id. § 17 (court clerk will provide certified copies upon request); id. § 18 (court may provide for taking of testimony in another state); id. § 19 (court may request hearings or studies in another state including orders to appear); id. § 20 (courts will provide assistance to courts of other states); id. § 21 (court will preserve custody documents and will provide for other jurisdictions upon request); id. § 22 (court upon taking jurisdiction shall request certified copies of records from other jurisdictions).

33. See id. § 2(5). "Home state," as used in the Act, means:

[T]he state in which the child immediately preceding the time involved lived with his parents, a parent, or a person acting as parent, for at least 6 consecutive months, and in the case of a child less than 6 months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the 6-month period or other period

Id. § 2(5).

to make a determination regarding the child’s custody without the par-
ent’s presence, provided proper notice is given.** Such a custody decree is en-
forceable in any state which has adopted the UCCJA.** The UCCJA also elimi-
nates the problems encountered when jurisdiction is based on the child’s physical presence by prohibiting other states from modifying custody decrees, and by providing for summary application of the full faith and credit clause. Section 23 of the UCCJA extends the Act to international custody decrees. Since the UCCJA is not a reciprocal act,
a custody decree of a non-UCCJA state will be given full recognition if it meets the Act's jurisdictional requirements. The UCCJA, however, includes a forum non conveniens section, a clean hands section, and a section to prevent simultaneous proceedings in two or more states. The

Intr. L. 669, 688-96 (1980). Unlike the Strasbourg Convention, which deals specifically with problems of European countries, the Hague Conference is open to any country desiring to become a member. See id. at 691-96. In 1980, twenty-three countries, including the United States, were members. See id. at 691-92. Resolution of international child kidnapping entails problems similar to those encountered within the United States, i.e. non-participating states and countries become havens for child-snatchers. See id. at 697.


Hawaii is the only state to have adopted a reciprocity clause. See HAWAI'I REV. STAT. § 583-1(b) (1976). See generally Bodenheimer, International State Custody: Initial and Continuing Jurisdiction Under the UCCJA, 14 FAM. L. Q. 203, 205 (1981).


43. U.C.C.J.A. § 8; see, e.g., Barcus v. Barcus, 278 N.W.2d 646, 650 (Iowa 1979) (Iowa court had discretion to refuse honoring Illinois custody decree where petitioner wrongfully removed child from state); In re Potter, 377 N.E.2d 536, 538-39 (Ohio Juv. Ct. 1978) (petitioner who improperly retained custody of child after visit); Williams v. Zacher, 581 P.2d 91, 93-94 (Or. Ct. App. 1978) (father wrongfully took child from mother). The provision will prohibit a court from exercising modification jurisdiction where the petitioner, without the legal guardian's consent, has improperly taken or retained the child. See U.C.C.J.A. § 8, Commissioner's Note. An exception to the clean hands doctrine is made if it is in the child's best interest, such as in cases of child abuse or neglect. See id. § 8, Commissioners' Note. But cf. Green v. Green, 276 N.W.2d 472, 475 (Mich. Ct. App. 1978) (clean hands doctrine inapplicable although father removed child from state prior to custody decree because temporary custody awarded in sister state). See generally Besharov, The Legal Aspects of Reporting Known and Suspected Child Abuse and Neglect, 23 VILL. L. REV. 458 (1977-78) (discussing the various approaches used by states regarding child abuse problem). For an excellent discussion of the application of the clean hands doctrine, see Frank, The End of Legal Kidnapping In Pennsylvania: The Development of a Decided Public Policy, 25 VILL. L. REV. 784, 799-809 (1980).

44. U.C.C.J.A. § 6; see Palm v. Super. Ct., 158 Cal. Rptr. 786, 792 (Dist. Ct. App. 1979) (California court properly relinquished jurisdiction when informed that North Dakota as-
COMMENTS

UCCJA, therefore, enables a state to decline jurisdiction to modify a decree when another forum is more appropriate, the petitioner has acted improperly, or where action is pending in another state.

Because the UCCJA is a uniform act, its effectiveness is limited to states adopting the Act. At the present time, five states, the District of Columbia, Puerto Rico, and the territories of the United States have failed to adopt the Act. Without nationwide adoption, the few states that have not adopted the UCCJA remain virtual havens for the child-snatching parent.

Furthermore, the UCCJA fails to successfully eliminate all of the conditions that encourage the "seize and run" remedy of child-snatching. The UCCJA does not provide a means of locating an abducting parent who disappears before or after custody has been adjudicated, nor does it provide a penalty for the abductor. Thus, unless the victim-parent is able to locate the abducting parent, or the abducting parent brazenly initiates modification proceedings, an abducting parent may remain insulated from the UCCJA's purview by remaining undiscovered. Until Con-

45. States were slow in adopting the UCCJA. During the first nine years after its enactment, the Act was adopted by only nine states. Since then, however, the Act has been adopted by all but the following: Massachusetts, Mississippi, South Carolina, Texas, West Virginia, and the District of Columbia. 46. See Note, Law and Treaty Responses to International Child Abductions, 20 VA. J. INT'L. L. 669, 682 (1980). But see TEX. FAM. CODE §§ 11.045, .052, .053, 14.10 (Vernon Supp. 1980-1981). Texas has enacted statutes which accomplish the major objectives of the UCCJA. See id. §§ 11.045, .052, .053, 14.10.

47. Because of its dependence on total enactment by all of the states, the UCCJA has failed to totally achieve its purpose, i.e. resolution of jurisdictional disputes between states regarding child custody decrees and parental child-snatching problems. See 6 WM. MITCHELL L. REV. 461, 471 (1980). A reciprocity clause such as Hawaii's, which enables a state to refuse application of the UCCJA to non-UCCJA states, will also defeat the Act's objective unless the Act is adopted by all of the states. See HAWAII REV. STAT. § 583-1(b) (1976).


50. See Bodenheimer, Progress Under the Uniform Child Custody Jurisdiction Act and Remaining Problems: Punitive Decrees, Joint Custody, and Excessive Modifications, 65 CALIF. L. REV. 978, 1000-01 (1977); Foster & Freed, A Legislative Beginning to Child-
gress or the Supreme Court mandates application of the full faith and credit clause, a truly effective solution to child-snatching will not exist.81

IV. TEXAS: A NON-UCCJA STATE

Without adopting the Act, Texas courts and legislatures have alleviated some of the jurisdictional conflicts that the UCCJA was designed to resolve. Section 11.045 of the Texas Family Code,82 which determines original jurisdiction in a suit affecting the parent-child relationship, is analogous to section 3 of the UCCJA.83 Furthermore, section 11.052 of the Texas Family Code84 addresses the issue of continuing original jurisdiction in child custody cases.85 Section 11.05286 provides that, unless there is a written agreement by all parties to continue a court's original jurisdiction, the court loses jurisdiction to modify the decree if the managing conservator and the child move to another state and establish and maintain a residence for six months or more.87 The Texas Family Code also contains a provision governing the recognition of out-of-state decrees affecting a child, which resembles section 13 of the UCCJA.88 Additionally, an individual's right to custody of a child may be challenged by a writ of habeas corpus.89 Section 14.10 of the Texas Family Code directs courts to honor valid foreign custody decrees.90 Further, unless the rendering court lacked jurisdiction, or the children have not been in the possession and control of the petitioner for at least six months prior to the filing of the

55. Id.
56. Id.
57. Id.
petition, section 14.10 requires the court to disregard a cross action or a pending motion to modify the decree.\textsuperscript{61} When a writ of habeas corpus is filed, and the right to custody of the child is not governed by a court order, section 14.10(e) provides that the court will direct the return of the child to the petitioner only if the court determines that the petitioner has a superior right to the child as provided by section 12.04 of the Texas Family Code.\textsuperscript{62} Section 25.03 of the Texas Penal Code prohibits interference with child custody orders\textsuperscript{63} and is broad enough to include persons other than kidnapping parents.\textsuperscript{64} Under section 25.03, anyone who knowingly takes or retains a child outside of Texas in violation of a custody decree commits a third degree felony.\textsuperscript{65} The objectives of other sections of the Act can be achieved by applying certain principles of law recognized by Texas courts.\textsuperscript{66} The doctrine of forum non conveniens can be applied to achieve results similar to those obtained through the use of section 7 of the UCCJA.\textsuperscript{67} In addition, the doctrine of clean hands can be applied to deny a petitioner's request to modify a custody decree.\textsuperscript{68}

\begin{enumerate}
\item Cf. Beverly v. Beverly, 567 S.W.2d 618, 620-21 (Tex. Civ. App.—Waco 1978, writ dism’d) (possession of children by divorced mother for eight days during Christmas insufficient to terminate father's possession under 14.10(b)).
\item Searcy & Patterson, Practice Commentary, Tex. Penal Code Ann. § 25.03 (Vernon 1974).
\item Tex. Penal Code Ann. § 25.03 (Vernon 1974). Return of the child to Texas within seven days of the commission of the offense, however, is a defense to prosecution. Id.
\item Id. Compare U.C.C.J.A. § 7 (court may decline jurisdiction under Act if other forum more appropriate) with Johnson v. Spider Staging Corp., 555 P.2d 997, 999 (Wash. 1976) (under equitable doctrine of forum non conveniens, court has discretionary power to decline jurisdiction when convenience of parties and justice better served if tried in another forum) with Franklin v. Franklin, 283 S.W.2d 483, 486 (Mo. 1955) (under equitable doctrine of clean hands, court will not aid party seeking relief if party's prior conduct violated good conscience, good faith or other equitable principle).
\item Compare Johnson v. Spider Staging Corp., 555 P.2d 997, 999 (Wash. 1976) (under doctrine of forum non conveniens, court has discretionary power to decline jurisdiction when convenience of parties and justice better served if tried in another forum) with U.C.C.J.A. § 7 (court may decline jurisdiction under Act if other forum is more appropriate).
\item See, e.g., Zelios v. City of Dallas, 568 S.W.2d 173, 175 (Tex. Civ. App.—Dallas 1978, writ ref'd n.r.e.) (doctrine cannot be invoked by party who committed intentional wrong); Reed v. James, 113 S.W.2d 580, 583 (Tex. Civ. App.—San Antonio, 1938 writ dism’d) (court would not aid party because of prior conduct); Sanders v. Cauley, 113 S.W. 560, 561-62 (Tex. Civ. App. 1908, no writ) (party could not receive aid from equity court under clean hands doctrine because of prior misconduct).
\end{enumerate}
While not a panacea for child-snatching, the Parental Kidnapping Prevention Act of 1980 (PKPA) provides a starting point for amelioration of the child-snatching problem. Discouraging interstate controversies, avoiding jurisdictional competition, and deterring interstate abductions are some of the objectives of the PKPA. The PKPA's definition of "state," however, appears to prohibit its international application.

The PKPA will definitely aid in reducing jurisdictional conflict among the states by establishing a uniform method for the recognition and enforcement of child custody decrees. The PKPA makes three significant contributions: a full faith and credit clause, the use of the Federal Parent Locator Service, and the application of the Federal Fugitive Felon Act to child-snatching cases. Extension of the full faith and credit clause to child custody decrees will have a significant effect on case law by applying a single standard, in lieu of present jurisdictional variations.

The PKPA will serve as a strong deterrent to forum shopping by removing the child-snatcher's incentive to take the child to a more...
favorable forum to obtain custody.77 Under the PKPA, courts will no longer be able to deny application of the full faith and credit clause to child custody decrees due to lack of finality in such decrees78 or by assuming a change of circumstances.79 Application of the full faith and credit clause to child custody decrees, coupled with strict limitations on the modification of decrees, will facilitate the establishment of a uniform system for recognizing and enforcing child custody decrees.80 Further, under the PKPA, courts need not resort to such doctrines as clean hands, res judicata, or comity in order to give full faith and credit application to a sister state's custody decree, but rather will be able to enforce a sister state's custody decree by applying section 8 of the PKPA.81

Should the abducting parent choose to remain underground, the PKPA enables use of the Federal Parent Locator Service.82 Previously, a parent-victim was forced to employ a private detective to locate his abducted child.83 This remedy was not available to many victim-parents due to the expense involved.84 The Federal Parent Locator Service provides a substantial financial savings to the parent-victim.85 States, however, are not

80. See P.K.P.A., supra note 69, at § 8(a) (codified in 28 U.S.C.A. § 1738A (Supp. 1980)). Unlike the UCCJA, the PKPA mandates strict application of full faith and credit to custody decrees and only permits modification when rendering court no longer has jurisdiction or declines to assume jurisdiction.
82. See P.K.P.A., supra note, 69 at § 9 (codified in 42 U.S.C. § 654 (Supp. III 1979)). The PKPA, therefore, surpasses the UCCJA which is completely ineffective in this type of situation. See Foster & Freed, A Legislative Beginning to Child-Snatching Prevention, 17 TRIAL 36, 37 (April 1981).
84. Id. at 1001.
85. See Foster & Freed, A Legislative Beginning to Child-Snatching Prevention, 17
required to contract for the Federal Parent Locator Service.\textsuperscript{86} Thus, abduction of a child prior to the issuance of a court order in a state which has not contracted with the Federal Parent Locator Service may enable the abductor to remain safely underground.\textsuperscript{87} Moreover, full utilization of the Federal Parent Locator Service will, in all probability, be delayed due to administrative and procedural implementation problems.

The PKPA expressly declares the Federal Fugitive Felon Act is applicable to cases involving parental kidnapping and interstate or international flight to avoid prosecution under applicable state felony statutes.\textsuperscript{88} Such application makes an abducting parent guilty of a federal offense, thereby permitting the states to obtain assistance from the Federal Bureau of Investigation (FBI).\textsuperscript{89} Classification of parental kidnapping as a federal offense, coupled with FBI intervention, should function as a deterrent to parental kidnapping.\textsuperscript{90} The PKPA, therefore, provides punishment and a means of enforcement, both of which were lacking in the UCCJA.\textsuperscript{91} Two obstacles, however, will militate against implementation of section 10 of the PKPA. The first obstacle is the traditional "hands-off" policy shared by police, prosecutors and the FBI.\textsuperscript{92} This attitude is predi-

\textsuperscript{86} P.K.P.A., supra note 69, at § 9 (codified in 42 U.S.C. § 654 (Supp. III 1979)). The Federal Parent Locator's dependence on contracting may subject the Federal Parent Locator Service to the same limitation that confronted the UCCJA, which is its dependence on adoption by the states. Compare U.C.C.J.A., Commissioners' Prefatory Note (effectiveness dependent on state adoption) and 6 WM. MITCHELL L. REV., 461, 467 (1980) (UCCJA has failed to provide comprehensive solution because effectiveness depends on adoption by all states) with P.K.P.A., supra note 69, at § 9 (codified in 42 U.S.C. § 654 (Supp. 1980)) (agreement with state has to be signed before state can use locator service).

\textsuperscript{87} See 42 U.S.C. § 653(a) (1976); P.K.P.A., supra note 69, at § 9 (codified in 42 U.S.C. § 654 (Supp. 1979)).


\textsuperscript{89} See id.

\textsuperscript{90} See id.


cated on the supposition that child-snatching is basically a family dispute. The second obstacle to the effective implementation of section 10 of the PKPA is the requirement that child-snatching be classified as a felony, and that a warrant must be issued by the state authorities before the Fugitive Felon Act can be applied. Under most modern statutes kidnapping is considered a felony. These statutes either exclude child abductions or classify them separately under child-stealing statutes, varying only in their form and scope. Thus, in order to derive the maximum benefit from section 10 of the PKPA and enable the Federal Fugitive Felon Act to apply, states must elevate parental child-stealing to felony status.

The primary limitation of the PKPA is its ineffectiveness in those instances where the child is abducted prior to a court order. An abduction occurring prior to the issuance of a court order or formation of an agreement is outside the purview of the PKPA. The PKPA, therefore, is inoperative in the most prevalent situation—where a parent, anticipating failure to obtain custody or refusing to resort to the courts, abducts the child before a court order has been issued.

Previous attempts to extend the FBI's responsibility to include searching for parental child-snatchers have met with resistance. See N.Y. Times, Nov. 15, 1979, § C, at 14 col. 5.

97. See Foster & Freed, A Legislative Beginning to Child-Snatching Prevention, 17 Trial 36, 38 (April 1981). Such modifications would also assist in extradition cases. Id. at 38.
98. Foster & Freed, A Legislative Beginning to Child-Snatching Prevention, 17 Trial, 36, 37 (April 1981). The enforcement aspect of the PKPA is only applicable if a court order has been issued. See P.K.P.A., supra note 69, at §§ 8(a), 10(a) (codified in 18 U.S.C.A. § 1073 (Supp. 1980)).
The PKPA, however, does not preclude one from obtaining an enforceable order subsequent to the abduction, if the Act’s “home state” requirement is met. Two commentators have suggested that this limitation could be eliminated by enacting laws making “wrongful taking or withholding” a felony. These commentators, however, believe that severe criminal sanctions would not be necessary since felony status serves as an aid to extradition and initiation of FBI intervention rather than as a form of retribution.

VI. Conclusion

Although it appears that we are finally emerging “out of a no-man’s land of law,” our judicial system is still a long way from absolute resolution of the problem of parental child-snatching. It has become manifestly clear that any real solution to the child-snatching problem lies in federal legislation. The PKPA will provide a far more effective solution than can be achieved by individual states, or through the collective efforts of a uniform act such as the UCCJA. The most important contribution of the PKPA is application of full faith and credit to child custody decrees. Such application of the full faith and credit clause provides a sound and uniform foundation for the recognition and enforcement of child custody decrees. Congressional enactment of the Parental Kidnapping Prevention Act of 1980, though only a beginning, brings us one step closer to a comprehensive solution.

