

*In Re M.M.*

Cultural Differences. Language Barriers. Military Service. Transient Society. Global Communication. Conflicting Jurisdiction. UCCJEA. Domestic Violence. Dependency Court. This is the mélange of issues in *In re M.M.*

The juvenile court made the minor child a dependent because of parental domestic violence, and inquired about UCCJEA issues because the parents had lived in Japan, the child had dual U.S. - Japanese citizenship, and Japan was the child's home state. Japanese judges and diplomatic officials were not amenable to discuss jurisdiction issues with the California court. Despite the fact that Japan was the child's home state, the juvenile court assumed emergency jurisdiction under *Family Code* section 3424(a). The California Dependency Court determined that the inaction and refusal to discuss jurisdiction by the Japanese judicial and diplomatic officials was "tantamount to a declination of jurisdiction by the home state on the grounds California is the more appropriate forum."

The opinion contains a lengthy review and discussion of the factual and procedural background in the San Diego Dependency Court and its efforts to interact with the Japanese Court. The opinion emphasizes that the UCCJEA is the exclusive method in California for determining subject matter jurisdiction in child custody proceedings involving other jurisdictions, citing *Family Code* section 3421(b). However, the court acknowledged that the statutory scheme is ambiguous regarding how a home state and any other potential foreign state may decline jurisdiction in order to confer jurisdiction under section 3421(a)(2). In this case, since Japan, the home state, did not decline jurisdiction by express order, the California court determined that the home state can be deemed to have declined jurisdiction when it refuses for whatever reason to commit one way or the other to protect a child in a child custody proceeding or when, as in the instant case, it refuses to even discuss the issue of jurisdiction with another state. Also affirmed was the trial court's finding that under *Welfare and Institutions Code* section 300(a), there was substantial evidence that the minor child suffered physical harm by mother and/or father as a result of the domestic violence between the two.

This case illuminates the intersection of the multiplicity of issues first noted above and shows how the Court of Appeal resolved these interlocking issues to safeguard the child and reach a just and practical result.

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