

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Kimberly S. Lopez and Peter J. Allsot v. Naseem Latif

Case No. 5D2025-2142 · No. 5D2025-2142 · Decided March 6, 2026

SUMMARY

The Florida Fifth District Court of Appeal held that temporary emergency jurisdiction under the UCCJEA was not required to domesticate and enforce an existing out-of-state child custody order when the petition did not seek to modify the order. The court reversed the denial of relief and remanded for consideration of enforceability under section 61.526, Florida Statutes. The court rejected the appellants' remaining arguments without discussion.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Jay, C.J.; Wallis, J.; Maciver, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	March 6, 2026
DOCKET	5D2025-2142
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Nonfinal appeal from an order denying a petition to domesticate and enforce an out-of-state child custody order.
STANDARD OF REVIEW	De novo review of the jurisdictional issue.
PRECEDENTIAL VALUE	published
PARTIES	Kimberly S. Lopez, Peter J. Allsot v. Naseem Latif

TOPICS

- child custody
- subject matter jurisdiction
- appellate procedure
- standard of review
- family law procedure

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether a Florida court must analyze a petition to domesticate and enforce an existing out-of-state child custody order under the UCCJEA's enforcement provision rather than the temporary emergency jurisdiction provision.
2. Whether temporary emergency jurisdiction is required when a Florida court is asked only to enforce, and not modify, an existing custody determination made by the child's home-state court.

HOLDINGS

1. Temporary emergency jurisdiction under section 61.517, Florida Statutes, is not required when the petition seeks only to domesticate and enforce an existing home-state custody order and does not seek to make or alter a custody decision, even temporarily.
2. The circuit court erred by denying the enforcement petition for lack of temporary emergency jurisdiction and must instead consider whether the out-of-state custody order is enforceable under section 61.526.

KEY QUOTATIONS

“[T]he court of another state may exercise temporary jurisdiction in an emergency situation to protect a child even though the court with initial custody jurisdiction has exclusive, continuing jurisdiction.” (at 2)

“But such jurisdiction is only needed to make or alter a custody decision on an exigent basis.” (at 2)

“Their petition did not ask the Florida court to modify the existing order, even on a temporary basis.” (at 2)

FACTUAL BACKGROUND

Appellants sought to domesticate and enforce an existing child custody order entered by the child's home-state court. They alleged that the child was a victim of abuse and characterized the matter as an emergency, but their petition did not ask the Florida court to modify the existing custody order, even temporarily. The child was not in Florida.

PROCEDURAL HISTORY

Appellants petitioned the Sumter County Circuit Court to domesticate and enforce an out-of-state child custody order. The circuit court denied relief on the ground that it needed, but lacked, temporary emergency jurisdiction because the child was not in Florida. The Fifth District Court of Appeal reversed and remanded for consideration of the petition under Florida's statutory enforcement provisions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must consider the petition to domesticate and enforce the out-of-state custody order on the merits under section 61.526, Florida Statutes.

CASES CITED

- Helfrich v. City of Jacksonville, 204 So. 3d 39, 40 (Fla. 1st DCA 2016)
- Haugabook v. Jeffcoat-Hultberg, 219 So. 3d 65, 66 (Fla. 4th DCA 2016)
- Hindle v. Fuith, 33 So. 3d 782, 784 (Fla. 5th DCA 2010)
- Litsch v. Litsch, 372 So. 3d 315, 317 (Fla. 5th DCA 2023)
- Aluise v. Spanos, 424 So. 3d 513, 518 (Fla. 5th DCA 2025)
- Bravo v. Johnson, 396 So. 3d 874, 876–77 (Fla. 1st DCA 2024)
- McIndoo v. Atkinson, 159 So. 3d 227, 230–31 (Fla. 4th DCA 2015)
- K.I. v. Department of Children & Families, 70 So. 3d 749, 751 (Fla. 4th DCA 2011)
- Steckler v. Steckler, 921 So. 2d 740, 743 (Fla. 5th DCA 2006)
- Smith v. Daniel, 246 So. 3d 1279, 1280–81 & n.3 (Fla. 1st DCA 2018)
- Ledoux-Nottingham v. Downs, 163 So. 3d 560, 563 (Fla. 5th DCA 2015)

OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 5D2025-2142 LT Case No. 60-2025-DR-357
_____ KIMBERLY S. LOPEZ and PETER J. ALLSOT, Appellants,
v. NASEEM LATIF, Appellee. _____ Nonfinal appeal from the
Circuit Court for Sumter County, Erin Daly, Judge. Kimberly S. Lopez and Peter J. Allsot, The
Villages, pro se.

No Appearance for Appellee. March 6, 2026 JAY, C.J. Appellants petitioned the court to domesticate and enforce an out-of-state child custody order. The court denied relief, ruling that it needed, but lacked, temporary emergency jurisdiction. See § 61.517(1)(a)–(b), Fla. Stat. (2025) (conferring such jurisdiction when a child is in Florida and has been abandoned or faces abuse).

Our review of this issue is de novo. See Helfrich v. City of Jacksonville, 204 So. 3d 39, 40 (Fla. 1st DCA 2016). The Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”) “controls inter-state custody disputes.” Haugabook v. Jeffcoat-Hultberg, 219 So. 3d 65, 66 (Fla. 4th DCA 2016). It gives jurisdictional priority to the court in the child’s home state, Hindle v. Fuith, 33 So.

3d 782, 784 (Fla. 5th DCA 2010), which makes the initial custody determination, Litsch v. Litsch, 372 So. 3d 315, 317 (Fla. 5th DCA 2023). But the home state rule does not prevent courts in other states from enforcing—rather than altering—the initial order. See Aluise v. Spanos, 424 So. 3d 513, 518 (Fla. 5th DCA 2025); Bravo v. Johnson, 396 So. 3d 874, 876–77 (Fla.

1st DCA 2024); McIndoo v. Atkinson, 159 So. 3d 227, 230–31 (Fla. 4th DCA 2015). Indeed, Florida courts “shall recognize and enforce” lawful custody orders from other states. See §

61.526(1), Fla. Stat. (titled “Duty to enforce”); Paulina Forrest, Jurisdiction in Child Custody Cases, in Florida Dissolution of Marriage § 4.4 (Fla. Bar CLE 16th ed. 2025) (“A Florida court must enforce a custody or visitation order from another state if the state exercised jurisdiction in substantial conformity with UCCJEA and the order has not been modified or vacated.”).

Here, the court found that enforcing the home state order required temporary emergency jurisdiction—an impossibility since the child is not in Florida. See § 61.517(1), Fla. Stat. But such jurisdiction is only needed to make or alter a custody decision on an exigent basis. See *K.I. v. Dep’t of Child. & Fams.*, 70 So. 3d 749, 751 (Fla. 4th DCA 2011) (“[T]he court of another state may exercise temporary jurisdiction in an emergency situation to protect a child even though the court with initial custody jurisdiction has exclusive, continuing jurisdiction.”); *Steckler v. Steckler*, 921 So.

2d 740, 743 (Fla. 5th DCA 2006) (“While the UCCJEA generally gives the state that made the initial custody determination exclusive, continuing jurisdiction over those decisions, in emergency situations, the UCCJEA permits other states to obtain temporary emergency jurisdiction to protect a child.”). While Appellants claimed the matter was an emergency based on alleging that the child is a victim of abuse, their petition was to domesticate and enforce the existing custody decision made by the home state court.

Their petition did not ask the Florida court to 2 modify the existing order, even on a temporary basis. In that scenario, temporary emergency jurisdiction was unnecessary. Instead, the court should have evaluated whether the home state custody order was enforceable under section 61.526. See *McIndoo*, 159 So. 3d at 228–31 (rejecting a court’s ruling that it lacked jurisdiction, and holding that it should have granted relief under section 61.526—the “proper statute”—reasoning that the home state rule “applies to an initial child custody determination,” not to a petition asking a Florida court to domesticate an out-of-state order); see also *Smith v. Daniel*, 246 So.

3d 1279, 1280–81, 1281 n.3 (Fla. 1st DCA 2018) (citing section 61.526(1)—which “requires a Florida court to ‘recognize and enforce a child custody determination of a court of another state’”—in holding that a court erred by not giving full faith and credit to an out-of-state order); *Ledoux-Nottingham v. Downs*, 163 So. 3d 560, 563 (Fla. 5th DCA 2015) (affirming the enforcement of another state’s visitation order, which was “enforceable in Florida pursuant to the Full Faith and Credit Clause as well as section 61.526, Florida Statutes”).

Accordingly, we reverse and remand with instructions to consider the domestication and enforcement petition on the merits. We reject Appellants’ other arguments without discussion. REVERSED and REMANDED with instructions. WALLIS and MACIVER, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App.

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