**518D.310 HEARING AND ORDER.**

(a) Unless the court issues a temporary emergency order pursuant to section 518D.204, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) the child custody determination has not been registered and confirmed under section 518D.305 and that:

(i) the issuing court did not have jurisdiction under sections 518D.201 to 518D.210;

(ii) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 518D.201 to 518D.210; or

(iii) the respondent was entitled to notice, but notice was not given in accordance with the standards of section 518D.108, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under section 518D.305 but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 518D.201 to 518D.210.

(b) The court shall award the fees, costs, and expenses authorized under section 518D.312 and may grant additional relief, including a request for the assistance of law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of spouses or parent and child may not be invoked in a proceeding under sections 518D.301 to 518D.317.

**History:** *1999 c 74 s 10; 2024 c 101 art 3 s 2*