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JURISDICTION

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**I. SUBJECT MATTER JURISDICTION;
RESIDENCY REQUIREMENT**

A. Constitutionality Of Residency Requirement

Sosna v. Iowa, 419 U.S. 393, 95 S.Ct. 553, 42 L.Ed.2d 532 (1975)

The court held that Iowa's one year residency requirement for divorce proceedings was justified because of the state's interest in requiring those seeking a divorce from its courts to be genuinely attached to the state, as well as by the state's desire to insulate its divorce decrees from the likelihood of successful collateral attack. The requirement did not violate the due process clause of the Fourteenth Amendment.

Makres v. Askew, 500 F.2d 577 (5th Cir. 1974)

Makres requested a declaratory judgment in federal court that the residency requirement for divorce in Florida, *F.S.* 61.021, was unconstitutional. The district court found the state had a compelling interest and dismissed. The fifth circuit affirmed.

"We hold that the State of Florida, as the embodiment of all its people, has a compelling interest in minimizing the likelihood that its divorce decrees will be challenged in other states and insuring the failure of any challenges that are mounted. . . .

"We think it is fair to accept that in Florida and almost all states divorces are granted at the 'real' domicile of the marriage partners rather than at sham domiciles of those acquired by one or both partners for the purpose of divorce. Thus the protection that Florida seeks to provide rebounds primarily and affirmatively to the benefit of its 'real' domiciliaries, the incidents of whose marriages — children, property, etc. — will, in more cases than not, be Florida centered."

Caizza v. Caizza, 291 So.2d 569 (Fla. 1974)

"The states have an equally vital interest in assuring the future validity of their judicial decrees, since these decrees are subject to collateral attack in other jurisdictions and may frequently involve the personal property rights of third persons. Florida has a compelling state interest in requiring a provable durational residency so that Florida may avoid intrusion upon the rights and interests of a sister state that might otherwise be paramount while