

§1751. Inconvenient forum

1. Court of this State an inconvenient forum. A court of this State that has jurisdiction under this chapter to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion or request of another court.

[PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

2. Factors relevant to determining whether inconvenient forum. Before determining whether it is an inconvenient forum, a court of this State shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

A. Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child; [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

B. The length of time the child has resided outside this State; [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

C. The distance between the court in this State and the court in the state that would assume jurisdiction; [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

D. The relative financial circumstances of the parties; [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

E. Any agreement of the parties as to which state should assume jurisdiction; [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

F. The nature and location of the evidence required to resolve the pending litigation, including testimony of the child; [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

G. The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

H. The familiarity of the court of each state with the facts and issues in the pending litigation. [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]
[PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

3. Determination of inconvenient forum. If a court of this State determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

[PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

4. Divorce or other proceeding. A court of this State may decline to exercise its jurisdiction under this chapter if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

[PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

SECTION HISTORY

PL 1999, c. 486, §3 (NEW). PL 1999, c. 486, §6 (AFF).

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