

Custody Proceedings - Jurisdiction and Service of Process¹

By Morgan, Lewis & Bockius, LLC (Tuyet Nguyen Lu), Abigail Whitmore, and Leslye Orloff – January 29, 2021

Introduction

This publication was developed under grant number SJI-20-E-005 from the State Justice Institute. Every state has a statute establishing jurisdiction in child custody disputes. Jurisdictional statutes ensure that parents have an opportunity to bring a case in the jurisdiction most suited to the child's needs. These statutes also serve to ensure jurisdiction where one or both parents may not live in the state or if a parent is attempting to avoid custodial duties. The Custody Proceedings Jurisdiction and Service of Process chart is a powerful tool in determining the jurisdictional and service requirement specific to each state. To use this chart most effectively, find the relevant state listed below. Several states also list relevant case law.

This chart can also be useful in comparing child custody law between states. It is important to note that language around child custody is consistent between many states because many jurisdictions have adopted a version of the Uniform Child Custody and Jurisdiction Enforcement Act or something similar. The Uniform Child Custody and Jurisdiction Enforcement Act limits the number of states with jurisdiction over custody to one and provides that custody and protection orders be enforced between states.

This chart can also be particularly useful for questions about parties residing outside of the country and questions about emergency custody or protective orders. For states that have adopted the Uniform Child Custody and Jurisdiction Enforcement Act, most have provisions about temporary emergency jurisdiction where a child has been abandoned or is facing a threat of abuse. Generally, for temporary emergency jurisdiction to be invoked the emergency must be severe and imminent.

Relevant Federal Law

Child custody decisions in states are regulated by 28 U.S.C. § 1738 governing full faith and credit, which says that states should enforce and not modify custody or visitation determinations made in other states. This emphasizes the importance of jurisdiction over non-residents and choice of venue, because once a custody determination is made it should not be modified in a different jurisdiction.

¹ **Disclaimer:** The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute. While the Custody Proceedings Jurisdiction and Service of Process chart is a useful resource, it does not remove the responsibility to engage in original analysis and research.

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
Alabama	<p><i>Initial Custody Determination</i></p> <p>AL. St. 30-3B-201 Subject Matter Jurisdiction exists where:</p> <ul style="list-style-type: none"> (1) State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent resides); or (2) Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or (3) All courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient; (4) No court of any other state would have jurisdiction under (1), (2), or (3). <p>[Note: this can include termination of parental rights determination].</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>AL. St. 30-3B-204(a) – a court of this state has temporary</p>	<p>Ala. Code § 30-3B-205</p> <p>a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of Section 30-3B-108 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p> <p>28 U.S.C.A. § 1738A (West)</p> <p>(e) Before a child custody or visitation determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated and any person who has physical</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>Practice/case law</p> <p>In general, the emergency necessary to invoke temporary jurisdiction must be severe and imminent. <i>See generally, The Proper Use of the Temporary Emergency Jurisdiction of the U.C.C.J.E.A. and Article 13(b) of the Hague Convention of the Civil Aspects of International Child Abduction</i> 20 J. Amer. Acad. of Matrimonial Lawyers 299 (2007).</p> <p>In <i>S.C. v. J.T.C.</i>, the court found that an emergency existed where a biological mother allowed her older daughter to be the primary caretaker for the mother’s young child and did not supervise that young child even though the mother knew that the older daughter was mistreating and beating the child. 47 So. 3d 1253, 1254–55 (Ala. Civ. App. 2010).</p> <p>In <i>Hensley v. Kanizai</i>, the court concluded that an emergency sufficient to trigger Section 204(4) existed when a mother allowed her children to be around a dangerous animal and one of the children had already been injured. 143 So. 3d 186, 194 (Ala. Civ. App. 2013)</p>	<p>custody of a child.</p> <p>See <i>D.B. v. M.A.</i>, 975 So. 2d 927, 939 (Ala. Civ. App. 2006), aff'd sub nom. <i>Ex parte D.B.</i>, 975 So. 2d 940 (Ala. 2007) (Finding service of process on adoptive couple necessary.)</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
Alaska	<p><i>Initial Custody Determination</i></p> <p>AS. St. 25.30.300 Permissible if:</p> <ul style="list-style-type: none"> (1) State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent resides); or (2) Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or (3) All courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient; (4) No court of any other state would have jurisdiction under (1), (2), or (3). <p><i>Temporary Emergency Jurisdiction</i></p> <p>AS. St. 25.30.330(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been</p>	<p>AS 25.30.340. Notice; Opportunity to Be Heard; Joinder.</p> <p>(a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with AS 25.30.840 shall be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, a parent whose parental rights have not been previously terminated, and a person having physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	
<p>Arizona</p>	<p><i>Initial Custody Determination</i></p> <p>AZ. St. 25-1031 A. Except as otherwise provided in section 25-1034, a court of this state has jurisdiction to make an initial child custody determination only if any of the following is true:</p> <p>(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state.</p> <p>(2) A court of another state does not have jurisdiction under paragraph 1 or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 25-1037 or 25-1038 and both of the following are true:</p> <p>(a) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence.</p>	<p>AZ St. 25-1035</p> <p>A. Before a child custody determination is made under this chapter, notice and an opportunity to be heard pursuant to § 25-1008 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated and any person having physical custody of the child.</p> <p>B. This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>C. The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(b) Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships.</p> <p>(3) All courts having jurisdiction under paragraph 1 or 2 have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 25-1037 or 25-1038.</p> <p>(4) A court of any other state would not have jurisdiction under the criteria specified in paragraph 1, 2 or 3.</p> <p>B. Subsection A of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>C. Physical presence of or personal jurisdiction over a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>AZ St. 25-1034</p> <p>A. A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>subjected to or threatened with mistreatment or abuse.</p> <p>B. If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under § 25-1031 , 25-1032 or 25-1033 , a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under § 25-1031 , 25-1032 or 25-1033 . If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under § 25-1031 , 25-1032 or 25-1033 , a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.</p> <p>C. If there is a previous child custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under § 25-1031 , 25-1032 or 25-1033 , any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under § 25-1031 , 25-1032 or 25-1033 . The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>D. A court of this state that has been asked to make a child custody determination under this section, on being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under § 25-1031 , 25-1032 or 25-1033 , shall immediately communicate with the other court. A court of this state that exercises jurisdiction pursuant to § 25-1031 , 25-1032 or 25-1033 , on being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child and determine a period for the duration of the temporary order.</p>	
Arkansas	<p><i>Initial Custody Determination</i></p> <p>AK 9-19-201</p> <p>A. Except as otherwise provided in 9-19-204, a court of this state has jurisdiction to make an initial child-custody determination only if:</p> <p>(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six (6) months before the commencement of the proceeding and the child is</p>	<p>AK St. 9-19-205. Notice -- Opportunity to be heard -- joinder.</p> <p>(a) Before a child-custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of 9-19-108 must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p>(2) A court of another state does not have jurisdiction under subdivision (a)(1) of this section, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under 9-19-207 or 9-19-208, and:</p> <ul style="list-style-type: none"> a. The child and the child's parents, or the child and at least one (1) parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and b. Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships; <p>(3) All courts having jurisdiction under subdivision (a)(1) or (2) of this section have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under 9-19-207 or 9-19-208; or</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in subdivision (a)(1), (2), or (3) of this section.</p> <p>B. Subsection (a) of this section is the exclusive jurisdictional basis for making a child-custody determination by</p>	<p>(c) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this chapter are governed by the law of this state as in child-custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>a court of this state.</p> <p>C. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>AK St. 9-19-204</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If there is no previous child-custody determination that is entitled to be enforced under this chapter, and a child-custody proceeding has not been commenced in a court of a state having jurisdiction under 9-19-201 -- 9-19-203, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under 9-19-201 -- 9-19-203. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under 9-19-201 -- 9-19-203, a child-custody determination made under this section becomes a final determination, if it so provides and this state becomes the</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>home state of the child.</p> <p>(c) If there is a previous child-custody determination that is entitled to be enforced under this chapter, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under 9-19-201 -- 9-19-203, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under 9-19-201 -- 9-19-203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A court of this state which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under 9-19-201 -- 9-19-203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to 9-19-201 -- 9-19-203, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	of the temporary order.	
California	<p><i>Initial Custody Determination</i></p> <p>CA FAM § 3421 (a) Except as otherwise provided in Section 3424 , a court of this state has jurisdiction to make an initial child custody determination only if any of the following are true:</p> <p>(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state.</p> <p>(2) A court of another state does not have jurisdiction under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the grounds that this state is the more appropriate forum under Section 3427 or 3428 , and both of the following are true:</p> <p>(A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence.</p> <p>(B) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships.</p>	<p>CA FAM § 3425</p> <p>(a) Before a child custody determination is made under this part, notice and an opportunity to be heard in accordance with the standards of Section 3408 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(b) This part does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this part are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(3) All courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 3427 or 3428 .</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).</p> <p>(b) Subdivision (a) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>CA FAM § 3424</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to, or threatened with, mistreatment or abuse.</p> <p>(b) If there is no previous child custody determination that is</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>entitled to be enforced under this part and a child custody proceeding has not been commenced in a court of a state having jurisdiction under Sections 3421 to 3423 , inclusive, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 3421 to 3423 , inclusive. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 3421 to 3423 , inclusive, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.</p> <p>(c) If there is a previous child custody determination that is entitled to be enforced under this part, or a child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 3421 to 3423 , inclusive, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Sections 3421 to 3423 , inclusive. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>child custody determination has been made by, a court of a state having jurisdiction under Sections 3421 to 3423 , inclusive, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to Sections 3421 to 3423 , inclusive, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p> <p>(e) It is the intent of the Legislature in enacting subdivision (a) that the grounds on which a court may exercise temporary emergency jurisdiction be expanded. It is further the intent of the Legislature that these grounds include those that existed under Section 3403 of the Family Code as that section read on December 31, 1999, particularly including cases involving domestic violence.</p>	
Colorado	<p><i>Initial Custody Determination</i></p> <p>CO St. § 14-13-201</p> <p>(1) Except as otherwise provided in section 14-13-204, a court of this state has jurisdiction to make an initial child-custody determination only if:</p>	<p>CO St. § 14-13-205</p> <p>(1) Before a child-custody determination is made under this article, notice and an opportunity to be heard in accordance with the standards of section 14-13-108 must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within one hundred eighty-two days before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p>(b) A court of another state does not have jurisdiction under a provision of law adopted by that state that is in substantial conformity with paragraph (a) of this subsection (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under a provision of law adopted by that state that is in substantial conformity with section 14-13-207 or 14-13-208, and:</p> <p>(I) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p>(II) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(c) All courts having jurisdiction under a provision of law adopted by that state that is in substantial conformity with paragraph (a) or (b) of this subsection (1) have declined to</p>	<p>terminated, and any person having physical custody of the child.</p> <p>(2) This article does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.</p> <p>(3) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this article are governed by the law of this state as in child-custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under a provision of law adopted by that state that is in substantial conformity with section 14-13-207 or 14-13-208; or</p> <p>(d) No court of any other state would have jurisdiction under the criteria specified in a provision of law adopted by that state that is in substantial conformity with paragraph (a), (b), or (c) of this subsection (1).</p> <p>(2) Subsection (1) of this section is the exclusive jurisdictional basis for making a child-custody determination by a court of this state.</p> <p>(3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>CO St. § 14-13-204</p> <p>(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(2) If there is no previous child-custody determination that is entitled to be enforced under this article and a child-custody proceeding has not been commenced in a court of a state having jurisdiction under a provision of law adopted by that state that is in substantial conformity with sections 14-13-201 to 14-13-203, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under a provision of law adopted by that state that is in substantial conformity with sections 14-13-201 to 14-13-203. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under a provision of law adopted by that state that is in substantial conformity with sections 14-13-201 to 14-13-203, a child-custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.</p> <p>(3) If there is a previous child-custody determination that is entitled to be enforced under this article, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under a provision of law adopted by that state that is in substantial conformity with sections 14-13-201 to 14-13-203, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under a provision of</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>law adopted by that state that is in substantial conformity with sections 14-13-201 to 14-13-203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(4) A court of this state that has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under a provision of law adopted by that state that is in substantial conformity with sections 14-13-201 to 14-13-203, shall immediately communicate with the other court. A court of this state that is exercising jurisdiction pursuant to sections 14-13-201 to 14-13-203, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	
Connecticut	<p><i>Initial Custody Determination</i></p> <p>CT Gen St. § 46b-115k</p> <p>(a) Except as otherwise provided in section 46b-115n, a court of this state has jurisdiction to make an initial child custody</p>	<p>CT Gen St. § 46b-115o</p> <p>(a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standard established in section 46b-115g shall be given to the parties, any parent whose parental rights have not</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>determination if:</p> <p>(1) This state is the home state of the child on the date of the commencement of the child custody proceeding;</p> <p>(2) This state was the home state of the child within six months of the commencement of the child custody proceeding, the child is absent from the state, and a parent or a person acting as a parent continues to reside in this state;</p> <p>(3) A court of another state does not have jurisdiction under subdivisions (1) or (2) of this subsection, the child and at least one parent or person acting as a parent have a significant connection with this state other than mere physical presence, and there is substantial evidence available in this state concerning the child’s care, protection, training and personal relationships;</p> <p>(4) A court of another state which is the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under a provision substantially similar to section 46b-115q or section 46b-115r, the child and at least one parent or person acting as a parent have a significant connection with this state other than mere physical presence, and there is substantial evidence available in this state concerning the child’s care, protection, training and personal relationships;</p>	<p>been previously terminated and any person who has physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by section 46b-57.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(5) All courts having jurisdiction under subdivisions (1) to (4), inclusive, of this subsection have declined jurisdiction on the ground that a court of this state is the more appropriate forum to determine custody under a provision substantially similar to section 46b-115q or section 46b-115r; or</p> <p>(6) No court of any other state would have jurisdiction under subdivisions (1) to (5), inclusive, of this subsection.</p> <p>(b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>CT Gen St. § 46b-115n</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and (1) the child has been abandoned, or (2) it is necessary in an emergency to protect the child because the child, a sibling or a parent has been, or is under a threat of being, abused or mistreated. As used in this</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>subsection with respect to a child, “abused” shall have the same meaning as in section 46b-120.</p> <p>(b) If there is no previous child custody determination that is enforceable under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under a provision substantially similar to section 46b-115k, 46b-115l or 46b-115m, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under a provision substantially similar to section 46b-115k, 46b-115l or 46b-115m. A child custody determination made under this section shall be a final determination if: (1) A child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under a provision substantially similar to section 46b-115k, 46b-115l or 46b-115m; (2) this state has become the home state of the child; and (3) the child custody determination provides that it is a final determination.</p> <p>(c) If there is a previous child custody determination that is enforceable under this chapter or if a child custody proceeding has been commenced in a court of a state having jurisdiction under a provision substantially similar to section 46b-115k, 46b-115l or 46b-115m, the court of this state which issues an order pursuant to this section shall specify that such order is effective for a period of time which the court deems adequate</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>to allow the person seeking an order to obtain such order from the other state which has jurisdiction. Such order shall be effective for that period of time specified in the order or until an order is obtained from the other state whichever occurs first.</p> <p>(d) If the court, in any proceeding commenced pursuant to this section, is informed that a child custody proceeding has been commenced, or that a child custody determination has been made, by a court of another state having jurisdiction pursuant to a provision substantially similar to section 46b-115k, 46b-115l or 46b-115m, such court shall immediately communicate with the court of the other state and take appropriate action, including the making of temporary orders for a specified period of time, to resolve the emergency and to protect the safety of the child and the parties.</p>	
Delaware	<p>A. See 13 Del. Code §1920</p> <p>Except as otherwise provided in 13 Del. Code §1923, a Delaware court has jurisdiction to make an initial child custody determination only if:</p> <p>(1) This State is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent; continues to live in this State;</p> <p>(2) A court of another state does not have jurisdiction under</p>	<p>13 Del. Code §721</p> <p>Commencement of proceedings; venue; notice; pleadings; attorney for child; removal from jurisdiction; considerations.</p> <p>(a) A child custody proceeding is commenced in the Family Court of the State, or as otherwise provided by law, by a parent filing a petition seeking custody of the child in the county where the child is permanently a resident or where he or she is found.</p> <p>(b) Notice of a child custody proceeding shall be given to the child’s parent, guardian and custodian, who may appear and be</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>paragraph (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under § 1926 or § 1927 of this title; and</p> <p>a. the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this State other than mere physical presence; and</p> <p>b. Substantial evidence is available in this State concerning the child's care, protection, training, and personal relationships;</p> <p>(3) All courts having jurisdiction under paragraph (1) or (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under § 1926 or § 1927 of this title; or</p> <p>No court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2) or (3) of this subsection.</p> <p>A. See 13 Del. Code §1923 – A court of this State has temporary emergency jurisdiction if the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>The Delaware Supreme Court has previously held that in order to obtain emergency jurisdiction, “the Family Court must</p>	<p>heard and may file a responsive pleading. The Court may, upon a showing of good cause, permit the intervention of other interested parties.</p> <p>(c) The Court may, in the interest of the child, appoint an attorney to represent the child in the proceedings. A fee for an attorney so appointed shall be allowed as part of the costs of the proceeding.</p> <p>(d) Upon the filing of a petition for custody or visitation, a preliminary injunction shall be issued against both parties to the action, enjoining them from removing any natural or adopted child of the parties then residing in Delaware from the jurisdiction of this Court without the prior written consent of the parties or the permission of the Court. The preliminary injunction shall be effective against the petitioner upon the filing of the petition for custody or visitation and upon the respondent upon service of a copy of the petition.</p> <p>(e) A custody proceeding between parents shall be determined in accordance with §§ 722, 729 and Chapter 7A of this title, whichever shall apply.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>make a finding that an extraordinary situation exists.” (See <i>Trader v. Darrow</i>, 630 A.2d 634 (Del. 1993). More specifically, “[a] situation is extraordinary, for purposes of emergency jurisdiction, when there is an immediate and imminent threat that a child will be subjected to abuse or neglect if temporary jurisdiction, in the form of a stay of the outstanding order, is not exercised.” (See <i>id.</i>)</p> <p>The Delaware Family Court has found that an extraordinary situation arose when a child was left with his biological mother after her parental rights were involuntarily terminated in a home with no heat or running water. (<i>Dep’t of Services for Children, Youth and their Families v. T.H.</i>, 2013 WL 1718348 (Del.Fam. Feb.4, 2013).</p>	
Florida	<p><i>Initial Custody Determination</i></p> <p>Fla. Stat. 61.503(8) The UCCJEA provides four grounds for a court to make an initial child custody determination:</p> <ol style="list-style-type: none"> 1. Florida is the child’s home state. 2. The child has a significant connection to Florida. 3. Florida is the more appropriate forum. 4. No court of any other state would have jurisdiction on any of the three preceding bases. <p>These four grounds are not equal. The UCCJEA clarifies the priority of home state jurisdiction and does not allow states to</p>	<p>Fla. Fam. L.R.P. Rule 12.080</p> <p>(b) A copy of all orders or judgments involving family law matters, except proceedings for injunctions for protection against domestic, repeat, dating, and sexual violence, and stalking, must be transmitted by the court or under its direction to all parties at the time of entry of the order or judgment.</p> <p>(c) No service need be made on parties against whom a default has been entered, except, that:</p> <ol style="list-style-type: none"> 1. Pleadings asserting new or additional claims against defaulted parties must be served in the manner provided for service of summons contained in rule 12.070. 2. Notice of final hearings or trials and court orders must be served on defaulted parties in the manner provided for service

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>recognize child custody determinations made by states that exercise initial subject-matter jurisdiction as a “significant connection state’ when a child has a home state.”</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Fla. Stat. 61.817(1) A Florida court has temporary emergency jurisdiction to make a custody determination if the child is present in Florida, provided that either:</p> <ol style="list-style-type: none"> 1. The child has been abandoned, or 2. It is necessary in an emergency to protect the child because (a) the child or (b) a sibling of the child or (c) a parent of the child is subjected to or threatened with mistreatment or abuse. <p>The UCCJEA expands the definition of emergency to include mistreatment or abuse of a sibling or parent, but does not include neglect as a basis for the assumption of temporary emergency jurisdiction.</p>	<p>of pleadings and documents contained in Florida Rule of Judicial Administration 2.516.</p> <p>Final judgments must be served on defaulted parties as set forth in Florida Rule of Judicial Administration 2.516(h).</p>
Georgia	<p><i>Initial Custody Determination</i></p> <p>O.C.G.A. 19-9-61 (2010) 19-9-61. Jurisdiction requirements for initial child custody determinations; physical presence alone insufficient</p> <p>(a) Except as otherwise provided in Code Section 19-9-64, a court of this state has jurisdiction to make an initial child custody determination only if:</p>	<p>GA Code § 19-9-65 (2018)</p> <p>(a) Before a child custody determination is made under this article, notice and an opportunity to be heard in accordance with the standards of Code Section 19-9-47 must be given to all persons entitled to notice under the law of this state as in a child custody proceeding between residents of this state, any parent whose parental rights have not been previously</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p>(2) A court of another state does not have jurisdiction under paragraph (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Code Section 19-9-67 or 19-9-68 and:</p> <p>(A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p>(B) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(3) All courts having jurisdiction under paragraph (1) or (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Code Section 19-9-67 or 19-9-68; or</p>	<p>terminated, and any person having physical custody of the child.</p> <p>(b) This article does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this article are governed by the law of this state as in child custody proceedings between residents of this state.</p> <p>GA Code § 19-9-66 (2018)</p> <p>(a) Except as otherwise provided in Code Section 19-9-64, a court of this state may not exercise its jurisdiction under this part if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this article; unless the proceeding has been terminated or is stayed by the court of the other state because a court of this state is a more convenient forum under Code Section 19-9-67.</p> <p>(b) Except as otherwise provided in Code Section 19-9-64, a court of this state, before hearing a child custody proceeding, shall examine the court documents and other information</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(4) No court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3) of this subsection.</p> <p>(b) Subsection (a) of this Code section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>O.C.G.A. 19-9-64 (2010) 19-9-64. Temporary emergency jurisdiction; continuing effect; communicating with other courts</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If there is no previous child custody determination that is entitled to be enforced under this article and a child custody proceeding has not been commenced in a court of a state</p>	<p>supplied by the parties pursuant to Code Section 19-9-69. If the court determines that a child custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this article, the court of this state shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this article does not determine that the court of this state is a more appropriate forum, the court of this state shall dismiss the proceeding.</p> <p>(c) In a proceeding to modify a child custody determination, a court of this state shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the court may:</p> <p>(1) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;</p> <p>(2) Enjoin the parties from continuing with the proceeding for enforcement; or</p> <p>(3) Proceed with the modification under conditions it considers appropriate.</p> <p>GA Code § 19-9-70 (2018)</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>having jurisdiction under Code Sections 19-9-61 through 19-9-63, a child custody determination made under this Code section remains in effect until an order is obtained from a court of a state having jurisdiction under Code Sections 19-9-61 through 19-9-63. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Code Sections 19-9-61 through 19-9-63, a child custody determination made under this Code section becomes a final determination, if it so provides and this state becomes the home state of the child.</p> <p>(c) If there is a previous child custody determination that is entitled to be enforced under this article, or a child custody proceeding has been commenced in a court of a state having jurisdiction under Code Sections 19-9-61 and 19-9-63, any order issued by a court of this state under this Code section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Code Sections 19-9-61 through 19-9-63. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A court of this state which has been asked to make a child custody determination under this Code section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been</p>	<p>(a) In a child custody proceeding in this state, the court may order a party to the proceeding who is in this state to appear before the court in person with or without the child. The court may order any person who is in this state and who has physical custody or control of the child to appear in person with the child.</p> <p>(b) If a party to a child custody proceeding whose presence is desired by the court is outside this state, the court may order that a notice given pursuant to Code Section 19-9-47 include a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.</p> <p>(c) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this Code section.</p> <p>(d) If a party to a child custody proceeding who is outside this state is directed to appear under subsection (b) of this Code section or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>made by, a court of a state having jurisdiction under Code Sections 19-9-61 through 19-9-63, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to Code Sections 19-9-61 through 19-9-63, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this Code section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	
<p>Illinois</p>	<p><i>Initial Custody Determination</i></p> <p>750 Ill. Comp. Stat. Ann. 36/201 (2019) Uniform Child Custody Jurisdiction and Enforcement Act, Section 201. Initial Child-Custody Jurisdiction.</p> <p>(a) Except as otherwise provided in Section 204, a court of this State has jurisdiction to make an initial child-custody determination only if:</p> <p>(1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this State but a parent or person acting as a parent continues to live in this State;</p> <p>(2) a court of another state does not have jurisdiction</p>	<p>750 Ill. Comp. Stat. Ann. 36/205 (2019) Uniform Child-Custody Jurisdiction and Enforcement Act, Section 205. Notice; Opportunity To Be Heard; Joinder.</p> <p>(a) Before a child-custody determination is made under this Act, notice and an opportunity to be heard in accordance with the standards of Section 108 must be given to all persons entitled to notice under the law of this State as in child-custody proceedings between residents of this State, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>750 Ill. Comp. Stat. Ann. 36/108 (2019) Section 108. Notice To Persons Outside State.</p> <p>(a) Notice required for the exercise of jurisdiction when a</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under Section 207 or 208, and:</p> <p>(A) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this State other than mere physical presence; and</p> <p>(B) substantial evidence is available in this State concerning the child's care, protection, training, and personal relationships;</p> <p>(3) all courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under Section 207 or 208; or</p> <p>(4) no court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).</p> <p>(b) Subsection (a) is the exclusive jurisdictional basis for making a child-custody determination by a court of this State.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p>750 Ill. Comp. Stat. Ann. 36/204 (2019) Section 204. Temporary Emergency Jurisdiction.</p> <p>(a) A court of this State has temporary emergency jurisdiction if</p>	<p>person is outside this State may be given in a manner prescribed by the law of this State for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>(b) Proof of service may be made in the manner prescribed by the law of this State or by the law of the state in which the service is made.</p> <p>(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p><i>Proceeding to Adjudicate Parentage:</i></p> <p>750 Ill. Comp. Stat. Ann. 46/603 (2019) Section 603. Subject matter and personal jurisdiction.</p> <p>(a) The circuit courts of this State shall have jurisdiction of an action brought under this Act. In a civil action not brought under this Act, the provisions of this Act shall apply if parentage is at issue. The court may join any action under this Act with any other civil action in which this Act is applicable.</p> <p>(b) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.</p> <p>(c) A court of this State having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in Section 201 of the Uniform Interstate Family Support Act are fulfilled.</p> <p>(d) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>jurisdiction.</p> <p>750 Ill. Comp. Stat. Ann. 22/201 (2019) Uniform Interstate Family Support Act, Section 201. Bases for jurisdiction over a nonresident.</p> <p>(a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:</p> <ul style="list-style-type: none"> (1) the individual is personally served with notice within this State; (2) the individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; (3) the individual resided with the child in this State; (4) the individual resided in this State and provided prenatal expenses or support for the child; (5) the child resides in this State as a result of the acts or directives of the individual; (6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; (7) the individual asserted parentage of a child in the putative father registry maintained in this State by the Illinois Department of Children and Family Services; or 	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(8) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.</p> <p>(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child-support order of another state unless the requirements of Section 611 are met, or, in the case of a foreign support order, unless the requirements of Section 615 are met.</p>	
<p>Indiana</p>	<p>IC 31-21-5-1</p> <p>(a) Except as otherwise provided in section 4 of this chapter, an Indiana court has jurisdiction to make an initial child custody determination only if one (1) of the following applies:</p> <p>(1) Indiana is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six (6) months before the commencement of the proceeding, and the child is absent from Indiana but a parent or person acting as a parent continues to live in Indiana.</p> <p>(2) A court of another state does not have jurisdiction under subdivision (1) or a court of the home state of the child has declined to exercise jurisdiction on the ground that Indiana is the more appropriate forum under section 8 or 9 of this chapter, and:</p>	<p>IC 31-21-3-1 Sec. 1. A child custody determination made by an Indiana court that has jurisdiction under this article binds each person who has:</p> <p>(1) been served with notice in accordance with Indiana law;</p> <p>(2) been notified in accordance with section 3 of this chapter; or</p> <p>(3) submitted to the jurisdiction of the court;</p> <p>and who has been given an opportunity to be heard. A child custody determination described in this section is conclusive as to the decided issues of law and fact except to the extent the determination is modified.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(A) the child and the child's parents, or the child and at least one (1) parent or person acting as a parent, have a significant connection with Indiana other than mere physical presence; and</p> <p>(B) substantial evidence is available in Indiana concerning the child's care, protection, training, and personal relationships.</p> <p>(3) All courts having jurisdiction under subdivision (1) or (2) have declined to exercise jurisdiction on the ground that an Indiana court is the more appropriate forum to determine the custody of the child under section 8 or 9 of this chapter.</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in subdivision (1), (2), or (3).</p> <p>(b) The jurisdictional requirements described in this section provide the exclusive jurisdictional basis for making a child custody determination by an Indiana court.</p> <p>[Research note: This is the state's adoption of the Uniform Child Custody and Jurisdiction Enforcement Act ("UCCJEA"). Many jurisdictions adopt this (or something similar)].</p> <p><i>Temporary Emergency Jurisdiction</i></p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>IC 31-21-5-4 (a) An Indiana court has temporary emergency jurisdiction if the child is present in Indiana and:</p> <ul style="list-style-type: none"> (1) the child has been abandoned; or (2) it is necessary in an emergency to protect the child because: <ul style="list-style-type: none"> (A) the child; (B) the child's sibling; or (C) the child's parent; <p>is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If:</p> <ul style="list-style-type: none"> (1) there is no previous child custody determination that is entitled to be enforced under this article; and (2) a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 1 through 3 of this chapter; <p>a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 1 through 3 of this chapter.</p> <p>IC 31-21-3-1 Sec. 1. A child custody determination made by an Indiana court that has jurisdiction under this article binds each person who has:</p> <ul style="list-style-type: none"> (1) been served with notice in accordance with Indiana law; (2) been notified in accordance with section 3 of this chapter; <p>or</p> <ul style="list-style-type: none"> (3) submitted to the jurisdiction of the court; 	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>and who has been given an opportunity to be heard. A child custody determination described in this section is conclusive as to the decided issues of law and fact except to the extent the determination is modified.</p>	
Iowa	<p>I.C.A. § 598B.201 Initial Custody Determination</p> <p>1. Except as otherwise provided in section 598B.204, a court of this state has jurisdiction to make an initial child-custody determination only if any of the following applies:</p> <ul style="list-style-type: none"> a. This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state. b. A court of another state does not have jurisdiction under paragraph “a”, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 598B.207 or 598B.208 and both of the following apply: <ul style="list-style-type: none"> 1. The child and the child's parents, or the child and at least one parent or a person acting as a parent, 	<p>I.C.A. § 598B.205 Notice — opportunity to be heard — joinder.</p> <p>1. Before a child-custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of section 598B.108 must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>2. This chapter does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.</p> <p>3. The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this chapter are governed by the law of this state as in child-custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>have a significant connection with this state other than mere physical presence.</p> <p>2. Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships.</p> <p>c. All courts having jurisdiction under paragraph "a" or "b" have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 598B.207 or 598B.208.</p> <p>d. No court of any other state would have jurisdiction under the criteria specified in paragraph "a", "b", or "c".</p> <p>2. Subsection 1 is the exclusive jurisdictional basis for making a child-custody determination by a court of this state.</p> <p>3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p>[Research note: This is the state's adoption of the Uniform Child Custody and Jurisdiction Enforcement Act ("UCCJEA"). Many jurisdictions adopt this (or something similar)].</p>	<p>[Research note: As a general matter, state law will require that both natural parents be served, any adoptive parent, and person that has been actually caring for the child, and, in some instances, grandparents. For older children <i>under</i> the age of majority (18 or 21), there may be circumstances in which the child would need to be served].</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>I.C.A. § 598B.204 Temporary Emergency Jurisdiction</p> <ol style="list-style-type: none"> 1. A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse. 2. If there is no previous child-custody determination that is entitled to be enforced under this chapter and a child-custody proceeding has not been commenced in a court of a state having jurisdiction under sections 598B.201 through 598B.203, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 598B.201 through 598B.203. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 598B.201 through 598B.203, a child-custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child. 3. If there is a previous child-custody determination that is entitled to be enforced under this chapter, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under sections 598B.201 	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>through 598B.203, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 598B.201 through 598B.203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>4. A court of this state which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under sections 598B.201 through 598B.203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to sections 598B.201 through 598B.203, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>[Research note: If the state has a temporary emergency jurisdiction provision like this, determine whether there is case law interpreting the provision, particularly as it relates to child abuse or neglect or to a parent that has been subjected to domestic violence].</p>	
<p>Kansas</p>	<p><i>Initial Child Custody Jurisdiction</i></p> <p>K. S. A 23-37,201 A court of this state has jurisdiction to make an initial child-custody determination only if:</p> <p>(1) It is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p>(2) a court of another state does not have jurisdiction under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum and:</p> <p>(A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p>(B) substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(3) All courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of</p>	<p>K. S. A. 23-37,205(a) Before a child-custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of K.S.A. 23-37,108, and amendments thereto, must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>K. S. A. 23-37,108(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>this state is the more appropriate forum to determine the custody of the child under K.S.A. 23-37,207 or 23-37,208, and amendments thereto; or</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>K. S. A. 23-37,204(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	
Kentucky		
Louisiana	<p><i>Initial Child Custody Jurisdiction</i></p> <p>La. Rev. Stat. § 13:1813(A)-(C). A court of this state has jurisdiction if:</p> <p>(1) It is the home state of the child:</p> <ul style="list-style-type: none"> • on the date of the commencement of the proceeding, • or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state, 	<p>La. Rev. Stat. § 13:1817(A): Notice and an opportunity to be heard in accordance with the standards of R.S. 13:1808 shall be given to all persons entitled to notice under the laws of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>La. Rev. Stat. §13:1808(A). Notice to persons outside state: May be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice shall be given in a manner reasonably</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<ul style="list-style-type: none"> or was the child’s home state within twelve months before commencement of the proceeding and the child is absent from the state because the child was required to leave or was evacuated due to an emergency or disaster and was unable to return for an extended period of time. <p>(2) Court of another state does not have jurisdiction or a court of the home state has declined to exercise jurisdiction on the ground that this state is the more appropriate forum, and:</p> <p>(a) The child and the child’s parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than physical presence;</p> <p>(b) Substantial evidence is available in this state concerning the child’s care, protection, training, and personal relationships.</p> <p>(3) Courts having jurisdiction have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum.</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in Paragraph (1), (2), or (3).</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>La. Rev. Stat. § 13:1816(A). A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the</p>	<p>calculated to give actual notice but may be by publication if other means are not effective.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.	
Maine	<p><i>Initial Custody Determination</i></p> <p>19-A M.R.S. § 1745. State has jurisdiction to make initial child custody determination only if:</p> <p>(A) Maine is child's home state (at commencement of the proceeding, or within six months prior and child is absent but at least one parent continues to reside); or</p> <p>(B) A court of another state does not have jurisdiction under paragraph (A) or a court of the child’s home state declines jurisdiction on ground that Maine is the more appropriate forum, and (1) child and at least one parent has a significant connection to State other than mere physical presence; and (2) substantial evidence is available in Maine re: the child's care, protection, training and personal relationships; or</p> <p>(C) All courts having jurisdiction under (A) and (B) have declined to exercise jurisdiction based on this forum being most convenient; or</p> <p>(D) No court of any other state would have jurisdiction under (A), (B), or (C).</p> <p>19-A M.R.S. § 1732(7). Defines “home state” as the “state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the</p>	<p>19-A M.R.S. § 1749 (Notice; opportunity to be heard; joinder).</p> <p>Before a child custody determination can be made, notice and opportunity to be heard (per 19-A M.R.S. § 1738) must be given to “all persons entitled to notice under the law of this State as in child custody proceedings between residents of this State, any parent whose parental rights have not previously been terminated and any person having physical custody of the child.”</p> <p>Me. R. Civ. P. 4(d)(2) – If service is required upon a minor, personal service requires delivering a copy to both the minor and the minor’s guardian (if within the State), or to the minor’s father, mother, or caretaker or with whom the minor resides.</p> <p>Me. R. Civ. P. 101(b) – For Family Division actions in which a party seeks to be adjudicated a de facto parent of a child, the party must serve the pleadings and an affidavit “upon all parents and legal guardians of the child and any other party to the proceeding.”</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>commencement of a child custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.”</p> <p><i>Rainbow v. Ransom</i>, 2010 ME 22, 990 A.2d 535. Affirmed exercise of jurisdiction after Hawaii, child’s home state, declined. In addition to mother’s connections to Maine (incl. family and evidence of child’s well-being), court found jurisdiction “entirely appropriate given the finding of domestic violence” by father in Hawaii, and jurisdiction in Maine “reflects the need to protect both [the mother] and the child from remaining in a jurisdiction that is potentially dangerous,” appropriate factors to consider under 19-A M.R.S. § 1745(B).</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>19-A M.R.S. § 1748. Maine court has temporary emergency jurisdiction if child is present in Maine and has been abandoned or it is necessary in an emergency to protect the child because the child or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.</p> <p><i>Campbell v. Martin</i>, 2002 ME 112, 802 A.2d 395.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>Section 1748 gives Maine jurisdiction “in urgent circumstances” to impose temporary order for protection from spousal abuse and child custody “due to threats of mistreatment or abuse.” It is designed for temporary relief until the state with jurisdiction can enter an order—here, it does not allow a Maine court to exercise jurisdiction over related complaint for paternity, permanent parental rights, and child support, because Kentucky (not Maine) was child’s home state and did not decline jurisdiction.</p>	
Maryland	<p><i>Initial Custody Determination</i></p> <p>Md. Code Ann., Family Law § 1-201. (b) An equity court has jurisdiction over: ... (5) custody or guardianship of a child except for a child who is under the jurisdiction of any juvenile court and who previously has been adjudicated to be a child in need of assistance;</p> <p>Md. Code Ann., Courts & Judicial Proceedings § 3-803 (Jurisdiction of court).</p> <p>(b)(1) – The Juvenile Court has concurrent jurisdiction over: (i) Custody, visitation, support, and paternity of a child whom the court finds to be a CINA; and (ii) Custody of a child alleged to be a CINA under the circumstances described in § 3-819(d) of this subtitle.</p> <p>(2) During pendency of an action under this subtitle, a party</p>	<p>Md. Code Ann., Family Law § 9.5-205. Before a child custody determination can be made, notice and opportunity to be heard (per Md. Code § 9.5-107) must be given to “all persons entitled to notice under the law of this State as in child custody proceedings between residents of this State, any parent whose parental rights have not previously been terminated and any person having physical custody of the child.”</p> <p>Md. Code Ann., Family Law § 9.5-107.</p> <p>(a) (1) Notice required for the exercise of jurisdiction when a person is outside this State may be given in a manner prescribed by the law of this State for service of process or by the law of the state in which the service is made.</p> <p>(2) Notice shall be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>(b) Proof of service may be made in the manner prescribed by</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>has a continuing duty to advise the court and any other court considering custody, support, visitation, or paternity of a child, of the pendency of any other action concerning the child, whether the action is in this or another state.</p> <p>Md. Code Ann., Family Law § 9.5-201. Except as provided in § 9.5-204, a Maryland court has jurisdiction to make initial child custody determination only if:</p> <ol style="list-style-type: none"> 1. Maryland is child’s home state (at commencement of the proceeding, or within six months prior and child is absent but at least one parent continues to live in State); 2. A court of another state does not have jurisdiction under paragraph (1), or a court of the child’s home state declined jurisdiction on ground that Maryland is the more appropriate forum under § 9.5-207 or § 9.5-208, and (i) the child and at least one parent has a significant connection to State other than mere physical presence; and (ii) substantial evidence is available in Maryland re: the child's care, protection, training and personal relationships; or 3. All courts having jurisdiction under (1) or (2) have declined to exercise jurisdiction based on this forum being most convenient under §§ 9.5-207 or -208; or 4. No court of any other state would have jurisdiction under (1), (2), or (3). <p><i>Temporary Emergency Jurisdiction</i></p>	<p>the law of this State or by the law of the state in which the service is made.</p> <p>(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>Md. Code Ann., Family Law § 9.5-204. (a) Maryland court has temporary emergency jurisdiction if child is present in Maryland and has been abandoned or it is necessary in an emergency to protect the child because the child or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.</p> <p>§ 9.5-204 contains other subsections addressing the period of time for which an order under this section remains in effect, and if there is a previous child custody determination entitled to be enforced by a court of another state having jurisdiction.</p>	
Massachusetts	<p><u>Initial Custody Determination</u></p> <p>Mass. Gen. Laws ch. 209B, § 2.</p> <p>Section 2. (a) Any court which is competent to decide child custody matters has jurisdiction to make a custody determination by initial or modification judgment if:</p> <p>(1) the commonwealth (i) is the home state of the child on the commencement of the custody proceeding, or (ii) had been the child's home state within six months before the date of the commencement of the proceeding and the child is absent from the commonwealth because of his or her removal or retention by a person claiming his or her custody or for other reasons,</p>	<p>Mass. Gen. Laws ch. 209B, § 5.</p> <p>Section 5. (a) Reasonable notice in conformity with section six and an opportunity to be heard shall be given to the contestants, to any parent whose parental rights have not been previously terminated, to any person acting as parent, and to any other persons designated proper parties by the court pursuant to section four, provided that in the event a court of the commonwealth assumes jurisdiction pursuant to clause (ii) of paragraph (3) of subsection (a) of section two, then the court may waive such notice requirement for such period as may be allowed under applicable court rules.</p> <p>(b) Any notice shall include the nature of the action, copies of</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>and a parent or person acting as parent continues to reside in the commonwealth; or</p> <p>(2) it appears that no other state would have jurisdiction under paragraph (1) and it is in the best interest of the child that a court of the commonwealth assume jurisdiction because (i) the child and his or her parents, or the child and at least one contestant, have a significant connection with the commonwealth, and (ii) there is available in the commonwealth substantial evidence concerning the child's present or future care, protection, training, and personal relationships; or</p> <p>(3) the child is physically present in the commonwealth and (i) the child has been abandoned or (ii) it is necessary in an emergency to protect the child from abuse or neglect or for other good cause shown, provided that in the event that jurisdictional prerequisites are not established pursuant to any other paragraph of this subsection and a court of another state shall be entitled to assert jurisdiction under any other subparagraph of this paragraph then a court exercising jurisdiction pursuant to this clause of paragraph (3) may do so only by entering such temporary order or orders as it deems necessary unless the court of the other state has declined to exercise jurisdiction, has stayed its proceedings or has otherwise deferred to the jurisdiction of a court of the commonwealth; or</p>	<p>all pleadings filed with the court, and the statement that any person so notified may apply to the court concerning allocation of the costs of those reasonable and necessary expenses to be incurred in connection with the custody proceeding in accordance with applicable sections of this chapter.</p> <p>Mass. Gen. Laws ch. 209B, § 6.</p> <p>Section 6. (a) Notice to a person in the commonwealth shall be given in accordance with the applicable Massachusetts rules of court or in such other manner as is prescribed by law.</p> <p>(b) Notice required for the exercise of jurisdiction over a person outside the commonwealth shall be given in accordance with the applicable Massachusetts Rules of Court or statute or, in the discretion of the court, in the manner prescribed by the law of the place in which the service is made concerning service of process in an action of its court of general jurisdiction, provided, however, that in no event shall notice under this paragraph be served, mailed, delivered or last published less than twenty days before any custody determination is made in this state, other than a determination made pursuant to clause (ii) of paragraph (3) of subsection (a) of section two.</p> <p>(c) Proof of service outside the commonwealth may be made</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(4) (i) it appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraph (1), (2) or (3), or another state has declined to exercise jurisdiction on the ground that the commonwealth is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that a court of the commonwealth assume jurisdiction.</p> <p>(b) Except under subparagraphs (3) and (4) of paragraph (a), physical presence in the commonwealth of the child or of the child and one of the contestants, is not alone sufficient to confer jurisdiction on a court of the commonwealth to make a custody determination.</p> <p>(c) Physical presence of the child, while desirable, is not a prerequisite for jurisdiction to make a custody determination.</p> <p>(d) A court of the commonwealth shall not exercise jurisdiction in any custody proceeding commenced during the pendency of a proceeding in a court of another state where such court of that state is exercising jurisdiction consistently with the provisions of this section for the purpose of making a custody determination, except in accordance with paragraph (3) of subsection (a), unless the court of the other state shall decline jurisdiction pursuant to paragraph (4) of subsection (a) or shall stay its proceedings or otherwise defer to the jurisdiction of a court of the commonwealth.</p>	<p>by affidavit of the individual who made the service, in accordance with the applicable law or the Massachusetts rules of court, in accordance with the order pursuant to which the service is made, or, in the discretion of the court, otherwise in accordance with the law of the place in which the service is made.</p> <p>(d) Notice is not required to be given to a contestant who submits to the jurisdiction of the court.</p> <p>Mass. Gen. Laws ch. 215, § 6C.</p> <p>Section 6C. Upon a complaint, after a judgment pursuant to this chapter relative to the care and custody of minor children, filed by either parent or by a next friend on behalf of the children, after notice to both parents, the court may make a judgment modifying its earlier judgment as to the care and custody of said minor children provided that the court finds that a material and substantial change in the circumstances of the parties has occurred and that a modification is necessary in the best interests of the children.</p> <p>During the pendency of such an action, upon motion of either party or of a next friend on behalf of the minor children of the parties and notice to the other party or parties, the court may</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(e) If a court of another state has made a custody determination in substantial conformity with this chapter, a court of the commonwealth shall not modify that determination unless (1) it appears to the court of the commonwealth that the court which made the custody determination does not now have jurisdiction under jurisdictional prerequisites substantially in accordance with this chapter or that such court has declined to assume jurisdiction to modify its determination and (2) a court of the commonwealth now has jurisdiction pursuant to this chapter.</p> <p>Mass. Gen. Laws ch. 209B, § 7.</p> <p>Section 7. (a) A court which has jurisdiction pursuant to section two may decline to exercise its jurisdiction at any time prior to making a custody determination upon finding that its assumption of jurisdiction would be (i) violative of the purposes of this chapter; or (ii) would be based upon the illegal or otherwise wrongful conduct of a party; or (iii) would constitute an inconvenient forum and that a court of another state would constitute a more convenient forum.</p> <p>(b) A court may decline jurisdiction for any of the reasons set forth in paragraph (a) upon motion of a party or of any representative of the child entitled to appear before the court or upon the court's own motion.</p>	<p>make temporary orders relative to the care and custody of such children. Every order entered shall include specific findings of fact made by the court which clearly demonstrate the injury, harm or damage that might reasonably be expected to occur if relief pending a judgment of modification is not granted. An order entered pursuant to this section may only be entered without advance notice if the court finds that an emergency exists, the nature of which requires the court to act before the opposing party or parties can be heard in opposition. In all such cases, such order shall be for a period not to exceed five days and written notice of the issuance of any such order and the reasons therefor shall be given to the opposing party or parties together with notice of the date, time and place that a hearing on the continuation of such order will be held.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(c) In order to determine whether it is the appropriate forum, a court of the commonwealth may, in its discretion, at any time during the pendency of the custody proceeding, communicate and exchange information with a court or courts of any other relevant jurisdiction.</p> <p>(d) For the purposes of this section, a court may consider the following factors:</p> <p>(1) whether another state is or recently was the child's home state;</p> <p>(2) whether another state has a closer connection with the child and his family or with the child and one or more of the contestants;</p> <p>(3) whether more substantial evidence concerning the child's present or future care, protection, training, and personal relationships is available or whether such evidence is more readily available in another state;</p> <p>(4) whether the parties have agreed on another forum which is not less appropriate; and</p> <p>(5) whether the exercise of jurisdiction by a court of the commonwealth would contravene any of the purposes of this</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>chapter.</p> <p>(e) If a court shall find that a court of another jurisdiction is or may be a more appropriate forum under the terms of this chapter for the adjudication of the custody proceeding, it may do one or more of the following:</p> <p>(1) dismiss the proceeding with or without prejudice;</p> <p>(2) vacate any order or judgment already entered;</p> <p>(3) stay the proceeding upon condition that a custody proceeding be initiated or prosecuted in another state in a timely manner or upon any other condition that the court might deem just;</p> <p>(4) retain jurisdiction over any action to which the custody proceeding is incident, while declining to render a custody determination;</p> <p>(5) enter such temporary order or orders as may be required, in the court's discretion, pursuant to clause (ii) of paragraph (3) of section two;</p> <p>(6) assess any or all of the costs of the custody proceeding in this state, having due regard for the purposes of this chapter, including the reasonable travel and other expenses of any party</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>and his or her witnesses, the reasonable attorneys' fees of any party, the costs of the court's communications and information exchanges with other courts and the fees and costs of any person entitled to appear before the court as the representative of a child;</p> <p>(7) assess sanctions against any party whom the court finds has engaged in illegal or otherwise wrongful conduct;</p> <p>(8) enter any other order or judgment which may be meet and just under the circumstances of the case.</p> <p>(f) A court shall communicate to the court of any other relevant jurisdiction any determination or finding made pursuant to this section.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Mass. Gen. Laws ch. 215, § 6C.</p> <p>Section 6C. Upon a complaint, after a judgment pursuant to this chapter relative to the care and custody of minor children, filed by either parent or by a next friend on behalf of the children, after notice to both parents, the court may make a judgment modifying its earlier judgment as to the care and custody of said minor children provided that the court finds that a material and substantial change in the circumstances of</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>the parties has occurred and that a modification is necessary in the best interests of the children.</p> <p>During the pendency of such an action, upon motion of either party or of a next friend on behalf of the minor children of the parties and notice to the other party or parties, the court may make temporary orders relative to the care and custody of such children. Every order entered shall include specific findings of fact made by the court which clearly demonstrate the injury, harm or damage that might reasonably be expected to occur if relief pending a judgment of modification is not granted. An order entered pursuant to this section may only be entered without advance notice if the court finds that an emergency exists, the nature of which requires the court to act before the opposing party or parties can be heard in opposition. In all such cases, such order shall be for a period not to exceed five days and written notice of the issuance of any such order and the reasons therefor shall be given to the opposing party or parties together with notice of the date, time and place that a hearing on the continuation of such order will be held.</p>	
Michigan	<p><i>Initial Custody Determination</i></p> <p>Mich. Comp. Laws § 722.1201. (1) Except as otherwise provided in section 204, a court of this state has jurisdiction to make an initial child-custody</p>	<p>Mich. Comp. Laws § 722.1205.</p> <p>(1) Before a child-custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of section 108 must be given to each person entitled</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>determination only in the following situations:</p> <p>(a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state.</p> <p>(b) A court of another state does not have jurisdiction under subdivision (a), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 207 or 208, and the court finds both of the following:</p> <p>(i) The child and the child's parents, or the child and at least 1 parent or a person acting as a parent, have a significant connection with this state other than mere physical presence.</p> <p>(ii) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships.</p> <p>(c) All courts having jurisdiction under subdivision (a) or (b) have declined to exercise jurisdiction on the grounds that a court of this state is the more appropriate forum to determine the custody of the child under section 207 or 208.</p> <p>(d) No court of another state would have jurisdiction under subdivision (a), (b), or (c).</p> <p>(2) Subsection (1) is the exclusive jurisdictional basis for making a child-custody determination by a court of this state.</p> <p>(3) Physical presence of, or personal jurisdiction over, a party or</p>	<p>to notice under the law of this state as in child-custody proceedings between residents of this state, a parent whose parental rights have not been previously terminated, and a person having physical custody of the child.</p> <p>(2) This act does not govern the enforceability of a child-custody determination made without notice and an opportunity to be heard.</p> <p>(3) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this act are governed by the law of this state as in child-custody proceedings between residents of this state.</p> <p>MCR 3.203. Service of Notice and Court Documents in Domestic Relations Cases.</p> <p>Sets forth requirements for service of the summons and complaint in domestic relations cases. Service must be pursuant to MCR 2.105 (see below), and notice must be provided as set forth in the statute requiring said notice. Service of the notice and of court documents otherwise must be served as provided in MRC 2.107, except that service by mail shall be to a party's last known mailing address.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>a child is neither necessary nor sufficient to make a child-custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Mich. Comp. Laws § 722.1204.</p> <p>(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(2) If there is no previous child-custody determination that is entitled to be enforced under this act and if a child-custody proceeding has not been commenced in a court of a state having jurisdiction under sections 201 to 203, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 201 to 203. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 201 to 203, a child-custody determination made under this section becomes a final child-custody determination, if that is what the determination provides and this state becomes the home state of the child.</p> <p>(3) If there is a previous child-custody determination that is entitled to be enforced under this act or if a child-custody</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>proceeding has been commenced in a court of a state having jurisdiction under sections 201 to 203, an order issued by a court of this state under this section must specify in the order a period of time that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 201 to 203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(4) If a court of this state that has been asked to make a child-custody determination under this section is informed that a child-custody proceeding has been commenced in, or that a child-custody determination has been made by, a court of a state having jurisdiction under sections 201 to 203, the court of this state shall immediately communicate with the other court. If a court of this state that is exercising jurisdiction under sections 201 to 203 is informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section, the court of this state shall immediately communicate with the court of the other state. The purpose of a communication under this subsection is to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
<p>Minnesota</p>	<p><i>Initial Custody Determination</i></p> <p>Minn. Stat. § 518D.201. Initial Child Custody Jurisdiction.</p> <p>(a) Except as otherwise provided in section 518D.204, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <p style="padding-left: 40px;">(1) this state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p style="padding-left: 40px;">(2) a court of another state does not have jurisdiction under clause (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 518D.207 or 518D.208, and:</p> <p style="padding-left: 80px;">(i) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p>	<p>Minn. Stat. § 518D.205.</p> <p>(a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of section 518D.108 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p> <p>Minn. Stat. § 518D.108.</p> <p>(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(ii) substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(3) all courts having jurisdiction under clause (1) or (2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 518D.207 or 518D.208; or</p> <p>(4) no court of any other state would have jurisdiction under the criteria specified in clause (1), (2), or (3).</p> <p>(b) Paragraph (a) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Minn. Stat. § 518D.204. Temporary Emergency Jurisdiction.</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been</p>	<p>(b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If there is no previous child custody determination that is entitled to be enforced under this chapter, and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 518D.201 to 518D.203, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 518D.201 to 518D.203. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 518D.201 to 518D.203, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.</p> <p>(c) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 518D.201 to 518D.203, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 518D.201 to 518D.203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>period expires.</p> <p>(d) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under sections 518D.201 to 518D.203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to sections 518D.201 to 518D.203, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	
Mississippi	<p><i>Initial Custody Determination</i></p> <p>MS Code § 93-27-201. Initial custody determination.</p> <p>(1) Except as otherwise provided in Section 93-27-204, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <p>(a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state</p>	<p>MS Code § 92-27-205. Notice; opportunity to be heard; joinder.</p> <p>(1) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of Section 93-27-108 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>of the child within six (6) months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p>(b) A court of another state does not have jurisdiction under paragraph (a), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Section 93-27-207 or 93-27-208; and:</p> <p>(i) The child and the child’s parents, or the child and at least one (1) parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p>(ii) Substantial evidence is available in this state concerning the child’s care, protection, training, and personal relationships;</p> <p>(c) All courts having jurisdiction under paragraph (a) or (b) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 93-27-207 or 93-27-208; or</p> <p>(d) No court of any other state would have jurisdiction</p>	<p>terminated, and any person having physical custody of the child.</p> <p>(2) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(3) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p> <p>MS Code § 93-27-108. Notice to persons outside state.</p> <p>(1) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>(2) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>(3) Notice is not required for the exercise of jurisdiction with</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>under the criteria specified in paragraph (a), (b), or (c) of this section.</p> <p>(2) Subsection (1) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>MS Code § 93-27-204. Temporary emergency jurisdiction.</p> <p>(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(2) If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under Sections 93-27-201 through 93-27-203, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 93-27-201 through 93-</p>	<p>respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>27-203. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 93-27-201 through 93-27-203, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.</p> <p>(3) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 93-27-201 through 93-27-203, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Sections 93-27-201 through 93-27-203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(4) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under Sections 93-27-201 through 93-27-203, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to Sections 93-27-201 through 93-27-203, upon being informed</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	
Missouri	<p><i>Initial Custody Determination</i></p> <p>MO ST 452.740:</p> <p>1. Except as otherwise provided in Section 452.755, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <ul style="list-style-type: none"> (1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months prior to the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state; (2) A court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 452.770 or 452.775, and: 	<p>MO ST 452.747. Verified petition — service of process. —</p> <p>1. Any petition for modification of child custody decrees filed under the provisions of section 452.410 or sections 452.700 to 452.930 shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.</p> <p>2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child shall be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any such persons are outside this state, notice and opportunity to be heard shall be given under section 452.740.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>a. The child and the child's parents, or the child and at least one parent or person acting as a parent have a significant connection with this state other than mere physical presence; and</p> <p>b. Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships;</p> <p>(3) All courts having jurisdiction under subdivisions (1) and (2) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 452.770 or 452.775; or</p> <p>(4) No state would have jurisdiction under subdivision (1), (2) or (3) of this subsection.</p> <p>2. Subsection 1 of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.”</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>MO ST 452.755:</p> <p>1. A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned, or it is necessary in an emergency to protect the</p>	<p>MO 452.760. Notice — opportunity to be heard — joinder. —</p> <p>1. Before a child custody determination is made under sections 452.700 to 452.930, notice and an opportunity to be heard in accordance with the standards of section 452.762 shall be given to:</p> <p>(1) All persons entitled to notice under the provisions of the law of this state as in child custody proceedings between residents of this state;</p> <p>(2) Any parent whose parental rights have not been previously terminated; and</p> <p>(3) Any person having physical custody of the child.</p> <p>2. Sections 452.700 to 452.930 shall not govern the enforceability of a child custody determination made without notice and an opportunity to be heard.</p> <p>3. The obligation to join a party and the right to intervene as a party in a child custody proceeding under sections 452.700 to 452.930 are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>2. If there is no previous child custody determination that is entitled to be enforced under sections 452.700 to 452.930, and if no child custody proceeding has been commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 452.740 to 452.750. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, a child custody determination made under this section becomes a final determination if:</p> <ul style="list-style-type: none"> (1) It so provides; and (2) This state becomes the home state of the child. <p>3. If there is a previous child custody determination that is entitled to be enforced under sections 452.700 to 452.930, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 452.740 to 452.750, any order issued by a court of this state under this section shall specify in the order a period of time which the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 452.740 to 452.750. The order issued in this state remains in effect until</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>an order is obtained from the other state within the period specified or the period expires.</p> <p>4. A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made, by a court of a state having jurisdiction under sections 452.740 to 452.750, shall immediately communicate with the other court. A court of this state that is exercising jurisdiction under sections 452.740 to 452.750, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made by a court of another state under a statute similar to this section shall immediately communicate with the court of that state. The purpose of such communication is to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.”</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Mo. Rev. Stat. § 452.740.1: A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>A court of Missouri has jurisdiction to make an initial child custody determination only if:</p> <ul style="list-style-type: none"> (1) State is child's home state (at commencement of proceeding or six months prior or was the child's home state within six months prior and the child is absent, but a parent or person acting as a parent continues to live in the state); or (2) Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent or person acting as a parent has significant connection to State (other than mere physical presence); (b) substantial evidence is available re: child's care, protection, training and personal relationships; or (3) All courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being more appropriate; (4) No court of any other state would have jurisdiction under (1), (2), or (3). 	
Montana	<p><i>Initial Custody Determination</i></p> <p>MT ST 40-7-201:</p> <ul style="list-style-type: none"> (1) Except as otherwise provided in 40-7-204, a court of this state has jurisdiction to make an initial child custody determination only if: 	<p>MT ST 40-7-105: Notice -- opportunity to be heard -- joinder.</p> <ul style="list-style-type: none"> (1) Before a child custody determination is made under this chapter, notice and opportunity to be heard in accordance with the standards of 40-7-106 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<ul style="list-style-type: none"> a. this state is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state; b. a court of another state does not have jurisdiction under subsection (1)(a), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under 40-7-108 or 40-7-109, and: <ul style="list-style-type: none"> i. the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and ii. substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships; c. all courts having jurisdiction under subsection (1)(a) or (1)(b) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to 	<p>residents of this state, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child.</p> <ul style="list-style-type: none"> (2) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard. (3) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state. <p>MT ST 40-7-106: Notice to persons outside state.</p> <ul style="list-style-type: none"> (1) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for the service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication, if other means are ineffective. (2) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made. (3) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>determine the custody of the child under 40-7-108 or 40-7-109; or</p> <p>d. no state would have jurisdiction under subsection (1)(a), (1)(b), or (1)(c).</p> <p>(2) Subsection (1) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>MT ST 40-7-204:</p> <p>(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(2) If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under 40-7-201 through 40-7-203, a child custody determination made</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>under this section remains in effect until an order is obtained from a court of a state having jurisdiction under 40-7-201 through 40-7-203. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under 40-7-201 through 40-7-203, a child custody determination made under this section becomes a final determination if it so provides and this state becomes the home state of the child.</p> <p>(3) If there is a previous child custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under 40-7-201 through 40-7-203, any order issued by a court of this state under this section must specify in the order a period of time that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under 40-7-201 through 40-7-203. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or until the period expires.</p> <p>(4) A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under 40-7-201 through 40-7-203, shall immediately</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>communicate with the other court. A court of this state that is exercising jurisdiction pursuant to 40-7-201 through 40-7-203, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section, shall immediately communicate with the court of that state. The purpose of the communication is to resolve the emergency, to protect the safety of the parties and the child, and to determine a period for the duration of the temporary order.</p>	
Nebraska	<p><i>Initial Custody Determination</i></p> <p>NE ST § 43-1238:</p> <p>(a) Except as otherwise provided in section 43-1241, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <p style="padding-left: 40px;">(1) this state is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p style="padding-left: 40px;">(2) a court of another state does not have jurisdiction under subdivision (a)(1) of this section, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under</p>	<p>NE ST § 43-1242.</p> <p>Notice; opportunity to be heard; joinder.</p> <p>(a) Before a child custody determination is made under the Uniform Child Custody Jurisdiction and Enforcement Act, notice and an opportunity to be heard in accordance with the standards of section 43-1233 shall be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>section 43-1244 or 43-1245, and:</p> <p>(A) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p>(B) substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(3) all courts having jurisdiction under subdivision (a)(1) or (a)(2) of this section have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 43-1244 or 43-1245; or</p> <p>(4) no court of any other state would have jurisdiction under the criteria specified in subdivision (a)(1), (a)(2), or (a)(3) of this section.</p> <p>(b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state. In addition to having jurisdiction to make judicial determinations about the custody and care of the child, a court of this state with exclusive jurisdiction under subsection (a) of this section has jurisdiction and authority to make factual findings regarding (1) the abuse, abandonment, or neglect of the child, (2) the nonviability of reunification with at least one of the child's parents due to such abuse, abandonment, neglect, or a similar basis under state law, and (3) whether it would be in the best interests of such child to be removed from</p>	<p>(b) The act does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under the act are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>the United States to a foreign country, including the child's country of origin or last habitual residence. If there is sufficient evidence to support such factual findings, the court shall issue an order containing such findings when requested by one of the parties or upon the court's own motion.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>NE ST § 43-1241:</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If there is no previous child custody determination that is entitled to be enforced under the Uniform Child Custody Jurisdiction and Enforcement Act and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 43-1238 to 43-1240, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under such sections. If a child custody proceeding has not been or is not commenced in a court of a state having</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>jurisdiction under such sections, a child custody determination made under this section becomes a final determination, if it so provides, and this state becomes the home state of the child.</p> <p>(c) If there is a previous child custody determination that is entitled to be enforced under the act, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 43-1238 to 43-1240, any order issued by a court of this state under this section shall specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under such sections. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under sections 43-1238 to 43-1240, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to such sections, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order."</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
Nevada	<p><i>Initial Custody Determination</i></p> <p>NV Rev St 125A.305</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent or person acting as a parent resides); or 2. Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent or person acting as a parent has significant connection to State other than mere physical presence; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or 3. all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being more appropriate; or 4. no court of any other state would have jurisdiction under (1), (2), or (3). <p>“Person acting as a parent” means a person, other than a parent, who (1) has physical custody of the child or has had physical custody of the child for a period of 6</p>	<p>Nev. R. Civ. P. 65(e).</p> <p>In actions for custody of children, the court may make prohibitive or mandatory orders, with or without notice or bond, as may be just.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>consecutive months, including any temporary absence, within 1 year immediately before the commencement of a child custody proceeding; and (2) has been awarded legal custody by a court or claims a right to legal custody pursuant to the law of this state. NV Rev St 125A.135</p> <p><i>Temporary Emergency Jurisdiction relating to Child Custody</i></p> <p>NV Rev St 125A.335</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p><i>Proceeding to Establish, Enforce, Modify Support Order or Determine Parentage</i></p> <p>NV Rev St 130.201</p> <p>Jurisdiction permitted over non-resident individual if:</p> <ol style="list-style-type: none"> 1. personal service in the State; 	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<ol style="list-style-type: none"> 2. consent (by entering general appearance or filing responsive document); 3. individual resided with child in the State; 4. individual resided in the State and provided prenatal expenses or support for child; 5. child resides in State as a result of the individual's acts or directives; 6. individual engaged in sexual intercourse in State and child may have been conceived thereof; 7. any other basis for jurisdiction consistent with State and US constitutions. <p>The bases of personal jurisdiction set forth under (1) may not be used to acquire personal jurisdiction to modify a child support order of another state unless the requirements of NV Rev St 130.611 (see below) are met or, in the case of a foreign support order, unless the requirements of NV Rev St 130.6115 (see below) are met.</p> <p>Modification of child-support order of another state; modification of child-support order of this State if one party resides outside this State and other party resides outside United States</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>NV Rev St 130.611</p> <p>Permissible if:</p> <p>(a) The following requirements are met:</p> <ul style="list-style-type: none"> (1) Neither the child, nor the obligee who is a natural person, nor the obligor resides in the issuing state; (2) A petitioner who is a nonresident of the State seeks modification; and (3) The respondent is subject to the personal jurisdiction of the tribunal of the State; or <p>(b) The State is the state of residence of the child, or a party who is a natural person is subject to the personal jurisdiction of the tribunal of this State, and all of the parties who are natural persons have filed consents in a record in the issuing tribunal for a tribunal of the State to modify the support order and assume continuing and exclusive jurisdiction.</p> <p><i>Modification of child-support order of foreign country</i></p> <p>NV Rev St 130.6115</p> <p>Permissible if a foreign country lacks or refuses to exercise jurisdiction to modify its child-support orders pursuant to its laws.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
New Hampshire	<p><i>Initial Custody Determination</i></p> <p>NH Rev. St. Sec. 458-A:12</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent or person acting as a parent resides); or 2. Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent or person acting as a parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or 3. all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient; 4. no court of any other state would have jurisdiction under (1), (2), or (3). <p><i>Temporary Emergency Jurisdiction relating to Child Custody</i></p> <p>NH Rev. St. Sec. 458-A:15</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned</p>	<p>NH Rev. St. Sec. 458-A:16</p> <p>Before a child-custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of RSA 458-A:7 (see below) must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>I. Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>II. Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>III. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p><i>Proceeding to Establish, Enforce, Modify Support Order or Determine Parentage</i></p> <p>NH Rev. St. Sec. 458-A:12</p> <p>The requirements listed in A above are the exclusive jurisdictional basis for making a child-custody determination by a court of this state. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p><i>Minimum Contacts Related to Martial Relationship.</i></p> <p>NH Rev. St. Sec. 510:4</p> <p>“Any person who is not an inhabitant of this state and who, in person or through an agent, transacts any business within this state, commits a tortious act within this state, or has the ownership, use, or possession of any real or personal property situated in this state submits himself, or his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from or growing out of the acts enumerated above.”</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
<p>New Hampshire</p>	<p><i>Initial Custody Determination</i></p> <p>NH Rev. St. Sec. 458-A:12</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent or person acting as a parent resides); or 2. Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent or person acting as a parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or 3. all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient; 4. no court of any other state would have jurisdiction under (1), (2), or (3). <p><i>Temporary Emergency Jurisdiction relating to Child Custody</i></p> <p>NH Rev. St. Sec. 458-A:15</p>	<p>NH Rev. St. Sec. 458-A:16</p> <p>Before a child-custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of RSA 458-A:7 (see below) must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>I. Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>II. Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>III. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p><i>Proceeding to Establish, Enforce, Modify Support Order or Determine Parentage</i></p> <p>NH Rev. St. Sec. 458-A:12</p> <p>The requirements listed in A above are the exclusive jurisdictional basis for making a child-custody determination by a court of this state. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p><i>Minimum Contacts Related to Martial Relationship</i></p> <p>NH Rev. St. Sec. 510:4</p> <p>Any person who is not an inhabitant of this state and who, in person or through an agent, transacts any business within this state, commits a tortious act within this state, or has the ownership, use, or possession of any real or personal property situated in this state submits himself, or his personal representative, to the jurisdiction of the courts of this state as</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	to any cause of action arising from or growing out of the acts enumerated above.	
New Jersey	<p><i>Initial Custody Determination</i></p> <p>NJ Stat Ann 2A:34-65</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent or person acting as parent resides); or 2. Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent or person acting as parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or 3. all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient; 4. no court of any other state would have jurisdiction under (1), (2), or (3). 	<p>NJ Stat Ann 2A:34-69</p> <p>a. Before a child custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of 2A:34-60 (see below) shall be given to all persons entitled to notice under the law of this State as in child custody proceedings between residents of this State, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>b. This act does not govern the enforceability of a child custody determination made without notice and an opportunity to be heard.</p> <p>c. The obligation to join a party and the right to intervene as a party in a child custody proceeding under this act are governed by the law of this State as in child custody proceedings between residents of this State.</p> <p>NJ Stat Ann 2A:34-60</p> <p>a. Notice required for the exercise of jurisdiction when a person is outside this State may be given in a manner prescribed by the law of this State for the service of process or by the law of</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p><i>Temporary Emergency Jurisdiction relating to Child Custody</i></p> <p>NJ Stat Ann 2A:34-68</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p><i>Proceeding to Establish, Enforce, Modify Support Order or Determine Parentage</i></p> <p>NJ Stat Ann 2A:34-67</p> <p>A court of this State may not modify a child custody determination made by a court of another state unless a court of this State has jurisdiction to make an initial determination under paragraph (1) or (2) of subsection a. of 2A:34-65 and:</p> <ul style="list-style-type: none"> (a) the court of the other state determines it no longer has exclusive, continuing jurisdiction under 2A:34-66 or that a court of this State would be a more convenient forum under 2A:34-71; or (b) a court of this State or a court of the other state determines that the child, the child's parents, and any 	<p>the state in which the service is made. Notice shall be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.</p> <p>b. Proof of service may be made in the manner prescribed by the law of this State or by the law of the state in which the service is made.</p> <p>c. Notice is not required for the exercise of jurisdiction with respect to a person who submit to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>person acting as a parent do not presently reside in the other state.</p>	
<p>New Mexico</p>	<p><i>Initial Custody Determination</i></p> <p>N.M. St. Ann. 40-10A-201</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. this state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state; 2. a court of another state does not have jurisdiction under paragraph (1) or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Section 207 or 208 [40-10A-207 or 40-10A-208 NMSA 1978] and: <ol style="list-style-type: none"> (A) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and (B) substantial evidence is available in this state concerning the child's care, protection, training and personal relationships; 	<p>Service Requirements http://www.lrcvaw.org/laws/nmuccjea.pdf</p> <p>§ 40-10A-108. Notice to persons outside state (a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective. (b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made. (c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>3. all courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 207 or 208 [40-10A-207 or 40-10A-208 NMSA 1978]; or</p> <p>4. no court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2) or (3). (b)</p> <p>5. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p>N.M. St. Ann. 40-10A-106</p> <p>[“A child-custody determination made by a court of this state that had jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act [40-10A-101 NMSA 1978] binds all persons who have been served in accordance with the laws of this state or notified in accordance with Section 108 [40-10A-108 NMSA 1978] or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.”</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p><i>Temporary Emergency Jurisdiction relating to Child Custody</i> N.M. St. Ann. 40-10A-204</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	
New York	<p><i>Proceedings over which the family court has exclusive original jurisdiction:</i></p> <p>N.Y. FAMILY CT ACT § 115</p> <p>(a) The family court has exclusive original jurisdiction over:</p> <ul style="list-style-type: none"> (i) abuse and neglect proceedings; (ii) support proceedings; (iii) proceedings to determine paternity and for the support of children born out-of-wedlock; (iv) proceedings to permanently terminate parental rights to guardianship and custody of a child: <ul style="list-style-type: none"> A. by reason of permanent neglect, B. by reason of mental illness, intellectual disability and severe or repeated child abuse, and 	<p>N.Y. FAMILY CT ACT §427</p> <p>(a) Personal service of a summons and petition may be made by delivery of a true copy thereof to the person summoned at least eight days before the time stated therein for appearance; or by delivery of a true copy thereof to a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode of the person to be served and by mailing a true copy thereof to the person to be served at his last known residence at least eight days before the time stated in the summons for appearance; proof of service shall identify such person of suitable age and discretion and state the date, time and place of service.</p> <p>(b) If after reasonable effort, personal service is not made, the court may at any stage in the proceedings make an order providing for substituted service in the manner provided for substituted service in the civil practice law and rules.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>C. by reason of the death of one or both parents, where no guardian of the person of the child has been lawfully appointed, or by reason of abandonment of the child for a period of six months immediately prior to the filing of the petition, where a child is under the jurisdiction of the family court as a result of a placement in foster care by the family court, unless the court declines jurisdiction;</p> <p>(v) proceedings concerning whether a person is in need of supervision, as set forth in article seven; and</p> <p>(vi) proceedings concerning juvenile delinquency,</p> <p>(b) Proceedings where the family court has other jurisdiction:</p> <p>(c) Proceedings concerning adoption and custody of children,</p> <ul style="list-style-type: none"> • proceedings concerning destitute children, • proceedings concerning guardianship and custody of children by reason of the death of, or abandonment or surrender by, the parent or parents, • proceedings concerning standby guardianship and guardianship of the person, and • proceedings concerning the interstate compact on juveniles. 	<p>(c) In any case, whether or not service is attempted under subdivision (a) or (b) of this section, service of a summons and petition under this section may be effected by mail alone to the last known address of the person to be served. Service by mail alone shall be made at least eight days before the time stated in the summons for appearance. If service is by mail alone, the court will enter an order of support by default if there is proof satisfactory to the court that the respondent had actual notice of the commencement of the proceeding which may be established upon sufficient proof that the summons and petition were in fact mailed by certified mail and signed for at the respondent's correct street address or signed for at the post office. If service by certified mail at the respondent's correct street address cannot be accomplished, service pursuant to subdivisions one, two, three or four of section three hundred eight of the civil practice law and rules shall be deemed good and sufficient service.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(e) The family court has concurrent jurisdiction with the criminal court over all family offenses as defined in article eight of this act.</p> <p>N.Y. FAMILY CT ACT § 114</p> <p>The family court has exclusive original jurisdiction over the above proceedings but this does not limit or impair the jurisdiction of the supreme court.</p> <p><i>Initial Custody Determination</i></p> <p>N.Y. DRL § 76(1)</p> <p>(1) A court of New York has jurisdiction to make an initial child custody determination only if:</p> <ul style="list-style-type: none"> (a) this state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state; (b) a court of another state does not have jurisdiction under paragraph (a) of this subdivision, or a court of the home state of the child has declined to exercise jurisdiction on the 	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>ground that this state is the more appropriate forum, and:</p> <ul style="list-style-type: none"> i. the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and ii. substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships; <p>(c) all courts having jurisdiction under paragraph (a) or (b) of this subdivision have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child; or</p> <p>(d) no court of any other state would have jurisdiction under the criteria specified in paragraph (a), (b) or (c) of this subdivision.</p> <p>(2) Subdivision one of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p><i>Temporary Emergency Jurisdiction relating to Child Custody</i> N.Y. DRL § 76-C</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child, a sibling or parent of the child.</p>	
<p>North Carolina</p>	<p>North Carolina Uniform Child Custody Jurisdiction and Enforcement Act ("UCCJEA") governs when NC has jurisdiction to decide particular child custody issues.</p> <p>This Article does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child. N.C. Gen. Stat. § 50A-103.</p> <p><i>Initial Custody Determination</i> N.C. Gen. Stat. § 50A-201</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent resides); or 2. Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent has 	<p>G.S. 1A-1, Rule 5.</p> <p>(https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_1A/GS_1A-1, Rule_5.pdf) 3</p> <p>Service – How made. – A pleading setting forth a counterclaim or cross claim shall be filed with the court and a copy thereof shall be served on the party against whom it is asserted or on the party's attorney of record as provided by this subsection. With respect to all pleadings subsequent to the original complaint and other papers required or permitted to be served, service shall be made upon the party's attorney of record and, if ordered by the court, also upon the party. If the party has no attorney of record, service shall be made upon the party. With respect to such other pleadings and papers, service with due return may be made in a manner provided for service and return of process in Rule 4.</p> <p>Service under this subsection may also be made by one of the</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or</p> <p>3. all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient;</p> <p>4. no court of any other state would have jurisdiction under (1), (2), or (3).</p> <p>[Note: this can include termination of parental rights determination].</p> <p>District and superior courts have original and concurrent jurisdiction. [G.S. 7A-240, 7A-242.] District court is the proper court for custody proceedings. [G.S. 7A-244; 50-13.5(h) (custody action shall be heard by district court judge).] (https://www.sog.unc.edu/sites/www.sog.unc.edu/files/Chapter-04_Bench-Book_2017.pdf at 4-3) Subject matter jurisdiction is determined by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), G.S. Chapter 50A (until Oct. 1, 1999, applicable statute was the Uniform Child Custody Jurisdiction Act (UCCJA)). Subject matter jurisdiction is determined at the time of filing.</p> <p>Personal jurisdiction over a nonresident party is not required in a child custody proceeding. [G.S. 50A-201(c) (personal jurisdiction over a party or a child is not necessary to make a</p>	<p>following methods:</p> <p>(1) Upon a party's attorney of record: a. By delivering a copy to the attorney. Delivery of a copy within this sub-subdivision means handing it to the attorney, leaving it at the attorney's office with a partner or employee, or sending it to the attorney's office by a confirmed telefacsimile transmittal for receipt by 5:00 P.M. Eastern Time on a regular business day, as evidenced by a telefacsimile receipt confirmation. If receipt of delivery by telefacsimile is after 5:00 P.M., service will be deemed to have been completed on the next business day. b. By mailing a copy to the attorney's office.</p> <p>(2) Upon a party:</p> <p>a. By delivering a copy to the party. Delivery of a copy within this sub-subdivision means handing it to the party.</p> <p>b. By mailing a copy to the party at the party's last known address or, if no address is known, by filing it with the clerk of court. Service by mail shall be complete upon deposit of the pleading or paper enclosed in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>child-custody determination); <i>Shingledecker v. Shingledecker</i>, 103 N.C. App. 783, 407 S.E.2d 589 (1991) (citing <i>Hart v. Hart</i>, 74 N.C. App. 1, 327 S.E.2d 631 (1985)). See also <i>Coble v. Coble</i>, 229 N.C. 81, 47 S.E.2d 798 (1948) (child custody action is a proceeding in rem); cf. <i>In re Finnican</i>, 104 N.C. App. 157, 408 S.E.2d 742 (1991) (a nonresident defendant must have minimum contacts with North Carolina before a court here may terminate the parent’s rights), cert. denied, 330 N.C. 612, 413 S.E.2d 800 (1992), overruled in part on other grounds by <i>Bryson v. Sullivan</i>, 330 N.C. 644, 412 S.E.2d 327 (1992).]</p> <p><i>Temporary Emergency Jurisdiction relating to Child Custody –</i> N.C. Gen. Stat. § 50A-204</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	
North Dakota	<p><i>Initial Custody Determination</i></p> <p>N.D. Cent. Code § 14-14.1-12</p> <p>Permissible if:</p>	<p>14-15-11 (8). Service: Notice must be given in the manner appropriate under the North Dakota Rules of Civil Procedure for the service of process in a civil action in this state or in any manner the court by order directs. Proof of the giving of the notice must be filed with the court before the petition is heard.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<ol style="list-style-type: none"> 1. State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent continues to live in the state); or 2. Court of another state does not have jurisdiction under subdivision a, or court of home state of child declines jurisdiction on the ground that this state is the more appropriate forum and (1) child and at least one parent has significant connection to State; (2) substantial evidence is available re: child's care, protection, training and personal relationships; or 3. all courts having jurisdiction under a and b declined to exercise jurisdiction based on this forum being most convenient; 4. no court of any other state would have jurisdiction under a, b, or c. <p>[This is the state's adoption of the Uniform Child Custody and Jurisdiction Enforcement Act ("UCCJEA").]</p> <p><i>Temporary Emergency Jurisdiction relating to Child Custody</i> N.D. Cent. Code § 14-14.1-15(1)</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the</p>	<p>N.D. R. Civ. P. 5(b)</p> <p>(https://www.ndcourts.gov/legal-resources/rules/ndrcivp/5-8)</p> <p>(b) Service--How made.</p> <p>(1) Serving an Attorney. If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party. If an attorney is providing limited representation under Rule 11(e), service must be made on the party and on the attorney for matters within the scope of the limited representation.</p> <p>(2) Service in General. A paper is served under this rule by:</p> <p>(A) handing it to the person;</p> <p>(B) leaving it:</p> <p>(i) at the person's office with a clerk or other person in charge or, if no one is in charge, leaving it in a conspicuous place in the office; or,</p> <p>(ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there;</p> <p>(C) mailing it to the person's last known address, in which event service is complete upon mailing;</p> <p>(D) sending it by a third-party commercial carrier to the person's last known address, in which event service is complete upon deposit of the paper to be served with the commercial carrier;</p> <p>(E) if no address is known, on order of the court by leaving it with the clerk of court;</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>14-15-06. Individuals as to whom consent not required - Notice of hearing.</p> <p>1. Consent to adoption is not required of:</p> <ul style="list-style-type: none"> a. A parent who has deserted a child without affording means of identification or who has abandoned a child. b. A parent of a child in the custody of another, if the parent for a period of at least one year has failed significantly without justifiable cause: <ul style="list-style-type: none"> (1) To communicate with the child; or (2) To provide for the care and support of the child as required by law or judicial decree. c. The father of a minor if the father's consent is not required by subdivision b of subsection 1 of section 14-15-05. d. A parent who has relinquished that parent's right to consent under section 14-15-19. e. A parent whose parental rights have been terminated by order of court under section 14-15-19. f. A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent. g. Any parent of the individual to be adopted, if the individual is an adult. h. Any legal guardian or lawful custodian of the individual to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of sixty 	<p>(F) sending it by electronic means if the person consented in writing, in which event service is complete on transmission, but is not effective if the serving party learns that it did not reach the person to be served; or</p> <p>(G) delivering it by any other means that the person consented to in writing.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>days or who, after examination of the guardian's or custodian's written reasons for withholding consent, is found by the court to be withholding consent unreasonably.</p> <p>i. The spouse of the individual to be adopted, if the failure of the spouse to consent to the adoption is excused by the court by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent.</p> <p>j. A parent of the minor, if the failure of the parent to consent is excused by the court in the best interest of the child by reason of the parent's prolonged unexplained absence, unavailability, incapacity, or significant failure, without justifiable cause, to establish a substantial relationship with the minor or to manifest a significant parental interest in the minor, or by reason of inability of the court to identify the parent. 2. Except as provided in section 14-15-11</p>	
Ohio	<p><u>Initial Custody Determination</u></p> <p>Ohio R.C. 3127.15</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent resides); or 	<p>Ohio R.C. 3127.07</p> <p>Notice and proof of service for personal jurisdiction outside Ohio.</p> <p>(A) Notice required for the exercise of jurisdiction over a person outside this state may be given in a manner prescribed by the Rules of Civil Procedure, or the Rules of Juvenile Procedure, as appropriate, for service of process or by the law of the state in which the service is made. Notice shall be given in a manner</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>2. Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or</p> <p>3. all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient;</p> <p>4. no court of any other state would have jurisdiction under (1), (2), or (3).</p> <p>5. The above grounds constitute the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>6. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction relating to Child Custody</i></p> <p>Ohio R.C. 3127.18</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the</p>	<p>reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>(B) Proof of service may be made in the manner prescribed by the Rules of Civil Procedure, or the Rules of Juvenile Procedure, as appropriate, or by the law of the state in which the service is made.</p> <p>(C) Notice is not required if the person submits to the jurisdiction of the court. Ohio F. R. Civ. P. 5</p> <p><i>Service in General.</i> A paper is served under this rule by:</p> <p>(A) handing it to the person;</p> <p>(B) leaving it:</p> <ul style="list-style-type: none"> (i) at the person's office with a clerk or other person in charge or, if no one is in charge, in a conspicuous place in the office; or (ii) if the person has no office or the office is closed, at the person's dwelling or usual place of abode with someone of suitable age and discretion who resides there; <p>(C) mailing it to the person's last known address—in which event service is complete upon mailing;</p> <p>(D) leaving it with the court clerk if the person has no known</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	<p>address;</p> <p>(E) sending it to a registered user by filing it with the court's electronic-filing system or sending it by other electronic means that the person consented to in writing—in either of which events service is complete upon filing or sending, but is not effective if the filer or sender learns that it did not reach the person to be served; or</p> <p>(F) delivering it by any other means that the person consented to in writing—in which event service is complete when the person making service delivers it to the agency designated to make delivery.</p>
Oklahoma	<p><i>Initial Custody Determination</i></p> <p>43 O.K. Stat. §43-551-201 (2014)</p> <p>Permissible if:</p> <ol style="list-style-type: none"> 1. This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six (6) months before the commencement of the proceeding and the child is absent from this state, but a parent or person acting as a parent continues to live in this state; 2. A court of another state does not have jurisdiction under paragraph 1 of this subsection, or a court of the home state of the child has declined to exercise 	<p>43 OK Stat § 43-551-108 (2016)</p> <p>NOTICE TO PERSONS OUTSIDE STATE</p> <p>A. Notice required for the exercise of jurisdiction when a person is outside this state may be given in the manner provided in Section 2004 of Title 12 of the Oklahoma Statutes or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>B. Proof of service may be made in the manner provided in Section 2004 of Title 12 of the Oklahoma Statutes or by the law of the state in which the service is made.</p> <p>C. Notice is not required for the exercise of jurisdiction with</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>jurisdiction on the ground that this state is the more appropriate forum under Section 19 or 20 of this act, and:</p> <ol style="list-style-type: none"> a. the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence, and b. substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships; <p>3. All courts having jurisdiction under paragraph 1 or 2 of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 19 or 20 of this act; or</p> <p>4. No court of any other state would have jurisdiction under the criteria specified in paragraph 1, 2, or 3 of this subsection.</p> <p>Subsection A of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p>	<p>respect to a person who submits to the jurisdiction of the court.</p> <p>12 OK Stat § 12-2004 (2014)</p> <p>Service shall be made as follows:</p> <p>(1) upon an individual other than an infant who is less than fifteen (15) years of age or an incompetent person, by delivering a copy of the summons and of the petition personally or by leaving copies thereof at the person's dwelling house or usual place of abode with some person then residing therein who is fifteen (15) years of age or older or by delivering a copy of the summons and of the petition to an agent authorized by appointment or by law to receive service of process,</p> <p>(2) upon an infant who is less than fifteen (15) years of age, by serving the summons and petition personally and upon either of the infant's parents or guardian, or if they cannot be found, then upon the person having the care or control of the infant or with whom the infant lives; and upon an incompetent person by serving the summons and petition personally and upon the incompetent person's guardian,</p> <p>(3) upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering a copy of</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p><i>Temporary Emergency Jurisdiction relating to Child Custody</i></p> <p>See 43 O.K. Stat. §43-551-204(A) (2014)</p> <p>A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	<p>the summons and of the petition to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant,</p> <p>(4) upon the United States or an officer or agency thereof in the manner specified by Federal Rule of Civil Procedure 4,</p> <p>(5) upon a state, county, school district, public trust or municipal corporation or other governmental organization thereof subject to suit, by delivering a copy of the summons and of the petition to the officer or individual designated by specific statute; however, if there is no statute, then upon the chief executive officer or a clerk, secretary, or other official whose duty it is to maintain the official records of the organization, and</p> <p>(6) upon an inmate incarcerated in an institution under the jurisdiction and control of the Department of Corrections, by delivering a copy of the summons and of the petition to the warden or superintendent or the designee of the warden or superintendent of the institution where the inmate is housed. It shall be the duty of the receiving warden or superintendent or a designee to promptly deliver the summons and petition to the inmate named therein. The warden or superintendent or his or her designee shall reject service of process for any inmate who is not actually present in said institution.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
		<p>2. SERVICE BY MAIL.</p> <p>a. At the election of the plaintiff, a summons and petition may be served by mail by the plaintiff's attorney, any person authorized to serve process pursuant to subparagraph a of paragraph 1 of this subsection, or by the court clerk upon a defendant of any class referred to in division (1), (3) or (5) of subparagraph c of paragraph 1 of this subsection. Service by mail shall be effective on the date of receipt or if refused, on the date of refusal of the summons and petition by the defendant.</p> <p>b. Service by mail shall be accomplished by mailing a copy of the summons and petition by certified mail, return receipt requested and delivery restricted to the addressee. When there is more than one defendant, the summons and a copy of the petition or order shall be mailed in a separate envelope to each defendant. If the summons is to be served by mail by the court clerk, the court clerk shall enclose the summons and a copy of the petition or order of the court to be served in an envelope, prepared by the plaintiff, addressed to the defendant, or to the resident service agent if one has been appointed. The court clerk shall prepay the postage and mail the envelope to the defendant, or service agent, by certified mail, return receipt requested and delivery restricted to the addressee. The return receipt shall be prepared by the plaintiff. Service by mail to a garnishee shall be accomplished by mailing a copy of the summons and notice by certified mail, return receipt requested,</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
		<p>and at the election of the judgment creditor by restricted delivery, to the addressee.</p> <p>c. Service by mail shall not be the basis for the entry of a default or a judgment by default unless the record contains a return receipt showing acceptance by the defendant or a returned envelope showing refusal of the process by the defendant. Acceptance or refusal of service by mail by a person who is fifteen (15) years of age or older who resides at the defendant's dwelling house or usual place of abode shall constitute acceptance or refusal by the party addressed.</p>
Oregon	<p><i>Initial Custody Determination</i></p> <p>ORS 109.741</p> <p>(1) Except as otherwise provided in ORS 109.751, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <ul style="list-style-type: none"> (a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state; (b) A court of another state does not have jurisdiction under subsection (1)(a) of this section, or a court of the home state of the child has declined to exercise 	<p>ORS 109.754</p> <p>(1) Before a child custody determination is made under ORS 109.701 to 109.834, notice and an opportunity to be heard in accordance with the standards of ORS 109.724 must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated and any person having physical custody of the child.</p> <p>(2) ORS 109.701 to 109.834 do not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(3) The obligation to join a party and the right to intervene as a</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>jurisdiction on the ground that this state is the more appropriate forum under ORS 109.761 or 109.764, and:</p> <ul style="list-style-type: none"> A. The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and B. Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships; <p>(c) All courts having jurisdiction under subsection (1)(a) or (b) of this section have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under ORS 109.761 or 109.764; or</p> <p>(d) No court of any other state would have jurisdiction under the criteria specified in subsection (1)(a), (b) or (c) of this section.</p> <p>(2) Subsection (1) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination</p>	<p>party in a child custody proceeding under ORS 109.701 to 109.834 are governed by the law of this state as in child custody proceedings between residents of this state.</p> <p>ORS 109.724</p> <p>(1) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>(2) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made. If service is made by mail, proof of service may be a receipt signed by the addressee or other evidence of delivery to the addressee.</p> <p>(3) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p><i>Temporary Emergency Jurisdiction</i></p> <p>ORS 109.751</p> <p>(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(2) If there is no previous child custody determination that is entitled to be enforced under ORS 109.701 to 109.834 and a child custody proceeding has not been commenced in a court of a state having jurisdiction under ORS 109.741 to 109.747, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under ORS 109.741 to 109.747. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under ORS 109.741 to 109.747, a child custody determination made under this section becomes a final determination if the determination so provides and this state becomes the home state of the child.</p> <p>(3) If there is a previous child custody determination that is entitled to be enforced under ORS 109.701 to 109.834, or a child custody proceeding has been commenced in a court of a</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>state having jurisdiction under ORS 109.741 to 109.747, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under ORS 109.741 to 109.747. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(4) A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under ORS 109.741 to 109.747, shall immediately communicate with the other court. A court of this state that is exercising jurisdiction under ORS 109.741 to 109.747, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child and determine a period for the duration of the temporary order.</p> <p>In determining whether a case presents an “emergency” necessitating the court’s exercise of temporary emergency jurisdiction under the Uniform Child Custody Jurisdiction and</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>Enforcement Act (UCCJEA), the proper focus is whether the child will be at immediate risk of harm upon return to the parent. <i>See State v. L.P.L.O.</i>, 280 Or App 292, 381 P3d 846 (2016)</p>	
<p>Pennsylvania</p>	<p><i>Initial child custody jurisdiction</i></p> <p>23 Pa. C.S.A. § 5421</p> <p>(a) General rule—Except as otherwise provided in section 5424 (relating to temporary emergency jurisdiction), a court of this Commonwealth has jurisdiction to make an initial child custody determination only if:</p> <p>(1) this Commonwealth is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this Commonwealth but a parent or person acting as a parent continues to live in this Commonwealth;</p> <p>(2) a court of another state does not have jurisdiction under paragraph (1) or a court of the home state of the child has declined to exercise jurisdiction on the ground that this Commonwealth is the more appropriate forum under section 5427 (relating to inconvenient forum) or 5428 (relating to jurisdiction declined by reason of conduct) and:</p>	<p><i>Registration of child custody determination</i></p> <p>23 Pa. C.S.A. § 5445</p> <p>(a) General rule—A child custody determination issued by a court of another state may be registered in this Commonwealth, with or without a simultaneous request for enforcement, by sending to the appropriate court in this Commonwealth:</p> <p>(1) a letter or other document requesting registration;</p> <p>(2) two copies, including one certified copy, of the determination sought to be registered and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and</p> <p>(3) except as otherwise provided in section 5429 (relating to information to be submitted to court), the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(i) the child and the child’s parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this Commonwealth other than mere physical presence; and</p> <p>(ii) substantial evidence is available in this Commonwealth concerning the child’s care, protection, training and personal relationships;</p> <p>(3) all courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this Commonwealth is the more appropriate forum to determine the custody of the child under section 5427 or 5428; or</p> <p>(4) no court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2) or (3).</p> <p>(b) Exclusive jurisdictional basis—Subsection (a) is the exclusive jurisdictional basis for making a child custody determination by a court of this Commonwealth.</p> <p>(c) Physical presence and personal jurisdiction unnecessary.—Physical presence of or personal jurisdiction over a party or a child is not necessary or sufficient to make a child custody determination</p>	<p>(b) Duties of registering court—On receipt of the documents required by subsection (a), the registering court shall:</p> <p>(1) cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and</p> <p>(2) serve notice upon the persons named pursuant to subsection (a)(3) and provide them with an opportunity to contest the registration in accordance with this section.</p> <p>(c) Notice—The notice required by subsection (b)(2) must state that:</p> <p>(1) a registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this Commonwealth;</p> <p>(2) a hearing to contest the validity of the registered determination must be requested within 20 days after service of notice; and</p> <p>(3) failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p><i>Temporary Emergency Jurisdiction</i></p> <p>23 Pa. C.S.A. § 5424</p> <p>(a) General rule—A court of this Commonwealth has temporary emergency jurisdiction if the child is present in this Commonwealth and the child has been abandoned or it is necessary in an emergency to protect the child because the child or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.</p> <p>(b) No previous custody determination or proceeding—If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 5421 (relating to initial child custody jurisdiction) through 5423 (relating to jurisdiction to modify determination), a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 5421 through 5423. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 5421 through 5423, a child custody determination made under this section becomes a final determination if it so provides and this Commonwealth becomes the home state of the child.</p>	<p>(d) Contest over validity of registered order—A person seeking to contest the validity of a registered order must request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:</p> <p>(1) the issuing court did not have jurisdiction under Subchapter B (relating to jurisdiction);</p> <p>(2) the child custody determination sought to be registered has been vacated, stayed or modified by a court having jurisdiction to do so under Subchapter B; or</p> <p>(3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of section 5408 (relating to notice to persons outside Commonwealth), in the proceedings before the court that issued the order for which registration is sought.</p> <p>(e) Failure to contest—If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.</p> <p>(f) Res judicata—Confirmation of a registered order, whether by</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(c) Previous custody determination or proceeding—If there is a previous child custody determination that is entitled to be enforced under this chapter or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 5421 through 5423, any order issued by a court of this Commonwealth under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 5421 through 5423. The order issued in this Commonwealth remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) Mandatory communication between courts—A court of this Commonwealth which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in or a child custody determination has been made by a court of a state having jurisdiction under sections 5421 through 5423, shall immediately communicate with the other court. A court of this Commonwealth which is exercising jurisdiction pursuant to sections 5421 through 5423, upon being informed that a child custody proceeding has been commenced in or a child custody determination has been made by a court of another state under a statute similar to this section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child and</p>	<p>operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.</p> <p><i>Service of petition and order</i></p> <p>23 Pa. C.S.A. § 5449</p> <p>Except as otherwise provided in section 5451 (relating to warrant to take physical custody of child), the petition and order must be served by any method authorized by the laws of this Commonwealth upon respondent and any person who has physical custody of the child.</p> <p><i>Service on Minors or Incapacitated Persons</i></p> <p>Pa. R.C.P. No. 441</p> <p>(a) Service of legal papers other than original process upon a party who is a minor shall be made in the manner prescribed by Rule 440 upon the party’s attorney of record or, if none, the party’s guardian. If the party has no attorney of record or guardian, service may be made upon the minor.</p> <p>(b) Service of legal papers other than original process upon a party who is an incapacitated person shall be made in the</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>determine a period for the duration of the temporary order.</p> <p>A mother’s claim that the father, who was in Louisiana, sexually and physically abused the mother and the child against the father’s claim that the marriage was a happy one did qualify the court for emergency jurisdiction. <i>See O’Gwynn v. Herbert</i>, 878 A.2d 119, 126 (Pa. Super. Ct. 2005) (decided under predecessor statute). The court held that “emergency jurisdiction under the [Uniform Child Custody Jurisdiction Act] UCCJA must be reserved for situations in which the child is in immediate danger of suffering harm.” <i>Id.</i>; <i>see also Lucas v. Lucas</i>, 882 A.2d 523, 531 (Pa. Super. Ct. 2005)(decided under previous statute) (holding that a father’s failure to pay financial support who had also moved away do not amount to abandonment to rise to the level of emergency jurisdiction).</p> <p>At times when the situation poses an immediate threat to the safety of the child, officials may temporarily deprive a parent of custody without parental consent or court order. <i>See Egervary v. Rooney</i>, 80 F. Supp. 2d 491, 509 (E.D. Pa. 2000), <i>rev’d on other grounds</i>, 366 F.3d 238 (3d Cir. 2004) (applying Pennsylvania law; decided under predecessor statute). Even when the threat justifies the removal of the child, the state must quickly initiate a post-deprivation hearing. <i>Id.</i></p>	<p>manner prescribed by Rule 440 upon the party’s guardian, guardian ad litem or attorney of record.</p>
Rhode Island	<p><i>Initial Custody Determination</i></p> <p>15 R.I. Gen. Laws Ann. § 15-14.1-13</p>	<p>15 R.I. Gen. Laws Ann. § 15-14.1-17</p> <p>(a) Before a child custody determination is made under this</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(a) Except as otherwise provided, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <p>(1) this state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six (6) months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p>(2) a court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum and:</p> <p>(i) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p>(ii) substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(3) all courts having jurisdiction under subdivision (1) or (2) of this subsection have declined to exercise jurisdiction on the</p>	<p>chapter, notice and an opportunity to be heard in accordance with this chapter must be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p> <p>15 R.I. Gen. Laws Ann. § 15-14.1-31</p> <p>Except as otherwise provided, the petition and order must be served, by any method authorized by the law of this state, upon respondent and any person who has physical custody of the child.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>ground that a court of this state is the more appropriate forum to determine the custody of the child; or</p> <p>(4) no court of any other state would have jurisdiction under the criteria specified in subdivision (1), (2), or (3) of this subsection.</p> <p>(b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Exclusive, continuing jurisdiction</i></p> <p>15 R.I. Gen. Laws Ann. § 15-14.1-14</p> <p>(a) Except as otherwise provided, a court of this state which has made a child custody determination consistent with this chapter has exclusive, continuing jurisdiction over the determination until:</p> <p>(1) a court of this state determines that neither the child, the child's parents, and any person acting as a parent do not have a significant connection with this state and that substantial evidence is no longer available in this</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>state concerning the child's care, protection, training, and personal relationships; or</p> <p>(2) a court of this state or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this state.</p> <p>(b) A court of this state which has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination pursuant to this chapter.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>15 R.I. Gen. Laws Ann. § 15-14.1-16</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If there is no previous child custody determination that is entitled to be enforced under this chapter and a child custody proceeding has not been commenced in a court of a state having jurisdiction, a child custody determination made under</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>this section remains in effect until an order is obtained from a court of a state having jurisdiction. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.</p> <p>(c) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A court of this state which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p> <p>Even though a court may invoke emergency jurisdiction if it is exercised consistently with the laws of the state wherein that court is located, emergency jurisdiction continues only for as long as the emergency exists or until a court that has jurisdiction to enter or modify a permanent child custody order is apprised of the situation and accepts responsibility. <i>Nadeau v. Nadeau</i>, 716 A.2d 717 (1998).</p> <p>Evidence supported family court's exercise of jurisdiction under emergency-jurisdiction procedure of Uniform Child Custody Jurisdiction Act (UCCJA) to grant temporary custody of child to father and restrain mother from removing child from Rhode Island to New York; child was present in Rhode Island, father's allegation that stepfather abused child was supported by child's testimony that stepfather treated him harshly because stepfather did not like way child looked at him or because child told stepfather that he was not child's father, and stepfather's presence and behavior were not considered by New York court in granting custody to mother. <i>Duffy v. Reeves</i>, 619 A.2d 1094 (1993).</p>	
South Carolina	<i>Initial Custody Determination</i>	S.C. Code Ann. § 63-15-314

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>S.C. Code Ann. § 63-15-330</p> <p>(A) Except as otherwise provided in Section 63-15-336, a court of this State has jurisdiction to make an initial child custody determination only if:</p> <ul style="list-style-type: none"> (1) this State is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this State, but a parent or person acting as a parent continues to live in this State; (2) a court of another state does not have jurisdiction under item (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this State is the more appropriate forum under Section 63-15-342 or 63-15-344, and: <ul style="list-style-type: none"> (a) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this State other than mere physical presence; and (b) substantial evidence is available in this State concerning the child's care, protection, training, and personal relationships; 	<p>(A) Notice required for the exercise of jurisdiction when a person is outside this State may be given in a manner prescribed by the law of this State for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>(B) Proof of service may be made in the manner prescribed by the law of this State or by the law of the state in which the service is made.</p> <p>(C) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p> <p>S.C. Code Ann. § 63-15-338</p> <p>(A) Before a child custody determination is made under this article, notice and an opportunity to be heard in accordance with the standards of Section 63-15-314 must be given to all persons entitled to notice under the law of this State as in child custody proceedings between residents of this State, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(3) all courts, having jurisdiction under item (1) or (2), have declined to exercise jurisdiction on the ground that a court of this State is the more appropriate forum to determine the custody of the child under Section 63-15-342 or 63-15-344; or</p> <p>(4) no court of any other state would have jurisdiction under the criteria specified in item (1), (2), or (3).</p> <p>(B) Subsection (A) is the exclusive jurisdictional basis for making a child custody determination by a court of this State.</p> <p>(C) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Exclusive, continuing jurisdiction</i></p> <p>S.C. Code Ann. § 63-15-332</p> <p>(A) Except as otherwise provided in Section 63-15-336, a court of this State which has made a child custody determination consistent with Section 63-15-330 or 63-15-334 has exclusive, continuing jurisdiction over the determination until:</p> <p>(1) a court of this State determines that neither the child, the child's parents, and any person acting as a parent do not have a significant connection with this State and</p>	<p>(B) This article does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(C) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this article are governed by the law of this State as in child custody proceedings between residents of this State.</p> <p>S.C. Code Ann. § 63-15-348</p> <p>(A) In a child custody proceeding in this State, the court may order a party to the proceeding who is in this State to appear before the court in person with or without the child. The court may order any person who is in this State and who has physical custody or control of the child to appear in person with the child.</p> <p>(B) If a party to a child custody proceeding whose presence is desired by the court is outside this State, the court may order that a notice given pursuant to Section 63-15-314 includes a statement directing the party to appear in person with or without the child and informing the party that failure to appear may result in a decision adverse to the party.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>that substantial evidence is no longer available in this State concerning the child's care, protection, training, and personal relationships; or</p> <p>(2) a court of this State or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this State.</p> <p>(3) a court of this State which has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under Section 63-15-330.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>S.C. Code Ann. § 63-15-336</p> <p>(A) A court of this State has temporary emergency jurisdiction if the child is present in this State and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(B) If there is no previous child custody determination that is entitled to be enforced under this article and a child custody</p>	<p>(C) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.</p> <p>(D) If a party to a child custody proceeding who is outside of this State is directed to appear under subsection (B) or desires to appear personally before the court with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>proceeding has not been commenced in a court of a state having jurisdiction under Sections 63-15-330 through 63-15-334, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 63-15-330 through 63-15-334. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 63-15-330 through 63-15-334, a child custody determination made under this section becomes a final determination, if it so provides and this State becomes the home state of the child.</p> <p>(C) If there is a previous child custody determination that is entitled to be enforced under this article, or a child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 63-15-330 through 63-15-334, any order issued by a court of this State under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Sections 63-15-330 through 63-15-334. The order issued in this State remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(D) A court of this State which has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced in, or a</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>child custody determination has been made by, a court of a state having jurisdiction under Sections 63-15-330 through 63-15-334, shall immediately communicate with the other court. A court of this State, which is exercising jurisdiction pursuant to Sections 63-15-330 through 63-15-334, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by a court of another state under a statute similar to this section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p> <p>Family Court lacked subject-matter jurisdiction under Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) to issue final orders removing child from mother's custody and terminating mother's parental rights, though Family Court had valid basis to exercise temporary emergency jurisdiction under UCCJEA; mother and child were traveling through South Carolina at time of removal, mother was Georgia resident, child was born in Pennsylvania, child's home state was Georgia, and there was evidence that courts in Pennsylvania and Georgia may have made prior custody determinations regarding child. <i>S.C. Dep't of Soc. Servs. v. Tran</i>, 418 S.C. 308, 311, 792 S.E.2d 254, 255 (Ct. App. 2016).</p> <p>A family court, except as provided by provision of Uniform</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>Child-Custody Jurisdiction and Enforcement Act (UCCJEA) governing temporary emergency jurisdiction, may not modify a custody order issued by a court of another state unless a court of the state where child is located currently has jurisdiction to make an initial custody determination under the UCCJEA and (1) the court of the issuing state determines either that it no longer has continuing jurisdiction or that a court of the state where child is located currently would be a more convenient forum or (2) either a court of the state where the child is located currently or a court of the issuing state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the issuing state. <i>Id.</i></p>	
<p>South Dakota</p>	<p><i>Initial Custody Determination</i></p> <p>S.D. Codified Laws § 26-5B-201</p> <p>(a) Except as otherwise provided in § 26-5B-204, a court of this state has jurisdiction to make an initial child-custody determination only if:</p> <p style="padding-left: 40px;">(1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p>	<p>S.D. Codified Laws § 26-5B-108</p> <p>(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p> <p>(b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>(c) Notice is not required for the exercise of jurisdiction with</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(2) A court of another state does not have jurisdiction under paragraph (1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under § 26-5B-207 or 26-5B-208, and:</p> <p>(A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p>(B) Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(3) All courts having jurisdiction under paragraph (1) or (2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under § 26-5B-207 or 26-5B-208; or</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3).</p> <p>(b) Subsection (a) is the exclusive jurisdictional basis for making a child-custody determination by a court of this state.</p>	<p>respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>S.D. Codified Laws § 26-5B-204</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If there is no previous child-custody determination that is entitled to be enforced under this chapter and a child-custody proceeding has not been commenced in a court of a state having jurisdiction under §§ 26-5B-201 to 26-5B-203, inclusive, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under §§ 26-5B-201 to 26-5B-203, inclusive. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under §§ 26-5B-201 to 26-5B-203, inclusive, a child-custody determination made under this section becomes a final determination, if it so provides and this state becomes the home state of the child.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(c) If there is a previous child-custody determination that is entitled to be enforced under this chapter, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under §§ 26-5B-201 to 26-5B-203, inclusive, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under §§ 26-5B-201 to 26-5B-203, inclusive. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A court of this state which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under §§ 26-5B-201 to 26-5B-203, inclusive, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to §§ 26-5B-201 to 26-5B-203, inclusive, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>order.</p> <p><i>Authority Interpreting § 26-5B-204</i></p> <p>It appears that there is only one decision on Westlaw citing or discussion this provision, and it does not appear particularly salient.</p> <p>In <i>Langdeau v. Langdeau</i>, 2008 S.D. 44, ¶ 30, 751 N.W.2d 722, 732, the court merely held that the trial court may decline to exercise jurisdiction under § 26-5B-204 when there is a more appropriate forum.</p>	
Tennessee	<p><i>Initial Custody Determination</i></p> <p>Tenn. Code Ann. § 36-6-216 (2017)</p> <p>a) Except as otherwise provided in § 36-6-219, a Tennessee court has jurisdiction to make an initial child custody determination only if:</p> <p>(1) Tennessee is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six (6) months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p>	<p>Tenn. Code Ann. § 36-6-220 (2017)</p> <p>(a) Before a child-custody determination is made under Part 2 of Chapter 6 of the Tennessee Code, notice and an opportunity to be heard in accordance with the standards of § 36-6-211 must be given to all persons entitled to notice under the law of this state as in child-custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(b) This part does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(2) A court of another state does not have jurisdiction under subdivision (a)(1), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under §§ 36-6-221 or 36-6-222, and:</p> <p style="padding-left: 40px;">A. The child and the child's parents, or the child and at least one (1) parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and</p> <p style="padding-left: 40px;">B. Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships;</p> <p>(3) All courts having jurisdiction under subdivision (a)(1) or (a)(2) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under §§ 36-6-221 or 36-6-222; or</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in subdivision (a)(1), (a)(2), or (a)(3).</p> <p>(b) Subsection (a) is the exclusive jurisdictional basis for making</p>	<p>(c) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this part are governed by the law of this state as in child-custody proceedings between residents of this state.</p> <p>Tenn. Code Ann. § 36-6-211 (2017)</p> <p>(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.</p> <p>(b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>a child-custody determination by a court of this state.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Tenn. Code Ann. § 36-6-219 (2017)</p> <p>(a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p>(b) If there is no previous child custody determination that is entitled to be enforced under this part and a child custody proceeding has not been commenced in a court of a state having jurisdiction under §§ 36-6-216 -- 36-6-218, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under §§ 36-6-216 -- 36-6-218. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under §§ 36-6-216 -- 36-6-218, a child custody determination made under this section becomes a final determination, if it so provides and this state becomes the</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>home state of the child.</p> <p>(c) If there is a previous child custody determination that is entitled to be enforced under this part, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under §§ 36-6-216 -- 36-6-218, any order issued by a court of this state under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under §§ 36-6-216 -- 36-6-218. The order issued in this state remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A court of this state which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under §§ 36-6-216 -- 36-6-218, shall immediately communicate with the other court. A court of this state which is exercising jurisdiction pursuant to §§ 36-6-216 -- 36-6-218, upon being informed that a child custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p><i>Authority Interpreting § 36-6-219</i></p> <p>“As to the threat of mistreatment or abuse required for a Tennessee court to invoke temporary emergency jurisdiction over a child who is present in Tennessee, our Supreme Court has held that Tennessee Code Annotated § 36-6-219(a) ‘contemplates a threat of immediate mistreatment or abuse to the child.’ <i>Hernandez v. Hernandez</i>, No. W201801388COAR3CV, 2019 WL 3430534, at *8 (Tenn. Ct. App. July 30, 2019) (quoting <i>Button v. Waite</i>, 208 S.W.3d 366, 370 (Tenn. 2006).</p> <p>The alleged threat of mistreatment or abuse must be specifically alleged in the petition. <i>P.E.K. v. J.M.</i>, 52 S.W.3d 653, 657-58 (Tenn. Ct. App. 2001) (“Without some factual allegation of specific threats to the child's well-being, the court did not have any basis on which to enter a temporary emergency award.”).</p> <p><i>In re Serenity W. M.</i>, No. E201401802COAR3JV, 2015 WL 4485466, at *6 (Tenn. Ct. App. July 23, 2015) (holding that trial court properly exercised emergency jurisdiction where petitioner asserted that the child’s mother had already lost custody of three other children and that Father had “a history of substance abuse and of convictions relating to serious harm to [a] minor child and has been ordered not to be around</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	children.”).	
Texas	<p><i>Initial Custody Determination</i></p> <p>Tex. Fam. Code Ann. 152.201</p> <p>Jurisdiction exists where:</p> <p>(1) Texas is child's home state at commencement of proceeding or Texas was child's home state six months prior to commencement of proceeding and child is absent from Texas but at least one parent or person acting as parent continues to live in Texas; or</p> <p>(2) Court of another state does not have jurisdiction under subdivision (1) or court of home state of child declines jurisdiction on the ground that Texas is the more appropriate forum under § 152.207 (pertaining to convenience of forum) or § 152.208 (pertaining to unjustifiable conduct of the child in home state) and (a) child and at least one parent have a significant connection to Texas other than mere physical presence and; (b) substantial evidence is available in Texas concerning the child's care, protection, training, and personal relationships; or</p> <p>(3) all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction on the ground that a court in Texas is the more appropriate forum to determine the custody of the child</p>	<p>Tex. Fam. Code Ann. 152.201</p> <p>Before a child custody determination is made under Chapter 152 of the Texas Family Code, notice and an opportunity to be heard in accordance with the standards of Section 152.108 must be given to:</p> <p>(1) all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state;</p> <p>(2) any parent whose parental rights have not been previously terminated; and</p> <p>(3) any person having physical custody of the child.</p> <p>Tex. Fam. Code Ann. 152.201</p> <p>(a) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>under § 152.207 (pertaining to convenience of forum) or § 152.208 (pertaining to unjustifiable conduct of the child in home state); (4) no court of any other state would have jurisdiction under subsections (1), (2), or (3).</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Tex. Fam. Code Ann. § 152.204</p> <p>A Texas court has temporary emergency jurisdiction if the child is present in Texas and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p> <p><i>Authority Interpreting § 152.204</i></p> <p><i>In re Marriage of Lai</i>, 333 S.W.3d 645, 650 (Tex. App.—Dallas 2009, no pet.) (“The exercise of jurisdiction under section 152.204 is reserved for extraordinary circumstances.”); <i>Garza v. Henry</i>, 726 S.W. 2d 198, 202 (Tex. Civ. App.—Amarillo 1987, no writ) (finding that the child was subjected to “mistreatment or abuse” for jurisdictional purposes where the mother testified that the father of the child “many times pushed and shoved and battered” the child and was “very often psychologically abusive to her”); <i>In re S.J.</i>, 522 S.W.3d 576 (Tex. App.—Houston</p>	<p>(b) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>[14th Dist.] 2017, no pet.) (mother's moving with child from India to Texas without father's knowledge or consent did not constitute "mistreatment" or "abuse" supporting the exercise of temporary emergency jurisdiction).</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
Utah	<p><i>Initial Custody Determination</i></p> <p>Utah Code Ann. § 78B-13-201</p> <p>(1) Except as otherwise provided in Section 78B-13-204, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <p>(a) this state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p> <p>(b) a court of another state does not have jurisdiction under Subsection (1)(a), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Section 78B-13-207 or 78B-13-208; and</p> <p>(i) the child and the child's parents, or the child and at least one parent or a person acting as a parent have a significant connection with this state other than mere physical presence; and</p> <p>(ii) substantial evidence is available in this state</p>	<p>Utah Code Ann. § 78B-13-018</p> <p>(1) Notice required for the exercise of jurisdiction when a person is outside this state may be given in a manner prescribed by the law of this state for the service of process or by the law of the state in which the service is made. Notice shall be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.</p> <p>(2) Proof of service may be made in the manner prescribed by the law of this state or by the law of the state in which the service is made.</p> <p>(3) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>concerning the child's care, protection, training, and personal relationships;</p> <p>(c) all courts having jurisdiction under Subsection (1)(a) or (b) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 78B-13-207 or 78B-13-208; or</p> <p>(d) no state would have jurisdiction under Subsection (1)(a), (b), or (c).</p> <p>(2) Subsection (1) is the exclusive jurisdictional basis for making a child custody determination by a court of this state.</p> <p>(3) Physical presence of, or personal jurisdiction over, a party or a child is neither necessary nor sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>Utah Code Ann. § 78B-13-204</p> <p>(1) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>subjected to or threatened with mistreatment or abuse.</p> <p>(2) If there is no previous child custody determination that is entitled to be enforced under this chapter, and if no child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 78B-13-201 through 78B-13-203, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under Sections 78B-13-201 through 78B-13-203. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under Sections 78B-13-201 through 78B-13-203, a child custody determination made under this section becomes a final determination, if:</p> <ul style="list-style-type: none"> (a) it so provides; and (b) this state becomes the home state of the child. <p>(3) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction under Sections 78B-13-201 through 78B-13-203, any order issued by a court of this state under this section shall specify in the order a period of time which the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under Sections 78B-13-201 through 78B-13-203. The order issued in this state remains</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(4) A court of this state that has been asked to make a child custody determination under this section, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made, by a court of a state having jurisdiction under Sections 78B-13-201 through 78B-13-203, shall immediately communicate with the other court. A court of this state that is exercising jurisdiction pursuant to Sections 78B-13-201 through 78B-13-203, upon being informed that a child custody proceeding has been commenced, or a child custody determination has been made by a court of another state under a statute similar to this section shall immediately communicate with the court of that state. The purpose of the communication is to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p>	
Vermont	<i>Initial Custody Determination</i>	15 V.S.A. § 1075. Notice; opportunity to be heard; joinder

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>15 V.S.A. § 1071</p> <p>(a) Except as otherwise provided in section 1074 of this title, a Vermont court has jurisdiction to make an initial child custody determination only if:</p> <p>(1) Vermont is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six months before the commencement of the proceeding and the child is absent from Vermont, but a parent or person acting as a parent continues to live in Vermont;</p> <p>(2) A court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that Vermont is the more appropriate forum under section 1077 or 1078 of this title, and:</p> <p>(A) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with Vermont other than mere physical presence; and</p> <p>(B) substantial evidence is available in Vermont concerning the child's care, protection, training, and personal relationships;</p> <p>(3) All courts having jurisdiction under subdivision (1) or (2) of</p>	<p>(a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of section 1066 of this title shall be given to all persons entitled to notice under Vermont law as in child custody proceedings between Vermont residents, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by Vermont law as in child custody proceedings between Vermont residents.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>this subsection have declined to exercise jurisdiction on the grounds that a Vermont court is the more appropriate forum to determine the custody of the child under section 1077 or 1078 of this title; or</p> <p>(4) No court of any other state would have jurisdiction under the criteria specified in subdivision (1), (2), or (3) of this subsection.</p> <p>(b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child custody determination by a Vermont court.</p> <p>(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p> <p><i>Temporary Emergency Jurisdiction</i></p> <p>15 V.S.A. § 1074</p> <p>(a) A Vermont court has temporary emergency jurisdiction if the child is present in Vermont, and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(b) If there is no previous child custody determination that is entitled to be enforced under this chapter, and a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 1071-1073 of this title, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 1071-1073 of this title. If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 1071-1073 of this title, a child custody determination made under this section becomes a final determination, if it so provides, and Vermont becomes the home state of the child.</p> <p>(c) If there is a previous child custody determination that is entitled to be enforced under this chapter, or a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 1071-1073 of this title, any order issued by a Vermont court under this section shall specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 1071-1073 of this title. The order issued in Vermont remains in effect until an order is obtained from the other state within the period specified or the period expires.</p> <p>(d) A Vermont court which has been asked to make a child custody determination under this section upon being informed</p>	

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of a state having jurisdiction under sections 1071-1073 of this title shall immediately communicate with the other court. A Vermont court which is exercising jurisdiction pursuant to sections 1071-1073 of this title, upon being informed that a child custody proceeding has been commenced in, or a child custody determination has been made by, a court of another state under a statute similar to this section, shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.</p> <p><i>Authority Interpreting § 1074</i></p> <p>There is very little available authority interpreting the parameters of § 1074.</p> <p><i>In re M.P.</i>, 2019 VT 69, ¶ 21 (Vt. Sept. 17, 2019) (affirming the trial court’s exercise of temporary emergency jurisdiction where the undisputed facts showed that the minor “was living in Vermont with husband, her presumptive father, that mother was incarcerated in Alabama, that husband was unable to care for M.P., and that state intervention was required to protect M.P. from harm or risk of harm.”)</p>	
Virginia	<i>Initial Custody Jurisdiction</i>	VA. Code § 20-146.7

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>VA. Code § 20-146.12</p> <p>A. Except as otherwise provided in § 20-146.15, a court of this Commonwealth has jurisdiction to make an initial child custody determination only if: 1. This Commonwealth is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this Commonwealth but a parent or person acting as a parent continues to live in this Commonwealth; 2. A court of another state does not have jurisdiction under subdivision 1, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this Commonwealth is the more appropriate forum under § 20-146.18 or § 20-146.19, and (i) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this Commonwealth other than mere physical presence and (ii) substantial evidence is available in this Commonwealth concerning the child's care, protection, training, and personal relationships; 3. All courts having jurisdiction under subdivision 1 or 2 have declined to exercise jurisdiction on the ground that a court of this Commonwealth is the more appropriate forum to determine the custody of the child under § 20-146.18 or § 20-146.19; or 4. No court of any other state would have jurisdiction under the criteria specified in subdivision 1, 2, or 3. B. Subsection A is the exclusive jurisdictional basis for making a child custody determination by a court of this Commonwealth. C. Physical</p>	<p>Notice to persons outside state A. Notice required for the exercise of jurisdiction when a person is outside this Commonwealth may be given in a manner prescribed by the law of this Commonwealth for service of process or by the law of the state in which the service is attempted or made. Notice may also be by certified or registered mail, return receipt requested, addressed to the last known address of the person to be served. Notice must be given in a manner reasonably calculated to give actual notice and an opportunity to be heard but may be by publication pursuant to §§ 8.01-316 and 8.01-317 if other means are not effective. B. Proof of service may be made in the manner prescribed by the law of this Commonwealth or by the law of the state in which the service is made. C. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.	
Washington	<p><i>Initial Custody Jurisdiction</i></p> <p>RCW 26.27.201</p> <p>Jurisdiction is permissible if:</p> <p>(1) State is child's home state (at commencement of proceeding or six months prior and child is absent but at least one parent resides); or</p> <p>(2) Court of another state does not have jurisdiction under paragraph (1) or court of home state of child declines jurisdiction and (a) child and at least one parent has significant connection to State; (b) substantial evidence is available re: child's care, protection, training and personal relationships; or</p> <p>(3) all courts having jurisdiction under (1) and (2) declined to exercise jurisdiction based on this forum being most convenient;</p> <p>(4) no court of any other state would have jurisdiction under (1), (2), or (3).</p>	<p>RCW 26.27.231:</p> <p>A court of Washington has temporary emergency jurisdiction if the child is present in Washington and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.</p>
West Virginia	<p><i>Initial Custody Jurisdiction</i></p> <p>WV Code § 48-20-201</p> <p>Initial child custody jurisdiction (a) Except as otherwise provided in section 20-204 [§ 48-20-204], a court of this state</p>	<p>§ 48-20-205</p> <p>Notice; opportunity to be heard; joinder</p> <p>(a) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of section 20-108 [§ 48-20-108], must be</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>has jurisdiction to make an initial child custody determination only if: (1) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding, and the child is absent from this state but a parent or person acting as a parent continues to live in this state; (2) A court of another state does not have jurisdiction under subdivision (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under section 20-207 or 20-208 [§ 48-20- 207 or § 48-20-208], and: (A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and (B) Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships; (3) All courts having jurisdiction under subdivision (1) or (2) of this subdivision have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under section 20-207 or 20-208 [§ 48-20-207 or § 48-20-208]; or (4) No court of any other state would have jurisdiction under the criteria specified in subdivision (1), (2) or (3) of this subsection. (b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child custody determination by a court of this state. (c) Physical presence of, or personal jurisdiction over, a party or a child is</p>	<p>given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated and any person having physical custody of the child.</p> <p>(b) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	not necessary or sufficient to make a child custody determination.	
Wisconsin	<p><i>Initial Custody Jurisdiction</i></p> <p>WI ST § 822.21</p> <p>(1) Except as provided in Section 822.24, a court of this state has jurisdiction to make an initial determination only if any of the following applies:</p> <ul style="list-style-type: none"> (a) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state. (b) A court of another state does not have jurisdiction under par. (a), or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under Section 822.27 or 822.28, and all of the following apply: 1. The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this state other than mere physical presence. 2. Substantial evidence is available in this state concerning the child's care, protection, training, and personal relationships. 	<p>§ 822.25 Notice; opportunity to be heard; joinder</p> <p>(1) Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of Section 822.08 shall be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.</p> <p>(2) This chapter does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p> <p>(3) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this chapter are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(c) All courts having jurisdiction under par. (a) or (b) have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under Section 822.27 or 822.28. (d) No court of any other state would have jurisdiction under the criteria specified in par. (a), (b), or (c). (2) Subsection (1) is the exclusive jurisdictional basis for making a child custody determination by a court of this state. (3) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.</p>	
Wyoming	<p><i>Initial Custody Jurisdiction</i></p> <p>WS § 20-5-301</p> <p>(a) Except as otherwise provided in W.S. 20-5-304, a court of this state has jurisdiction to make an initial child custody determination only if:</p> <p>(i) This state is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six (6) months before the commencement of the proceeding and the child is absent from this state but a parent or person acting as a parent continues to live in this state;</p>	<p>WS § 20-5-305</p> <p>Notice; opportunity to be heard; joinder.</p> <p>(a) Before a child custody determination is made under this act, notice and an opportunity to be heard in accordance with the standards of W.S. 20-5-208 shall be given to all persons entitled to notice under the law of this state as in child custody proceedings between residents of this state, any parent whose parental rights have not been previously terminated and any person having physical custody of the child.</p> <p>(b) This act shall not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	<p>(ii) A court of another state does not have jurisdiction under a provision of law from that state that is in substantial conformity with paragraph (i) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this state is the more appropriate forum under a provision of law from that state that is in substantial conformity with W.S. 20-5-307 or 20-5-308, and: (A) The child and the child's parents, or the child and at least one (1) parent or a person acting as a parent, have a significant connection with this state other than mere physical presence; and (B) Substantial evidence is available in this state concerning the child's care, protection, training and personal relationships.</p> <p>(iii) All courts of another state having jurisdiction under provisions of law from that state in substantial conformity with paragraph (i) or (ii) of this subsection have declined to exercise jurisdiction on the ground that a court of this state is the more appropriate forum to determine the custody of the child under a provision of law from that state that is in substantial conformity with W.S. 20-5-307 or 20-5-308; or</p> <p>(iv) No court of any other state would have jurisdiction under the criteria specified in paragraph (i), (ii) or (iii) of this subsection. (b) Subsection (a) of this section shall be the exclusive jurisdictional basis for making a child custody determination by a court of this state. (c)</p>	<p>(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this act are governed by the law of this state as in child custody proceedings between residents of this state.</p>

Jurisdiction	Custody Determination - Jurisdiction	Custody Determination – Service/Notification Requirements
	Physical presence of, or personal jurisdiction over, a party or a child shall not be necessary or sufficient to make a child custody determination.	

© 2020 - Morgan, Lewis and Bockius LLP