

MODIFICATION OF A FOREIGN (i.e. another state's) CUSTODY/VISITATION ORDER (Under the UCCJEA)

START HERE

FIRST, confirm prior Foreign Custody/Visitation order was properly registered in SC See Chart titled "Registration of Another State's Custody/Visitation Order"

If the Foreign Custody/Visitation Order was properly Registered in SC, ask does the child OR one of the parents OR a "person acting as a parent" still reside in the state that issued Foreign Custody/Visitation Order?

Did Foreign State that issued prior Custody/Visitation Order LOSE its *exclusive*, continuing jurisdiction to modify its Order (i.e. Original state has lost SMJ to modify Custody/Visitation order?)

NO YES

Does child & at least one parent still have "a significant connection" to SC?

NO YES

Has the Court that issued the most recent Custody/Visitation Order determined that it lacks continuing SMJ under its own law?

NO YES

OR

When **substantial evidence** concerning the child's care, protection, training, & personal relationships still exist in SC, **SC can only Modify the Prior Foreign Custody/Visitation Order once the Foreign State formally cedes SMJ to SC**

SC Lacks SMJ to Modify the Prior Custody/Visitation Order (unless the Court in the state where the child lives cedes jurisdiction to SC)

SC can Modify Foreign State's Custody/Visitation Order

SC LACKS SMJ to Modify the Order, unless the Court in the state where the child lives cedes jurisdiction to SC. Then SC can Modify the Custody/Visitation Order