

THERE IS NO HOME STATE OR THERE ARE TWO STATES WITH COMPETING SMJ (UCCJEA)

When there is No Home State or Two States with Competing SMJ **START HERE**

Has an inconvenient forum motion been brought **OR** is it possible another state may be a more appropriate forum to determine this action?

YES

- Consider These 8 factors:**
1. Domestic Violence
 2. Time child has lived out of state
 3. Distance between possible courts
 4. Parties relative financial abilities
 5. Agreement re; preferred court
 6. Nature & location of evidence
 7. Ct. congestion and procedures
 8. Ct.'s familiarity with facts

THEN

Consider whether communication with the other State's Court will help clarify facts related to the action

THEN

SC Court must decide: Whether other state is a **more appropriate forum** to determine custody or visitation

NO

YES

SC must stay the action here on condition that a proceeding is promptly filed in the Other State & SC can also impose any other appropriate conditions

*** "Unjustifiable conduct"** must be more than some technicality illegality or wrong E.g., it could include abduction & hiding for six months, but fleeing with a child to escape domestic abuse should not qualify even if doing so violated a placement order

NOTE

NO

Does SC have SMJ because Plaintiff engaged in **"unjustifiable conduct"**?

YES

Would any other state have either **initial or modification SMJ** to determine custody/visitation?

NO

YES

Has a Court in other state with SMJ determined that SC is a more appropriate forum to issue a Custody/Visitation order?

YES

NO

SC has SMJ to determine Custody/Visitation of child

YES

Have both parents **AND** all "persons acting as parents" **acquiesced to jurisdiction in SC?**

NO

This court must Decline to exercise SMJ

AND MUST

Award all costs, fees and expenses against Plaintiff

AND MAY

Fashion a Remedy to ensure child's safety & prevent repetition of Plaintiff's Unjustifiable Conduct.