

§1745. Initial child custody jurisdiction

1. Jurisdiction over initial determination. Except as otherwise provided in section 1748, a court of this State has jurisdiction to make an initial child custody determination only if:

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

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 1751 or 1752 and:

(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; and

(2) Substantial evidence is available in this State concerning the child's care, protection, training and personal relationships; [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

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 1751 or 1752; or [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

D. No court of any other state would have jurisdiction under the criteria specified in paragraph A, B or C. [PL 1999, c. 486, §3 (NEW); PL 1999, c. 486, §6 (AFF).]

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

2. Exclusive jurisdictional basis. Subsection 1 is the exclusive jurisdictional basis for making a child custody determination by a court of this State.

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

3. Physical presence or personal jurisdiction not necessary or sufficient. Physical presence of or personal jurisdiction over a party or a child is not necessary or sufficient to make a child custody determination.

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

SECTION HISTORY

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

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