

78B-13-207 Inconvenient forum.

- (1) A court of this state that has jurisdiction under this chapter to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon the court's own motion, request of another court, or motion of a party.
- (2) Before determining whether it is an inconvenient forum, a court of this state shall consider whether it is appropriate that a court of another state exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:
 - (a) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
 - (b) the length of time the child has resided outside this state;
 - (c) the distance between the court in this state and the court in the state that would assume jurisdiction;
 - (d) the relative financial circumstances of the parties;
 - (e) any agreement of the parties as to which state should assume jurisdiction;
 - (f) the nature and location of the evidence required to resolve the pending litigation, including the testimony of the child;
 - (g) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and
 - (h) the familiarity of the court of each state with the facts and issues of the pending litigation.
- (3) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.
- (4) A court of this state may decline to exercise its jurisdiction under this chapter if a child custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

Renumbered and Amended by Chapter 3, 2008 General Session