

IF THE COURT IS INFORMED DURING THE COURSE OF THE PROCEEDING THAT A PROCEEDING CONCERNING THE CUSTODY OF THE CHILD WAS PENDING IN ANOTHER STATE BEFORE THE COURT ASSUMED JURISDICTION, IT SHALL STAY THE PROCEEDING AND COMMUNICATE WITH THE COURT IN WHICH THE OTHER PROCEEDING IS PENDING TO THE END THAT THE ISSUE MAY BE LITIGATED IN THE MORE APPROPRIATE FORUM AND THAT INFORMATION BE EXCHANGED IN ACCORDANCE WITH §§ 9-219 THROUGH 9-222 OF THIS SUBTITLE. IF A COURT OF THIS STATE HAS MADE A CUSTODY DECREE BEFORE BEING INFORMED OF A PENDING PROCEEDING IN A COURT OF ANOTHER STATE, IT SHALL IMMEDIATELY INFORM THAT COURT OF THE FACT. IF THE COURT IS INFORMED THAT A PROCEEDING WAS COMMENCED IN ANOTHER STATE AFTER IT ASSUMED JURISDICTION, IT SHALL LIKEWISE INFORM THE OTHER COURT TO THE END THAT THE ISSUES MAY BE LITIGATED IN THE MORE APPROPRIATE FORUM.

REVISOR'S NOTE: This section formerly appeared as Article 16, § 188.

In subsection (a) of this section, the words "the child" are substituted for the word "he" in light of Article 40, § 53C of the Code, which calls for "the use of words that are neutral as to gender".

In subsections (b) and (c) of this section, cross-references are conformed to the organization of this subtitle.

No other changes are made.

Defined terms: "Custody proceeding" § 9-201
"Decree" § 9-201 "State" § 1-101

9-207. FINDING THAT COURT IS INCONVENIENT FORUM.

(A) ACTION IF THIS STATE IS INCONVENIENT FORUM.

A COURT WHICH HAS JURISDICTION UNDER THIS SUBTITLE TO MAKE AN INITIAL DECREE OR MODIFICATION DECREE MAY DECLINE TO EXERCISE ITS JURISDICTION ANY TIME BEFORE MAKING A DECREE IF IT FINDS THAT IT IS AN INCONVENIENT FORUM TO MAKE A CUSTODY DETERMINATION UNDER THE CIRCUMSTANCES OF THE CASE AND THAT A COURT OF ANOTHER STATE IS A MORE APPROPRIATE FORUM.

(B) WHO MAY MOVE FOR FINDING OF INCONVENIENT FORUM.

A FINDING OF INCONVENIENT FORUM MAY BE MADE ON THE COURT'S OWN MOTION OR ON MOTION OF A PARTY OR A GUARDIAN AD LITEM OR OTHER REPRESENTATIVE OF THE CHILD.

(C) FACTORS IN DETERMINATION.

IN DETERMINING IF IT IS AN INCONVENIENT FORUM, THE COURT SHALL CONSIDER IF IT IS IN THE INTEREST OF THE CHILD THAT ANOTHER STATE ASSUME JURISDICTION. FOR THIS PURPOSE, IT MAY TAKE INTO ACCOUNT THE FOLLOWING FACTORS, AMONG OTHERS: