

IF THE PETITIONER FOR AN INITIAL DECREE HAS WRONGFULLY TAKEN THE CHILD FROM ANOTHER STATE OR HAS ENGAGED IN SIMILAR REPREHENSIBLE CONDUCT, THE COURT MAY DECLINE TO EXERCISE JURISDICTION IF THIS IS JUST AND PROPER UNDER THE CIRCUMSTANCES.

(B) EXISTING DECREE.

UNLESS REQUIRED IN THE INTEREST OF THE CHILD, THE COURT SHALL NOT EXERCISE ITS JURISDICTION TO MODIFY A CUSTODY DECREE OF ANOTHER STATE IF THE PETITIONER, WITHOUT CONSENT OF THE PERSON ENTITLED TO CUSTODY, HAS IMPROPERLY REMOVED THE CHILD FROM THE PHYSICAL CUSTODY OF THE PERSON ENTITLED TO CUSTODY OR HAS IMPROPERLY RETAINED THE CHILD AFTER A VISIT OR OTHER TEMPORARY RELINQUISHMENT OF PHYSICAL CUSTODY. IF THE PETITIONER HAS VIOLATED ANY OTHER PROVISION OF A CUSTODY DECREE OF ANOTHER STATE, THE COURT MAY DECLINE TO EXERCISE ITS JURISDICTION IF THIS IS JUST AND PROPER UNDER THE CIRCUMSTANCES.

(C) ASSESSMENTS OF EXPENSES AND FEES.

IN APPROPRIATE CASES, A COURT DISMISSING A PETITION UNDER THIS SECTION MAY CHARGE THE PETITIONER WITH NECESSARY TRAVEL AND OTHER EXPENSES, INCLUDING ATTORNEYS' FEES, INCURRED BY OTHER PARTIES OR THEIR WITNESSES.

REVISOR'S NOTE: This section formerly appeared as Article 16, § 190.

No changes are made.

Defined terms: "Decree" or "Custody decree" § 9-201
 "Including" § 1-101 "Initial decree" § 9-201
 "Physical custody" § 9-201 "State" § 1-101

9-209. PROVIDING INFORMATION AS TO CHILD.

(A) IN INITIAL PLEADING.

EVERY PARTY IN A CUSTODY PROCEEDING IN THE PARTY'S FIRST PLEADING OR IN AN AFFIDAVIT ATTACHED TO THAT PLEADING SHALL GIVE INFORMATION UNDER OATH AS TO THE CHILD'S PRESENT ADDRESS, THE PLACES WHERE THE CHILD HAS LIVED WITHIN THE LAST 5 YEARS, AND THE NAMES AND PRESENT ADDRESSES OF THE PERSONS WITH WHOM THE CHILD HAS LIVED DURING THAT PERIOD. IN THIS PLEADING OR AFFIDAVIT EVERY PARTY SHALL FURTHER DECLARE UNDER OATH WHETHER:

(1) THE PARTY HAS PARTICIPATED AS A PARTY, WITNESS, OR IN ANY OTHER CAPACITY IN ANY OTHER LITIGATION CONCERNING THE CUSTODY OF THE SAME CHILD IN THIS OR ANY OTHER STATE;

(2) THE PARTY HAS INFORMATION OF ANY CUSTODY PROCEEDING CONCERNING THE CHILD PENDING IN A COURT OF THIS OR ANY OTHER STATE; AND