Does NC have jurisdiction to enter a child custody order? UCCJEA and PKPA

Is there a custody proceeding (50A-102) pending in another state? Yes Was that action filed before Is there a custody determination (50A-102) in effect for this child? the present NC case was filed? No No Yes Yes Did the court that entered NC can proceed NC cannot proceed if NC can proceed as if no the other state is acting custody proceeding is the order have jurisdiction if it has initial pending in another state consistent with the UCCJEA determination in accordance with the (G.S.50A-206). when the order was entered? jurisdiction. See UCCJEA (G.S. 50A) unless: below (left). 1) Other state stays its YES proceedings; and 2) NC has initial determination NC can proceed if NC has modification or modification jurisdiction. jurisdiction. See below (right) See relevant chart below.

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Modification **Jurisdiction**

is the most appropriate forum. $^{\Lambda}$

			*				
Was NC t	he home state ((50A-102) of	f the child wl	hen the act	ion was filed?		
Yes	No						
NC has home-state jurisdiction (G.S.50A-201).*	Was NC the home state of the child within 6 months before the action was filed <i>and</i> does one parent/caretaker remain in NC? Yes No						
	NC has home-state jurisdiction	Did another state have home-state jurisdiction when the NC action was filed?					
	(G.S.50A-201).*	Yes	A	No			
	NC does not have jurisdiction <i>unless</i> state with jurisdiction determines NC is a more appropriate forum. ^A		Did NC have significant connection/substantial evidence jurisdiction (50A-201(a)(2)) when NC action was filed? Yes NO NC has jurisdiction.* Did another state have significant connection/substantial evidence jurisdiction when NC action was filed?				
			Ye	s	No		
			NC does not have jurisdiction <i>unless</i> state with jurisdiction determines NC is the most appropriate forum. Yes		Have all courts with jurisdiction determined that NC is the most appropriate forum (G.S.50A-207 or -208)?		

Initial

Determination

Jurisdiction

Does at least one party reside in the state that issued the order?

		,				
Yes	No					
That state has exclusive authority to determine jurisdiction (G.S.50A-202). NC does not have jurisdiction unless	Was NC the home-state (G.S.50A-102) of the child at the time the present action was filed?					
	Yes	No				
	NC has jurisdiction.	Was NC the home state (50A-102) of the child within 6 months before the action was filed <i>and</i> does one parent/caretaker remain in NC?				
1) Other state		Yes		No		
determines that it does not have significant connection jurisdiction, and	t	jurisdiction.* home- (G.S.50		oother state have state jurisdiction 0A-102; -201) the NC action was filed?		
2) NC has initial determination jurisdiction (G.S.50A-203).		NC does <i>not</i> have jurisdiction <i>unless</i> state with jurisdiction determines NC is the most appropriate forum. ^Δ		connected evidence (G.S.50	C have significant tion/substantial ce jurisdiction DA-201(a)(2)) the NC action was filed?	
			NC has modifica jurisdict *		NC does not have modification jurisdiction <i>unless</i> state with jurisdiction determines NC	

jurisdiction, NC can

(G.S.50A-201(a)(4))

exercise "default"

jurisdiction*

jurisdiction.*

^{*} A court with jurisdiction can decline jurisdiction if NC is an inconvenient forum (G.S.50A-207) or because of petitioner's conduct (G.S.50A-208)

[△] If emergency exists and child is present in this state, NC may exercise temporary emergency jurisdiction in accordance with provisions and procedures of G.S.50A-204.