

UCCJEA¹

Family Code
§§ 3400 - 3465

Has child² lived in CA for 6 months³?

Has another state⁴ made a custody determination⁵?

	Yes	No
No	CA has jurisdiction	UCCJEA analysis
Yes	UCCJEA analysis	

§3421(a)

Exclusive jurisdictional basis for making custody determination⁵ in CA (§3421(b))

Does CA have jx to make an initial custody determination⁵?
(i.e., one of the following is true)

- 1) CA is home state on date proceedings began, or was home state of child within six months before commencement of proceeding and child is absent from state but parent continues to live in state; or
- 2) Another state is not home state, or court of the home state has declined jx because CA is more appropriate forum per §3427 or §3428, and
 - Child and parents have significant connection with CA other than mere presence, and
 - Substantial evidence is available in CA concerning child's care, protection, training and relationships; or
- 3) All courts having jx under (1) and (2) have declined to exercise jx on ground that CA is more appropriate forum; or
- 4) No other state has jx under (1), (2) or (3).

§3423

Has CA obtained jx to modify other state's order?

CA may not modify custody determination made by another state unless CA has jx to make an initial custody determination (per §3421(a)(1) or (2) and either:

- a) Other state determines it no longer has exclusive, continuing jx under §3422 or that CA would be more convenient forum per §3427, or
- b) CA or other state determines that child and parents do not presently reside in other state.

CA may be able to make temporary custody orders even if no jx to:
1) make initial custody order, or
2) modify other state's order.
(see back page)

§3422

CA's exclusive, continuing jurisdiction

- (a) Except as provided in §3424, CA court that has made custody determination per §3421 or §3423 has exclusive, continuing jx unless:
 - 1) CA determines that neither child nor parent has significant connection with CA and that substantial evidence is no longer available in CA concerning child's care, protection, training and relationships; or
 - 2) CA or other state determines that child and parents do not presently reside in CA.
- (b) CA court that has made custody determination and does not have exclusive, continuing jx under this section may modify the determination only if it has jx to make an initial determination under §3421.

Communicate per §3410

§3402(g)

"Home state" – defined as state in which child lived with parent or person acting as parent for at least six consecutive months immediately before commencement of child custody proceeding, or for child under six months old, state in which child lived from birth. Period of temporary absence of any of the parties is part of the period.

1 Uniform Child Custody Jurisdiction and Enforcement Act; confers subject matter jurisdiction.

2 Child with parent or person acting as parent per §3402(m).

3 Six consecutive months immediately before commencement of child custody proceeding; for child under six months, state in which child lived from birth (§3402(g)).

4 Foreign countries are treated as states for purposes of UCCJEA (§3405(a)), unless child custody law of foreign country violates fundamental principles of human rights (§3405(c)).

5 Child custody determination: a judgment, decree, or other order of a court providing for legal custody, physical custody, or visitation with respect to child. (3402(c)).

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		Has child ² lived in CA for 6 months ³ ?	
		Yes	No
Has another state ⁴ made a custody determination ⁵ ?	No	CA has jurisdiction	UCCJEA analysis
	Yes	UCCJEA analysis	

Even if CA does not have jx to make initial custody determination, and even if another state has made a previous custody determination, CA may still be able to make temporary orders if child is in danger and needs immediate protection by asserting **temporary emergency jurisdiction**.

Temporary Emergency Jurisdiction

