

New Jersey Statutes Annotated

Title 2A. Administration of Civil and Criminal Justice (Refs & Annos)

Subtitle 6. Specific Civil Actions

Chapter 34. Divorce and Nullity of Marriage--Alimony and Maintenance--Care and Custody of Children

Article 8. Uniform Child Custody Jurisdiction and Enforcement Act (Refs & Annos)

N.J.S.A. 2A:34-71

2A:34-71. Inconvenient forum

Effective: December 13, 2004

[Currentness](#)

a. A court of this State that has jurisdiction under this act 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.

b. Before determining whether it is an inconvenient forum, a court of this State shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

- (1) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
- (2) the length of time the child has resided outside this State;
- (3) the distance between the court in this State and the court in the state that would assume jurisdiction;
- (4) the relative financial circumstances of the parties;
- (5) any agreement of the parties as to which state should assume jurisdiction;
- (6) the nature and location of the evidence required to resolve the pending litigation, including the testimony of the child;
- (7) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and
- (8) the familiarity of the court of each state with the facts and issues of the pending litigation.

c. 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.

d. A court of this State may decline to exercise its jurisdiction under this act 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.

Credits

[L.2004, c. 147, § 19, eff. Dec. 13, 2004.](#)

[Notes of Decisions \(9\)](#)

N. J. S. A. 2A:34-71, NJ ST 2A:34-71

Current with laws effective through L.2013, c. 268 and J.R. No. 14.

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