

(1) THIS STATE (I) IS THE HOME STATE OF THE CHILD AT THE TIME OF COMMENCEMENT OF THE PROCEEDING, OR (II) HAD BEEN THE CHILD'S HOME STATE WITHIN 6 MONTHS BEFORE COMMENCEMENT OF THE PROCEEDING AND THE CHILD IS ABSENT FROM THIS STATE BECAUSE OF THE CHILD'S REMOVAL OR RETENTION BY A PERSON CLAIMING CUSTODY OR FOR OTHER REASONS, AND A PARENT OR PERSON ACTING AS PARENT CONTINUES TO LIVE IN THIS STATE;

(2) IT IS IN THE BEST INTEREST OF THE CHILD THAT A COURT OF THIS STATE ASSUME JURISDICTION BECAUSE (I) THE CHILD AND THE CHILD'S PARENTS, OR THE CHILD AND AT LEAST 1 CONTESTANT, HAVE A SIGNIFICANT CONNECTION WITH THIS STATE, AND (II) THERE IS AVAILABLE IN THIS STATE SUBSTANTIAL EVIDENCE CONCERNING THE CHILD'S PRESENT OR FUTURE CARE, PROTECTION, TRAINING, AND PERSONAL RELATIONSHIPS;

(3) THE CHILD IS PHYSICALLY PRESENT IN THIS STATE AND (I) THE CHILD HAS BEEN ABANDONED OR (II) IT IS NECESSARY IN AN EMERGENCY TO PROTECT THE CHILD BECAUSE THE CHILD HAS BEEN SUBJECTED TO OR THREATENED WITH MISTREATMENT OR ABUSE OR IS OTHERWISE NEGLECTED OR DEPENDENT; OR

(4) (I) IT APPEARS THAT NO OTHER STATE WOULD HAVE JURISDICTION UNDER PREREQUISITES SUBSTANTIALLY IN ACCORDANCE WITH ITEMS (1), (2), OR (3) OF THIS SUBSECTION OR ANOTHER STATE HAS DECLINED TO EXERCISE JURISDICTION ON THE GROUND THAT THIS STATE IS THE MORE APPROPRIATE FORUM TO DETERMINE THE CUSTODY OF THE CHILD, AND (II) IT IS IN THE BEST INTEREST OF THE CHILD THAT THIS COURT ASSUME JURISDICTION.

(B) EFFECT OF PHYSICAL PRESENCE.

EXCEPT UNDER SUBSECTION (A) (3) AND (4) OF THIS SECTION, PHYSICAL PRESENCE IN THIS STATE OF THE CHILD, OR OF THE CHILD AND 1 OF THE CONTESTANTS, IS NOT ALONE SUFFICIENT TO CONFER JURISDICTION ON A COURT OF THIS STATE TO MAKE A CHILD CUSTODY DETERMINATION.

(C) PHYSICAL PRESENCE NOT PREREQUISITE.

PHYSICAL PRESENCE OF THE CHILD, WHILE DESIRABLE, IS NOT A PREREQUISITE FOR JURISDICTION TO DETERMINE THE CHILD'S CUSTODY.

REVISOR'S NOTE: This section formerly appeared as Article 16, § 186.

Throughout this section, references to "the child's" and "the child" are substituted for the former references to "his" and "he" in light of Article 40, § 53C of the Code, which calls for "the use of words that are neutral as to gender".

The only other changes are in style.