

(V) ANY AGREEMENT OF THE PARTIES AS TO WHICH STATE SHOULD ASSUME JURISDICTION;

(VI) THE NATURE AND LOCATION OF THE EVIDENCE REQUIRED TO RESOLVE THE PENDING LITIGATION, INCLUDING TESTIMONY OF THE CHILD;

(VII) THE ABILITY OF THE COURT OF EACH STATE TO DECIDE THE ISSUE EXPEDITIOUSLY AND THE PROCEDURES NECESSARY TO PRESENT THE EVIDENCE; AND

(VIII) THE FAMILIARITY OF THE COURT OF EACH STATE WITH THE FACTS AND ISSUES IN 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 TITLE IF A CHILD CUSTODY DETERMINATION IS INCIDENTAL TO AN ACTION FOR DIVORCE OR OTHER PROCEEDING WHILE STILL RETAINING JURISDICTION OVER THE DIVORCE OR THE OTHER PROCEEDING.

9.5-208.

(A) EXCEPT AS OTHERWISE PROVIDED IN § 9.5-204 OF THIS SUBTITLE OR BY OTHER LAW OF THIS STATE, IF A COURT OF THIS STATE HAS JURISDICTION UNDER THIS TITLE BECAUSE A PERSON SEEKING TO INVOKE ITS JURISDICTION HAS ENGAGED IN UNJUSTIFIABLE CONDUCT, THE COURT SHALL DECLINE TO EXERCISE ITS JURISDICTION UNLESS:

(1) THE PARENTS AND ALL PERSONS ACTING AS PARENTS HAVE ACQUIESCED IN THE EXERCISE OF JURISDICTION;

(2) A COURT OF THE STATE OTHERWISE HAVING JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE DETERMINES THAT THIS STATE IS A MORE APPROPRIATE FORUM UNDER § 9.5-207 OF THIS SUBTITLE; OR

(3) NO COURT OF ANY OTHER STATE WOULD HAVE JURISDICTION UNDER THE CRITERIA SPECIFIED IN §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE.

(B) IF A COURT OF THIS STATE DECLINES TO EXERCISE ITS JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, IT MAY FASHION AN APPROPRIATE REMEDY TO ENSURE THE SAFETY OF THE CHILD AND PREVENT A REPETITION OF THE UNJUSTIFIABLE CONDUCT, INCLUDING STAYING THE PROCEEDING UNTIL A CHILD CUSTODY PROCEEDING IS COMMENCED IN A COURT HAVING JURISDICTION UNDER §§ 9.5-201 THROUGH 9.5-203 OF THIS SUBTITLE.

(C) (1) IF A COURT DISMISSES A PETITION OR STAYS A PROCEEDING BECAUSE IT DECLINES TO EXERCISE ITS JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL ASSESS AGAINST THE PARTY SEEKING TO INVOKE