

JURISDICTION UNDER THE UCCJEA

Child moves to Texas from State A with a parent before Texas CPS files child protection suit.

Under any circumstances, Texas courts have jurisdiction to enter temporary orders for the protection of a child, no matter what has previously transpired.

Texas court has EMERGENCY jurisdiction to render temporary protective orders
Tex. Fam. Code §152.204

Does the other parent of the child continue to reside in State A?

YES NO

* The Texas court has jurisdiction to make an initial child custody determination and may modify a custody determination from State A, when applicable.
TFC §152.201-202

Is there a prior child custody order issued with proper jurisdiction by State A, or has state A commenced a child custody proceeding involving the same child?

YES NO

The Texas court shall immediately communicate with the court of the first state to resolve the emergency, protect the safety of the parties and the child and determine the duration of the temporary order.
Tex. Fam. Code §152.203

Other state
RETAINS DECLINES

Is Texas the "home state" of the child?
TFC §152.102(7)

NO YES

A court exercising jurisdiction under Ch. 262 is not required to transfer the suit to a court in which a parent has filed suit for dissolution of marriage before a final order is rendered under Ch. 263, Subchapter E.
TFC §262.203(c)

The Texas court may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum and that a court of another state is a more appropriate forum.
TFC §152.207

* Unless an exception applies based on a party's assertion that the child is in Texas as a result of an abduction or other unjustifiable conduct. Tex. Fam. Code § 152.208.