

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: March 18, 2022
Original Proceeding District Court, Adams County, 2021PR239	
<b>In Re:</b> <b>In the Interest of</b>  A.M.K., minor child.	Supreme Court Case No: 2021SA370
ORDER OF COURT	

Upon consideration of the Petitioner’s Petition Pursuant to C.A.R. 21, the responses filed by the District Court, the Emergency Guardian, and the Guardian ad Litem, and Petitioner’s reply brief, and being sufficiently advised in the premises,

IT IS HEREBY ORDERED as follows:

1. The Rule to Show Cause, issued by this Court on December 14, 2021, is made ABSOLUTE, and this case is remanded to the District Court for further proceedings consistent with this Order.

2. Contrary to the District Court’s determinations, the Uniform Child-custody Jurisdiction and Enforcement Act (“UCCJEA”), §§ 14-13-101 to -403, C.R.S. (2021), applies in this case, and Petitioner was not required to register in Colorado the California court’s order awarding her custody of the child as a

pre-condition to the District Court's having to perform the jurisdictional analyses required by the UCCJEA.

3. Accordingly, on remand, the District Court is instructed to determine whether it has either initial child-custody jurisdiction under section 14-13-201 or temporary emergency jurisdiction under section 14-13-204. *See In the Interest of S.A.G.*, 2021 CO 38, ¶¶ 24–26, 487 P.3d 677, 682–83. Should the District Court believe it has initial child-custody jurisdiction, it shall contact the applicable California court to determine whether that court will decline to exercise jurisdiction on the ground that Colorado is the more appropriate forum to determine the matters at issue, and the District Court shall make specific findings regarding that communication. Should the District Court believe it has temporary emergency jurisdiction, it shall immediately communicate with the applicable California court and comply with the requirements of section 14-13-204(4). In addition, if the District Court determines that it has temporary emergency jurisdiction, then it shall specify in its emergency order the period that it considers adequate to allow the Emergency Guardian to obtain an order from the applicable California court, as required by section 14-13-204(3).

4. Should the District Court determine that it lacks jurisdiction in this case, then its prior orders shall be deemed void.

5. In light of the foregoing, the Emergency Guardian's request for oral argument is denied as moot.

BY THE COURT, EN BANC, MARCH 18, 2022.