STATE OF MICHIGAN

COURT OF APPEALS

JENNIFER LYNN CONQUEST,

Plaintiff-Appellant,

v

JOSEPH MARION SIMS,

Defendant-Appellee.

UNPUBLISHED
November 24, 1998

No. 203401
Kent Circuit Court
LC No. 96-002376 DP

Before: Whitbeck, P.J., and Cavanagh and Neff, JJ.

PER CURIAM.

Plaintiff appeals as of right the trial court's order of dismissal, based on the court's determination that a Washington court was the more appropriate court to exercise jurisdiction in this matter. We affirm.

This case arises out of a custody dispute between plaintiff and defendant over their minor daughter, Kristine, who was born on December 2, 1994, in the state of Washington. In January 1996, plaintiff took Kristine and moved to Michigan. On March 5, 1996, plaintiff filed an action in Kent Circuit Court, asking the court to determine the parentage and custody of Kristine. On March 19, 1996, defendant filed a motion for establishment of parentage in Washington, also seeking custody of Kristine. The trial court subsequently dismissed this case, stating that the Washington court was the appropriate court to exercise jurisdiction over this matter.

Plaintiff argues that this case is controlled by the Paternity Act, MCL 722.711 *et seq*.; MSA 25.491 *et seq*., which provides that an action under the act "shall be filed in the county where the mother or child resides." MCL 722.714(1); MSA 25.494(1). We disagree.[1] The Uniform Child Custody Jurisdiction Act (UCCJA) applies to custody proceedings. See MCL 600.651 *et seq*.; MSA 27A.651 *et seq*. A "custody proceeding" includes proceedings in which a custody determination is one of several issues to be determined. MCL 600.652(c); MSA 27A.652(c). Plaintiff is seeking custody of the minor child. Accordingly, the UCCJA applies to this case.

Under the UCCJA, a court may decline to exercise its jurisdiction if it determines that "it is an inconvenient forum to make a custody determination under the circumstances of the case and that a

court of another state is a more appropriate forum." MCL 600.657(1); MSA 27A.657(1). In determining whether it is in the interest of the child that another state assume jurisdiction, a court may consider the following factors:

> (a) If another state is or recently was the child's home state.
>
> (b) If another state has a closer connection with the child and his family or with the child and 1 or more of the contestants.
>
> (c) If substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state.
>
> (d) If the parties have agreed on another forum which is no less appropriate.
>
> (e) If the exercise of jurisdiction by a court of this state would contravene any of the purposes stated in section 651. [MCL 600.657(3); MSA 27A.657(3).]

The child's "home state" is "the state in which the child immediately preceding the time involved lived with his or her parents . . . for at least 6 consecutive months." MCL 600.652(e); MSA 27A.652(e).

We review a determination that jurisdiction in another state's forum is more appropriate for an abuse of discretion. See *Brown v Brown*, 181 Mich App 61, 71; 448 NW2d 745 (1989). After reviewing the record, we conclude that the trial court did not abuse its discretion in finding that the Washington court was the more appropriate forum to exercise jurisdiction. Short-term presence in this state is not enough to confer jurisdiction, even when the parent intends to stay longer. See MCL 600.653(2); MSA 27A.653(2). Kristine did not live in Michigan during the six months prior to the filing of the complaint; accordingly, Michigan is not Kristine's "home state." See MCL 600.652(e); MSA 27A.652(e). There is no evidence in the record that "substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in" Michigan than Washington, where the child had spent most of her life. See MCL 600.657(3)(c); MSA 27A.657(3)(c). Moreover, MCL 600.653(1)(b); MSA 27A.653(1)(b) must be interpreted to discourage the unilateral removal of a child from one jurisdiction to another. *McDonald v McDonald*, 74 Mich App 119, 126-127; 253 NW2d 678 (1977). The trial court's refusal to exercise jurisdiction under the UCCJA was not in error.

Affirmed.

/s/ William C. Whitbeck
/s/ Mark J. Cavanagh
/s/ Janet T. Neff

[1] We note that we are troubled by plaintiff's characterization, both at a trial court hearing and in her appellate brief, of defendant as "a mere sperm donor."