
A BILL FOR AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 576B, Hawaii Revised Statutes, is
2 amended to read as follows:

3 [+] CHAPTER 576B [+]

4 UNIFORM INTERSTATE FAMILY SUPPORT ACT

5 ARTICLE 1. GENERAL PROVISIONS

6 §576B-101 Short title. This chapter may be cited as the
7 Uniform Interstate Family Support Act.

8 ~~[§576B-101]~~ §576B-102 Definitions. In this chapter:

9 "Child" means an individual, whether over or under the age
10 of majority, who is or is alleged to be owed a duty of support
11 by the individual's parent or who is or is alleged to be the
12 beneficiary of a support order directed to the parent.

13 "Child support order" means a support order for a child,
14 including a child who has attained the age of majority under the
15 law of the issuing state[-] or foreign country.

16 "Convention" means the Convention on the International
17 Recovery of Child Support and Other Forms of Family Maintenance,
18 concluded at The Hague on November 23, 2007.



1 "Duty of support" means an obligation imposed or imposable
2 by law to provide support for a child, spouse, or former spouse,
3 including an unsatisfied obligation to provide support.

4 "Foreign country" means a country, including a political
5 subdivision thereof, other than the United States, that
6 authorizes the issuance of support orders and:

7 (1) Which has been declared under the law of the United
8 States to be a foreign reciprocating country;

9 (2) Which has established a reciprocal arrangement for
10 child support with this State as provided in section
11 576B-308;

12 (3) Which has enacted a law or established procedures for
13 the issuance and enforcement of support orders which
14 are substantially similar to the procedures under this
15 chapter; or

16 (4) In which the Convention is in force with respect to
17 the United States.

18 "Foreign support order" means a support order of a foreign
19 tribunal.

20 "Foreign tribunal" means a court, administrative agency, or
21 quasi-judicial entity of a foreign country which is authorized
22 to establish, enforce, or modify support orders or to determine



1 parentage of a child. The term includes a competent authority
2 under the Convention.

3 "Home state" means the state or foreign country in which a
4 child lived with a parent or a person acting as parent for at
5 least six consecutive months immediately preceding the time of
6 filing of a petition or comparable pleading for support and, if
7 a child is less than six months old, the state or foreign
8 country in which the child lived from birth with any of them. A
9 period of temporary absence of any of them is counted as part of
10 the six-month or other period.

11 "Income" includes earnings or other periodic entitlements
12 to money from any source and any other property subject to
13 withholding for support under the law of this State.

14 "Income withholding order" means an order or other legal
15 process directed to an obligor's employer as defined by sections
16 571-52, 571-52.2, 571-52.3, and 576D-14, to withhold support
17 from the income of the obligor.

18 [~~"Initiating state" means a state from which a proceeding~~
19 ~~is forwarded or in which a proceeding is filed for forwarding to~~
20 ~~a responding state under this chapter or a law or procedure~~
21 ~~substantially similar to this chapter, the Uniform Reciprocal~~



1 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal~~
2 ~~Enforcement of Support Act.]~~

3 "Initiating tribunal" means the [authorized] tribunal [in
4 ~~an initiating state.]~~ of a state or foreign country from which a
5 petition or comparable pleading is forwarded or in which a
6 petition or comparable pleading is filed for forwarding to
7 another state or foreign country.

8 "Issuing foreign country" means the foreign country in
9 which a tribunal issues a support order or a judgment
10 determining parentage of a child.

11 "Issuing state" means the state in which a tribunal issues
12 a support order or [~~renders~~] a judgment determining parentage[~~-~~]
13 of a child.

14 "Issuing tribunal" means the tribunal of a state or foreign
15 country that issues a support order or [~~renders~~] a judgment
16 determining parentage[~~-~~] of a child.

17 "Law" includes decisional and statutory law and rules and
18 regulations having the force of law.

19 "Obligee" means:

20 (1) An individual to whom a duty of support is or is
21 alleged to be owed or in whose favor a support order



1 ~~[has been issued]~~ or a judgment determining parentage
2 of a child has been ~~[rendered,]~~ issued;

3 (2) A foreign country, state, or political subdivision of
4 a state to which the rights under a duty of support or
5 support order have been assigned or which has
6 independent claims based on financial assistance
7 provided to an individual obligee ~~[, -or]~~ in place of
8 child support;

9 (3) An individual seeking a judgment determining parentage
10 of the individual's child ~~[, -]~~; or

11 (4) A person that is a creditor in a proceeding under
12 Article 7.

13 "Obligor" means an individual, or the estate of a
14 decedent ~~[, -]~~ that:

15 (1) ~~[who owes]~~ Owes or is alleged to owe a duty of
16 support;

17 (2) ~~[who is]~~ Is alleged but has not been adjudicated to be
18 a parent of a child; ~~[or]~~

19 (3) ~~[who is]~~ Is liable under a support order ~~[, -]~~; or

20 (4) Is a debtor in a proceeding under Article 7.

1 "Outside this State" means a location in another state or a
2 country other than the United States, whether or not the country
3 is a foreign country.

4 "Person" means an individual, corporation, business trust,
5 estate, trust, partnership, limited liability company,
6 association, joint venture, public corporation, government, or
7 governmental subdivision, agency, or instrumentality, or any
8 other legal or commercial entity.

9 "Record" means information that is inscribed on a tangible
10 medium or that is stored in an electronic or other medium and is
11 retrievable in perceivable form.

12 "Register" means to file in a tribunal of this State a
13 support order or judgment determining parentage [in the family
14 court of this State.] of a child issued in another state or a
15 foreign country.

16 "Registering tribunal" means a tribunal of the state in
17 which a support order or judgment determining parentage of a
18 child is registered. [The child support enforcement agency of
19 this State shall be deemed the registering tribunal for the
20 receipt and processing of all registration requested by another
21 child support enforcement agency or an individual who has
22 applied for child support enforcement agency services, and the



1 ~~child support enforcement agency of this State shall register~~
2 ~~the request in the appropriate tribunal. The family court shall~~
3 ~~be the registering tribunal for all other requests for~~
4 ~~registration.]~~

5 "Responding state" means a state in which a [proceeding]
6 petition or comparable pleading for support or to determine
7 parentage of a child is filed or to which a [proceeding]
8 petition or comparable pleading is forwarded for filing from [an
9 ~~initiating state under this chapter or a law or procedure~~
10 ~~substantially similar to this chapter, the Uniform Reciprocal~~
11 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal~~
12 ~~Enforcement of Support Act.] another state or foreign country.~~

13 "Responding tribunal" means the authorized tribunal in a
14 responding state ~~[-]~~ or foreign country.

15 "Spousal support order" means a support order for a spouse
16 or former spouse of the obligor.

17 "State" means a state of the United States, the District of
18 Columbia, Puerto Rico, the United States Virgin Islands, or any
19 territory or insular possession ~~[subject to]~~ under the
20 jurisdiction of the United States. The term includes [+

21 ~~(1)~~ An] an Indian nation or tribe ~~[- and~~



1 ~~(2) A foreign jurisdiction that has enacted a law or~~
2 ~~established procedures for issuance and enforcement of~~
3 ~~support orders which are substantially similar to the~~
4 ~~procedures under this chapter, the Uniform Reciprocal~~
5 ~~Enforcement of Support Act or the Revised Uniform~~
6 ~~Reciprocal Enforcement of Support Act].~~

7 "Support enforcement agency" means a public official ~~[or]~~,
8 governmental entity, or private agency authorized to ~~[seek]~~:

- 9 (1) ~~[Enforcement]~~ Seek enforcement of support orders or
10 laws relating to the duty of support ~~[pursuant to~~
11 ~~chapters 576D and 576E]~~ ;
- 12 (2) ~~[Establishment]~~ Seek establishment or modification of
13 child support ~~[pursuant to chapters 346, 576D, 576E,~~
14 ~~580, and 584]~~ ;
- 15 (3) ~~[Determination]~~ Request determination of parentage of
16 a child ~~[pursuant to chapter 584]~~ ; ~~[or]~~
- 17 (4) ~~[Location of]~~ Attempt to locate obligors or their
18 assets ~~[or]~~ ; or
- 19 (5) Request determination of the controlling child support
20 order.

21 "Support order" means a judgment, decree, ~~[or]~~ order,
22 decision, or directive, whether temporary, final, or subject to



1 modification, issued in a state or foreign country for the
2 benefit of a child, a spouse, or a former spouse, which provides
3 for monetary support, health care, arrearages, retroactive
4 support, or reimbursement [~~and~~] for financial assistance
5 provided to an individual obligee in place of child support.
6 The term may include related costs and fees, interest, income
7 withholding, automatic adjustment, reasonable attorney's fees,
8 and other relief."

9 "Tribunal" means a court, administrative agency, or quasi-
10 judicial entity authorized to establish, enforce, or modify
11 support orders or to determine parentage [~~of~~] of a child.

12 "~~[\$576B-102] Tribunals of State.~~ §576B-103 State
13 tribunal and support enforcement agency. (a) The family court,
14 the child support enforcement agency as defined by the
15 registering tribunal in section [~~576B-101,~~] 576B-102, and the
16 office of child support hearings are the tribunals of this
17 State.

18 (b) The child support enforcement agency established by
19 section 576D-2 is the support enforcement agency of this State.

20 "~~[\$576B-103]~~ §576B-104 Remedies cumulative. (a)
21 Remedies provided by this chapter are cumulative and do not



1 affect the availability of remedies under other law[-], or the
2 recognition of a foreign support order on the basis of comity.

3 (b) This chapter does not:

4 (1) Provide the exclusive method of establishing or
5 enforcing a support order under the law of this State;
6 or

7 (2) Grant a tribunal of this State jurisdiction to render
8 judgment or issue an order relating to child custody
9 or visitation in a proceeding under this chapter.

10 §576B-105 Application of chapter to resident of foreign
11 country and foreign support proceeding. (a) A tribunal of this
12 State shall apply Articles 1 through 6 and, as applicable,
13 Article 7, to a support proceeding involving:

14 (1) A foreign support order;

15 (2) A foreign tribunal; or

16 (3) An obligee, obligor, or child residing in a foreign
17 country.

18 (b) A tribunal of this State that is requested to
19 recognize and enforce a support order on the basis of comity may
20 apply the procedural and substantive provisions of Articles 1
21 through 6.



1 (c) Article 7 applies only to a support proceeding under
 2 the Convention. In such a proceeding, if a provision of Article
 3 7 is inconsistent with Articles 1 through 6, Article 7 controls.

ARTICLE 2. JURISDICTION

~~[PART I. EXTENDED PERSONAL JURISDICTION]~~

[+]§576B-201[+] Bases for jurisdiction over nonresident.

7 (a) In a proceeding to establish[~~7~~] or enforce[~~7~~~~-or modify~~] a
 8 support order or to determine parentage[~~7~~] of a child, a
 9 tribunal of this State may exercise personal jurisdiction over a
 10 nonresident individual or the individual's guardian or
 11 conservator if:

- 12 (1) The individual is personally served with summons or
 13 notice within this State;
- 14 (2) The individual submits to the jurisdiction of this
 15 State by consent[~~7~~] in a record, by entering a general
 16 appearance, or by filing a responsive document having
 17 the effect of waiving any contest to personal
 18 jurisdiction;
- 19 (3) The individual resided with the child in this State;
- 20 (4) The individual resided in this State and provided
 21 prenatal expenses or support for the child;



- 1 (5) The child resides in this State as a result of the
- 2 acts or directives of the individual;
- 3 (6) The individual engaged in sexual intercourse in this
- 4 State and the child may have been conceived by that
- 5 act of intercourse;
- 6 (7) The individual asserted parentage of a child in the
- 7 office of health status monitoring maintained in this
- 8 State by the department of health; or
- 9 (8) There is any other basis consistent with the
- 10 constitutions of this State and the United States for
- 11 the exercise of personal jurisdiction.

12 (b) The bases of personal jurisdiction set forth in
 13 subsection (a) or in any other law of this State may not be used
 14 to acquire personal jurisdiction for a tribunal of this State to
 15 modify a child support order of another state unless the
 16 requirements of section 576B-611 are met, or in the case of a
 17 foreign support order, unless the requirements of section 576B-
 18 615 are met.

19 ~~[+] §576B-202 [] Procedure when exercising jurisdiction over~~
 20 ~~nonresident. A tribunal of this State exercising personal~~
 21 ~~jurisdiction over a nonresident under section 576B-201 may apply~~
 22 ~~section 576B-316 to receive evidence from another state, and~~

1 ~~section 576B-318 to obtain discovery through a tribunal of~~
2 ~~another state. In all other respects, Articles 3 through 7~~
3 ~~shall not apply and the tribunal shall apply the procedural and~~
4 ~~substantive law of this State, including the rules on choice of~~
5 ~~law other than those established by this chapter.] Duration of~~
6 personal jurisdiction. Personal jurisdiction acquired by a
7 tribunal of this State in a proceeding under this chapter or
8 other law of this State relating to a support order continues as
9 long as a tribunal of this State has continuing, exclusive
10 jurisdiction to modify its order or continuing jurisdiction to
11 enforce its order as provided by sections 576B-205, 576B-206,
12 and 576B-211.

13 ~~[PART II. PROCEEDINGS INVOLVING TWO OR MORE STATES~~

14 ~~[+]§576B-203[+] Initiating and responding tribunal of~~
15 ~~State. Under this chapter, a tribunal of this State may serve~~
16 ~~as an initiating tribunal to forward proceedings to a tribunal~~
17 ~~of another state, and as a responding tribunal for proceedings~~
18 ~~initiated in another state[-] or a foreign country.~~

19 ~~[+]§576B-204[+] Simultaneous proceedings [~~in another~~~~
20 ~~state]. (a) A tribunal of this State may exercise jurisdiction~~
21 ~~to establish a support order if the petition or comparable~~



1 pleading is filed in this State after a pleading is filed in
2 another state or a foreign country only if:

3 (1) The petition or comparable pleading in this State is
4 filed before the expiration of the time allowed in the
5 other state or the foreign country for filing a
6 responsive pleading challenging the exercise of
7 jurisdiction by the other state[+] or the foreign
8 country;

9 (2) The contesting party timely challenges the exercise of
10 jurisdiction in the other state[+] or the foreign
11 country; and

12 (3) If relevant, this State is the home state of the
13 child.

14 (b) A tribunal of this State may not exercise jurisdiction
15 to establish a support order if the petition or comparable
16 pleading is filed in this State before a petition or comparable
17 pleading is filed in another state or a foreign country if:

18 (1) The petition or comparable pleading in the other state
19 or foreign country is filed before the expiration of
20 the time allowed in this State for filing a responsive
21 pleading challenging the exercise of jurisdiction by
22 this State;



1 (2) The contesting party timely challenges the exercise of
2 jurisdiction in this State; and

3 (3) If relevant, the other state or foreign country is the
4 home state of the child.

5 ~~[+]§576B-205[+]~~ Continuing, exclusive jurisdiction~~[+]~~ to
6 modify child support order. (a) A tribunal of this State
7 ~~[issuing]~~ that has issued a child support order consistent with
8 the law of this State has and shall exercise continuing,
9 exclusive jurisdiction ~~[over a]~~ to modify its child support
10 order[+] if the order is the controlling order and:

11 (1) ~~[As long as]~~ At the time of the filing of a request
12 for modification this State ~~[remains]~~ is the residence
13 of the obligor, the individual obligee, or the child
14 for whose benefit the support order is issued; or

15 (2) ~~[Until all of the parties who are individuals have~~
16 ~~filed written consents with the tribunal of this State~~
17 ~~for a tribunal of another state to modify the order~~
18 ~~and assume continuing, exclusive jurisdiction.]~~ Even
19 if this State is not the residence of the obligor, the
20 individual obligee, or the child for whose benefit the
21 support order is issued, the parties consent in a
22 record or in open court that the tribunal of this



1 State may continue to exercise jurisdiction to modify
2 its order.

3 (b) A tribunal of this State [~~issuing~~] that has issued a
4 child support order consistent with the law of this State may
5 not exercise [~~its~~] continuing, exclusive jurisdiction to modify
6 the order if [~~the order has been modified by a tribunal of~~
7 ~~another state pursuant to this chapter or a law substantially~~
8 ~~similar to this chapter.~~]:

9 (1) All of the parties who are individuals file consent in
10 a record with the tribunal of this State that a
11 tribunal of another state that has jurisdiction over
12 at least one of the parties who is an individual or
13 that is located in the state of residence of the child
14 may modify the order and assume continuing, exclusive
15 jurisdiction; or

16 (2) Its order is not the controlling order.

17 ~~[(c) If a child support order of this State is modified by~~
18 ~~a tribunal of another state pursuant to this chapter or a law~~
19 ~~substantially similar to this chapter, a tribunal of this State~~
20 ~~loses its continuing, exclusive jurisdiction with regard to~~
21 ~~prospective enforcement of the order issued in this State, and~~
22 ~~may only:~~



1 ~~(1) Enforce the order that was modified as to amounts~~
2 ~~accruing before the modification;~~
3 ~~(2) Enforce nonmodifiable aspects of that order; and~~
4 ~~(3) Provide other appropriate relief for violations of~~
5 ~~that order which occurred before the effective date of~~
6 ~~the modification.~~

7 ~~(d) A tribunal of this State shall recognize the~~
8 ~~continuing, exclusive jurisdiction of]~~

9 (c) If a tribunal of another state [which] has issued a
10 child support order pursuant to [this chapter] the Uniform
11 Interstate Family Support Act or a law substantially similar to
12 [this chapter.] that Act which modifies a child support order of
13 a tribunal of this State, tribunals of this State shall
14 recognize the continuing, exclusive jurisdiction of the tribunal
15 of the other state.

16 (d) A tribunal of this State that lacks continuing,
17 exclusive jurisdiction to modify a child support order may serve
18 as an initiating tribunal to request a tribunal of another state
19 to modify a support order issued in that state.

20 (e) A temporary support order issued ex parte or pending
21 resolution of a jurisdictional conflict does not create
22 continuing, exclusive jurisdiction in the issuing tribunal.



1 ~~[(f) A tribunal of this State issuing a support order~~
2 ~~consistent with the law of this State has continuing, exclusive~~
3 ~~jurisdiction over a spousal support order throughout the~~
4 ~~existence of the support obligation. A tribunal of this State~~
5 ~~may not modify a spousal support order issued by a tribunal of~~
6 ~~another state having continuing, exclusive jurisdiction over~~
7 ~~that order under the law of that state.~~

8 ~~[§576B-206[] Enforcement and modification of support~~
9 ~~order by tribunal having continuing jurisdiction.] Continuing~~
10 ~~jurisdiction to enforce child support order. (a) A tribunal of~~
11 ~~this State that has issued a child support order consistent with~~
12 ~~the law of this State may serve as an initiating tribunal to~~
13 ~~request a tribunal of another state to enforce ~~[or modify a~~~~
14 ~~support order issued in that state.] :~~

15 (1) The order if the order is the controlling order and
16 has not been modified by a tribunal of another state
17 that assumed jurisdiction pursuant to the Uniform
18 Interstate Family Support Act; or

19 (2) A money judgment for arrears of support and interest
20 on the order accrued before a determination that an
21 order of a tribunal of another state is the
22 controlling order.



1 (b) A tribunal of this State that has continuing[
2 exclusive] jurisdiction over a support order may act as a
3 responding tribunal to enforce [~~or modify~~] the order. [~~If a~~
4 ~~party subject to the continuing, exclusive jurisdiction of the~~
5 ~~tribunal no longer resides in the issuing state, in subsequent~~
6 ~~proceedings the tribunal may apply section 576B-316 to receive~~
7 ~~evidence from another state and section 576B-318 to obtain~~
8 ~~discovery through a tribunal of another state.~~

9 ~~(c) A tribunal of this State which lacks continuing,~~
10 ~~exclusive jurisdiction over a spousal support order may not~~
11 ~~serve as a responding tribunal to modify a spousal support order~~
12 ~~of another state.]~~

13 ~~[PART III. RECONCILIATION OF MULTIPLE ORDERS]~~

14 §576B-207 [~~Recognition~~] Determination of controlling child
15 support [~~orders.~~] order. (a) If a proceeding is brought under
16 this chapter and only one tribunal has issued a child support
17 order, the order of that tribunal controls and must be [~~se~~]
18 recognized.

19 (b) If a proceeding is brought under this chapter, and two
20 or more child support orders have been issued by tribunals of
21 this State [~~or~~], another state, or a foreign country with regard
22 to the same obligor and child, a tribunal of this State having



1 personal jurisdiction over both the obligor and individual
2 obligee shall apply the following rules [in determining] and by
3 order shall determine which order [to recognize for purposes of
4 continuing, exclusive jurisdiction:] controls and must be
5 recognized:

6 (1) If only one of the tribunals would have continuing,
7 exclusive jurisdiction under this chapter, the order
8 of that tribunal controls [~~and must be so recognized~~].

9 (2) If more than one of the tribunals would have
10 continuing, exclusive jurisdiction under this
11 chapter [~~, an~~]:

12 (A) An order issued by a tribunal in the current home
13 state of the child controls [~~and must be so~~
14 ~~recognized, but if~~]; or

15 (B) If an order has not been issued in the current
16 home state of the child, the order most recently
17 issued controls [~~and must be so recognized~~].

18 (3) If none of the tribunals would have continuing,
19 exclusive jurisdiction under this chapter, the
20 tribunal of this State [~~having jurisdiction over the~~
21 ~~parties~~] shall issue a child support order, which
22 controls [~~and must be so recognized~~].



1 (c) If two or more child support orders have been issued
2 for the same obligor and same child [~~and if the obligor or the~~
3 ~~individual obligee resides in this State~~], upon request of a
4 party [may request] who is an individual or that is a support
5 enforcement agency, a tribunal of this State [tē] having
6 personal jurisdiction over both the obligor and the obligee who
7 is an individual shall determine which order controls [~~and must~~
8 ~~be so recognized~~] under subsection (b). [~~The request must be~~
9 ~~accompanied by a certified copy of every support order in~~
10 ~~effect. The requesting party shall give notice of the request~~
11 ~~to each party whose rights may be affected by the~~
12 ~~determination.] The request may be filed with a registration
13 for enforcement or registration for modification pursuant to
14 Article 6, or may be filed as a separate proceeding.~~

15 (d) A request to determine which is the controlling order
16 must be accompanied by a copy of every child support order in
17 effect and the applicable record of payments. The requesting
18 party shall give notice of the request to each party whose
19 rights may be affected by the determination.

20 For the purposes of this subsection, service of the notice
21 shall be by personal service or certified mail, return receipt
22 requested. After initial service is effected, additional



1 service upon a party shall be satisfied by regular mail to the
2 party's last known address. In any child support enforcement
3 proceedings subsequent to an order, upon a showing that diligent
4 effort has been made to ascertain the location of a party,
5 notice of service of process shall be presumed to be satisfied
6 upon delivery of written notice to the most recent residential
7 or employer address on file with the state case registry.

8 ~~[(d)]~~ (e) The tribunal that issued the controlling order
9 under subsection (a), (b), or (c) ~~[is the tribunal that]~~ has
10 continuing ~~[, exclusive]~~ jurisdiction ~~[under section 576B-205.]~~
11 to the extent provided in section 576B-205 or 576B-206.

12 ~~[(e)]~~ (f) A tribunal of this State ~~[which]~~ that determines
13 by order ~~[the identity of]~~ which is the controlling order under
14 subsection (b) (1) or (2) or ~~[which]~~ (c), or that issues a new
15 controlling order under subsection (b) (3), shall state in that
16 order ~~[the]~~ :

17 (1) The basis upon which the tribunal made its
18 determination[-] ;

19 (2) The amount of prospective support, if any; and

20 (3) The total amount of consolidated arrears and accrued
21 interest, if any, under all of the orders after all



1 payments made are credited as provided by section
2 576B-209.

3 ~~[(f)]~~ (g) Within thirty days after issuance of an order
4 determining ~~[the identity of]~~ which is the controlling order,
5 the party obtaining the order shall file a certified copy of it
6 ~~[with]~~ in each tribunal that issued or registered an earlier
7 order of child support. A party ~~[who obtains]~~ or support
8 enforcement agency obtaining the order ~~[and]~~ that fails to file
9 a certified copy is subject to appropriate sanctions by a
10 tribunal in which the issue of failure to file arises. The
11 failure to file does not affect the validity or enforceability
12 of the controlling order.

13 (h) An order that has been determined to be the
14 controlling order, or a judgment for consolidated arrears of
15 support and interest, if any, made pursuant to this section must
16 be recognized in proceedings under this chapter.

17 ~~[(f)]~~ §576B-208 ~~[(f)]~~ ~~[Multiple-child]~~ Child support orders for
18 two or more obligees. In responding to ~~[multiple]~~ registrations
19 or petitions for enforcement of two or more child support orders
20 in effect at the same time with regard to the same obligor and
21 different individual obligees, at least one of which was issued
22 by a tribunal of another state~~[7]~~ or a foreign country, a



1 tribunal of this State shall enforce those orders in the same
2 manner as if the [~~multiple~~] orders had been issued by a tribunal
3 of this State.

4 ~~[+] §576B-209 [.]~~ Credit for payments. ~~[Amounts]~~ A tribunal
5 of this State shall credit amounts collected ~~[and credited]~~ for
6 a particular period pursuant to ~~[a support order]~~ any child
7 support order against the amounts owed for the same period under
8 any other child support order for support of the same child
9 issued by a tribunal of this State, another state ~~[must be~~
10 ~~credited against the amounts accruing or accrued for the same~~
11 ~~period under a support order issued by the tribunal of this~~
12 ~~State.]~~, or a foreign country.

13 §576B-210 Application of chapter to nonresident subject to
14 personal jurisdiction. A tribunal of this State exercising
15 personal jurisdiction over a nonresident in a proceeding under
16 this chapter, under other law of this State relating to a
17 support order, or recognizing a foreign support order may
18 receive evidence from outside this State pursuant to section
19 576B-316, communicate with a tribunal outside this State
20 pursuant to section 576B-317, and obtain discovery through a
21 tribunal outside this State pursuant to section 576B-318. In
22 all other respects, Articles 3 through 6 do not apply, and the



1 tribunal shall apply the procedural and substantive law of this
2 State.

3 §576B-211 Continuing, exclusive jurisdiction to modify
4 spousal support order. (a) A tribunal of this State issuing a
5 spousal support order consistent with the law of this State has
6 continuing, exclusive jurisdiction to modify the spousal support
7 order throughout the existence of the support obligation.

8 (b) A tribunal of this State may not modify a spousal
9 support order issued by a tribunal of another state or a foreign
10 country having continuing, exclusive jurisdiction over that
11 order under the law of that state or foreign country.

12 (c) A tribunal of this State that has continuing,
13 exclusive jurisdiction over a spousal support order may serve
14 as:

15 (1) An initiating tribunal to request a tribunal of
16 another state to enforce the spousal support order
17 issued in this State; or

18 (2) A responding tribunal to enforce or modify its own
19 spousal support order.

20 **ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION**



1 [~~1~~] §576B-301[~~1~~] Proceedings under this chapter. (a)

2 Except as otherwise provided in this chapter, this article
3 applies to all proceedings under this chapter.

4 ~~[(b) This chapter provides for the following proceedings:~~

5 ~~(1) Establishment of an order for spousal support or child~~
6 ~~support pursuant to Article 4;~~

7 ~~(2) Enforcement of a support order and income withholding~~
8 ~~order of another state without registration pursuant~~
9 ~~to Article 5;~~

10 ~~(3) Registration of an order for spousal support or child~~
11 ~~support of another state for enforcement pursuant to~~
12 ~~Article 6;~~

13 ~~(4) Modification of an order for child support or spousal~~
14 ~~support issued by a tribunal of this State pursuant to~~
15 ~~Article 2, part II;~~

16 ~~(5) Registration of an order for child support of another~~
17 ~~state for modification pursuant to Article 6;~~

18 ~~(6) Determination of parentage pursuant to Article 7; and~~

19 ~~(7) Assertion of jurisdiction over nonresidents pursuant~~
20 ~~to Article 2, part I.~~

21 ~~(e)]~~ (b) An individual petitioner or a support enforcement
22 agency may [~~commence~~] initiate a proceeding authorized under



1 this chapter by filing a petition in an initiating tribunal for
2 forwarding to a responding tribunal or by filing a petition or a
3 comparable pleading directly in a tribunal of another state or
4 foreign country which has or can obtain personal jurisdiction
5 over the respondent.

6 ~~[+] §576B-302 [-] Action]~~ Proceeding by minor parent. A
7 minor parent, or a guardian or other legal representative of a
8 minor parent, may maintain a proceeding on behalf of or for the
9 benefit of the minor's child.

10 ~~[+] §576B-303 [+]~~ Application of law of State. Except as
11 otherwise provided ~~[by]~~ in this chapter, a responding tribunal
12 of this State ~~[+]~~ shall:

- 13 (1) ~~[Shall apply]~~ Apply the procedural and substantive
14 law ~~[, including the rules on choice of law,]~~ generally
15 applicable to similar proceedings originating in this
16 State and may exercise all powers and provide all
17 remedies available in those proceedings; and
- 18 (2) ~~[Shall determine]~~ Determine the duty of support and
19 the amount payable in accordance with the law and
20 support guidelines of this State.

21 ~~[+] §576B-304 [-]~~ Duties of initiating tribunal. (a) Upon
22 the filing of a petition authorized by this chapter, an



1 initiating tribunal of this State shall forward [~~three copies~~
2 ~~of~~] the petition and its accompanying documents:

3 (1) To the responding tribunal or appropriate support
4 enforcement agency in the responding state; or

5 (2) If the identity of the responding tribunal is unknown,
6 to the state information agency of the responding
7 state with a request that they be forwarded to the
8 appropriate tribunal and that receipt be acknowledged.

9 (b) If [~~a responding state has not enacted this chapter or~~
10 ~~a law or procedure substantially similar to this chapter,~~]
11 requested by the responding tribunal, a tribunal of this State
12 [~~may~~] shall issue a certificate or other document and make
13 findings required by the law of the responding state. If the
14 responding [~~state~~] tribunal is in a foreign [~~jurisdiction,~~]
15 country, upon request the tribunal [~~may~~] of this State shall
16 specify the amount of support sought, convert that amount into
17 the equivalent amount in the foreign currency under applicable
18 official or market exchange rate as publicly reported, and
19 provide any other documents necessary to satisfy the
20 requirements of the responding [~~state,~~] foreign tribunal.

21 [-] §576B-305 [-] Duties and powers of responding tribunal.

22 (a) When a responding tribunal of this State receives a



1 petition or comparable pleading from an initiating tribunal or
2 directly pursuant to section [~~576B-301(e)~~,] 576B-301(b), it
3 shall cause the petition or pleading to be filed and notify the
4 petitioner where and when it was filed.

5 (b) A responding tribunal of this State, to the extent
6 [~~otherwise authorized~~] not prohibited by other law, may do one
7 or more of the following:

- 8 (1) [~~Issue~~] Establish or enforce a support order, modify a
9 child support order, determine the controlling child-
10 support order, or [~~render a judgment to~~] determine
11 parentage [~~+~~] of a child;
- 12 (2) Order an obligor to comply with a child support order,
13 specifying the amount and the manner of compliance;
- 14 (3) Order income withholding;
- 15 (4) Determine the amount of any arrearages, and specify a
16 method of payment;
- 17 (5) Enforce orders by civil or criminal contempt, or both;
- 18 (6) Set aside property for satisfaction of the support
19 order;
- 20 (7) Place liens and order execution on the obligor's
21 property;



- 1 (8) Order an obligor to keep the tribunal informed of the
2 obligor's current residential address, electronic-mail
3 address, telephone number, employer, address of
4 employment, and telephone number at the place of
5 employment;
- 6 (9) Issue a bench warrant for an obligor who has failed
7 after proper notice to appear at a hearing ordered by
8 the tribunal and enter the bench warrant in any local
9 and state computer systems for criminal warrants;
- 10 (10) Order the obligor to seek appropriate employment by
11 specified methods;
- 12 (11) Award reasonable attorney's fees and other fees and
13 costs; and
- 14 (12) Grant any other available remedy.
- 15 (c) A responding tribunal of this State shall include in a
16 support order issued under this chapter, or in the documents
17 accompanying the order, the calculations on which the child
18 support order is based.
- 19 (d) A responding tribunal of this State may not condition
20 the payment of a support order issued under this chapter upon
21 compliance by a party with provisions for visitation.



1 (e) If a responding tribunal of this State issues an order
2 under this chapter, the tribunal shall send a copy of the order
3 to the petitioner and the respondent and to the initiating
4 tribunal, if any.

5 (f) If requested to enforce a support order, arrears, or
6 judgment or modify a support order stated in a foreign currency,
7 a responding tribunal of this State shall convert the amount
8 stated in the foreign currency to the equivalent amount in
9 dollars under the applicable official or market exchange rate as
10 publicly reported.

11 ~~[+]§576B-306[+]~~ Inappropriate tribunal. If a petition or
12 comparable pleading is received by an inappropriate tribunal of
13 this State, that tribunal shall forward the pleading and
14 accompanying documents to an appropriate tribunal ~~[in]~~ of this
15 State or another state and notify the petitioner where and when
16 the pleading was sent.

17 ~~[+]§576B-307[+]~~ Duties of support enforcement
18 agency. (a) The child support enforcement agency of this
19 State, upon request, shall provide services to a petitioner in a
20 proceeding under this chapter.

21 (b) A support enforcement agency of this State that is
22 providing services to the petitioner ~~[as appropriate]~~ shall:



- 1 (1) Take all steps necessary to enable an appropriate
2 tribunal [~~in this State or another state~~] of this
3 State, another state, or a foreign country to obtain
4 jurisdiction over the respondent [~~and to process all~~
5 ~~registration requests received from an individual who~~
6 ~~has applied for child support enforcement agency~~
7 ~~services or support enforcement agencies in other~~
8 jurisdictions];
- 9 (2) Request an appropriate tribunal to set a date, time,
10 and place for a hearing;
- 11 (3) Make a reasonable effort to obtain all relevant
12 information, including information as to income and
13 property of the parties;
- 14 (4) Within two days, exclusive of Saturdays, Sundays, and
15 legal holidays, after receipt of [~~a written~~] notice in
16 a record from an initiating, responding, or
17 registering tribunal, send a copy of the notice to the
18 petitioner;
- 19 (5) Within two days, exclusive of Saturdays, Sundays, and
20 legal holidays, after receipt of [~~a written~~]
21 communication in a record from the respondent or the



1 respondent's attorney, send a copy of the
2 communication to the petitioner; and

3 (6) Notify the petitioner if jurisdiction over the
4 respondent cannot be obtained.

5 (c) A support enforcement agency of this State that
6 requests registration of a child support order in this State for
7 enforcement or for modification shall make reasonable efforts:

8 (1) To ensure that the order to be registered is the
9 controlling order; or

10 (2) If two or more child support orders exist and the
11 identity of the controlling order has not been
12 determined, to ensure that a request for such a
13 determination is made in a tribunal having
14 jurisdiction to do so.

15 (d) A support enforcement agency of this State that
16 requests registration and enforcement of a support order,
17 arrears, or judgment stated in a foreign currency shall convert
18 the amounts stated in the foreign currency into the equivalent
19 amounts in dollars under the applicable official or market
20 exchange rate as publicly reported.

21 (e) A support enforcement agency of this State shall issue
22 or request a tribunal of this State to issue a child support



1 order and an income withholding order that redirect payment of
2 current support, arrears, and interest if requested to do so by
3 a support enforcement agency of another state pursuant to
4 section 576B-319.

5 [~~e~~] (f) This chapter does not create or negate a
6 relationship of attorney and client or other fiduciary
7 relationship between a support enforcement agency or the
8 attorney for the agency and the individual being assisted by the
9 agency.

10 [~~+~~] §576B-308 [~~+~~] Duty of attorney general. (a) If the
11 attorney general determines that the support enforcement agency
12 is neglecting or refusing to provide services to an individual,
13 the attorney general may order the agency to perform its duties
14 under this chapter or may provide those services directly to the
15 individual.

16 (b) The attorney general may determine that a foreign
17 country has established a reciprocal arrangement for child
18 support with this State and take appropriate action for
19 notification of the determination.

20 [~~+~~] §576B-309 [~~+~~] Private counsel. An individual may employ
21 private counsel to represent the individual in proceedings
22 authorized by this chapter.



1 ~~[§] §576B-310 [§]~~ Duties of child support enforcement agency
2 as state information agency. (a) The child support enforcement
3 agency is the state information agency under this chapter.

4 (b) The state information agency shall:

5 (1) Compile and maintain a current list, including
6 addresses, of the tribunals in this State which have
7 jurisdiction under this chapter and any support
8 enforcement agencies in this State and transmit a copy
9 to the state information agency of every other state;

10 (2) Maintain a register of names and addresses of
11 tribunals and support enforcement agencies received
12 from other states;

13 (3) Forward to the appropriate tribunal in the ~~[place]~~
14 county in this State in which the ~~[individual]~~ obligee
15 who is an individual or the obligor resides, or in
16 which the obligor's property is believed to be
17 located, all documents concerning a proceeding under
18 this chapter received from ~~[an initiating tribunal, an~~
19 ~~individual, or the state information agency of the~~
20 ~~initiating state,]~~ another state or a foreign country;
21 and



1 (4) Obtain information concerning the location of the
2 obligor and the obligor's property within this State
3 not exempt from execution, by such means as postal
4 verification and federal or state locator services,
5 examination of telephone directories, requests for the
6 obligor's address from employers, and examination of
7 governmental records, including, to the extent not
8 prohibited by other law, those relating to real
9 property, vital statistics, law enforcement, taxation,
10 motor vehicles, driver's licenses, and social
11 security.

12 ~~[+] §576B-311 [†]~~ Pleadings and accompanying
13 documents. (a) [A] In a proceeding under this chapter, a
14 petitioner seeking to establish ~~[or modify]~~ a support order,
15 ~~[or]~~ to determine parentage ~~[in a proceeding under this chapter]~~
16 of a child, or to register and modify a support order of a
17 tribunal of another state or a foreign country must ~~[verify the]~~
18 file a petition. Unless otherwise ordered under section 576B-
19 312, the petition or accompanying documents must provide, so far
20 as ~~[is]~~ known, the name, residential address, and social
21 security numbers of the obligor and the obligee~~[7]~~ or the parent
22 and alleged parent, and the name, sex, residential address,



1 social security number, and date of birth of each child for
2 ~~[whom]~~ whose benefit support is sought ~~[.—The]~~ or whose
3 parentage is to be determined. Unless filed at the time of
4 registration, the petition must be accompanied by a [eertified]
5 copy of any support order [in effect.] known to have been issued
6 by another tribunal. The petition may include any other
7 information that may assist in locating or identifying the
8 respondent.

9 (b) The petition must specify the relief sought. The
10 petition and accompanying documents must conform substantially
11 with the requirements imposed by the forms mandated by federal
12 law for use in cases filed by a support enforcement agency.

13 ~~[+] §576B-312 [+] Nondisclosure of information in~~
14 ~~exceptional circumstances. [Upon a finding, which may be made~~
15 ~~ex parte, that the health, safety, or liberty of a party or~~
16 ~~child would be unreasonably put at risk by the disclosure of~~
17 ~~identifying information, or if an existing order so provides, a~~
18 ~~tribunal shall order that the address of the child or party or~~
19 ~~other identifying information not be disclosed in a pleading or~~
20 ~~other document filed in a proceeding under this chapter.] If a~~
21 party alleges in an affidavit or a pleading under oath that the
22 health, safety, or liberty of a party or child would be



1 jeopardized by disclosure of specific identifying information,
2 that information must be sealed and may not be disclosed to the
3 other party or the public. After a hearing in which a tribunal
4 takes into consideration the health, safety, or liberty of the
5 party or child, the tribunal may order disclosure of information
6 that the tribunal determines to be in the interest of justice.

7 ~~[+]~~ §576B-313 ~~[+]~~ **Costs and fees.** (a) The petitioner may
8 not be required to pay a filing fee or other costs.

9 (b) If an obligee prevails, a responding tribunal of this
10 State may assess against an obligor filing fees, reasonable
11 attorney's fees, other costs, and necessary travel and other
12 reasonable expenses incurred by the obligee and the obligee's
13 witnesses. The tribunal may not assess fees, costs, or expenses
14 against the obligee or the support enforcement agency of either
15 the initiating or the responding state~~[7]~~ or foreign country,
16 except as provided by other law. Attorney's fees may be taxed
17 as costs, and may be ordered paid directly to the attorney, who
18 may enforce the order in the attorney's own name. Payment of
19 support owed to the obligee has priority over fees, costs, and
20 expenses.

21 (c) The tribunal shall order the payment of costs and
22 reasonable attorney's fees if it determines that a hearing was



1 requested primarily for delay. In a proceeding under Article 6,
2 a hearing is presumed to have been requested primarily for delay
3 if a registered support order is confirmed or enforced without
4 change.

5 [+] §576B-314 [+] Limited immunity of petitioner. (a)
6 Participation by a petitioner in a proceeding under this chapter
7 before a responding tribunal, whether in person, by private
8 attorney, or through services provided by the support
9 enforcement agency, does not confer personal jurisdiction over
10 the petitioner in another proceeding.

11 (b) A petitioner is not amenable to service of civil
12 process while physically present in this State to participate in
13 a proceeding under this chapter.

14 (c) The immunity granted by this section does not extend
15 to civil litigation based on acts unrelated to a proceeding
16 under this chapter committed by a party while present in this
17 State to participate in the proceeding.

18 [+] §576B-315 [+] Nonparentage as defense. A party whose
19 parentage of a child has been previously determined by or
20 pursuant to law may not plead nonparentage as a defense to a
21 proceeding under this chapter.



1 ~~[+] §576B-316 [†]~~ Special rules of evidence and procedure.

2 (a) The physical presence of ~~[the petitioner]~~ a nonresident
3 party who is an individual in a ~~[responding]~~ tribunal of this
4 State is not required for the establishment, enforcement, or
5 modification of a support order or the rendition of a judgment
6 determining parentage.

7 (b) ~~[A verified petition, an]~~ An affidavit, a document
8 substantially complying with federally mandated forms, ~~[and]~~ or
9 a document incorporated by reference in any of them, which would
10 not be excluded under the hearsay rule if given in person, is
11 admissible in evidence if given under ~~[oath]~~ penalty of perjury
12 by a party or witness residing ~~[in another state.]~~ outside this
13 State.

14 (c) A copy of the record of child support payments
15 certified as a true copy of the original by the custodian of the
16 record may be forwarded to a responding tribunal. The copy is
17 evidence of facts asserted in it, and is admissible to show
18 whether payments were made.

19 (d) Copies of bills for testing for parentage~~[r]~~ of a
20 child, and for prenatal and postnatal health care of the mother
21 and child, furnished to the adverse party at least ten days
22 before trial, are admissible in evidence to prove the amount of



1 the charges billed and that the charges were reasonable,
2 necessary, and customary.

3 (e) Documentary evidence transmitted from [~~another state~~]
4 outside this State to a tribunal of this State by telephone,
5 telecopier, or other electronic means that do not provide an
6 original [~~writing~~] record may not be excluded from evidence on
7 an objection based on the means of transmission.

8 (f) In a proceeding under this chapter, a tribunal of this
9 State [~~may~~] shall permit a party or witness residing [~~in another~~
10 ~~state~~] outside this State to be deposed or to testify by
11 telephone, audiovisual means, or other electronic means at a
12 designated tribunal or other location [~~in that state~~]. A
13 tribunal of this State shall cooperate with other tribunals [~~of~~
14 ~~other states~~] in designating an appropriate location for the
15 deposition or testimony.

16 (g) If a party called to testify at a civil hearing
17 refuses to answer on the ground that the testimony may be self-
18 incriminating, the trier of fact may draw an adverse inference
19 from the refusal.

20 (h) A privilege against disclosure of communications
21 between spouses does not apply in a proceeding under this
22 chapter.



1 (i) The defense of immunity based on the relationship of
2 husband and wife or parent and child does not apply in a
3 proceeding under this chapter.

4 (j) A voluntary acknowledgment of paternity, certified as
5 a true copy, is admissible to establish parentage of the child.

6 ~~[+] §576B-317 [+~~ Communications between tribunals. A
7 tribunal of this State may communicate with a tribunal ~~[of~~
8 ~~another state]~~ outside this State in ~~[writing,]~~ a record or by
9 telephone, electronic mail, or other means, to obtain
10 information concerning the laws ~~[of that state]~~, the legal
11 effect of a judgment, decree, or order of that tribunal, and the
12 status of a proceeding ~~[in the other state]~~. A tribunal of this
13 State may furnish similar information by similar means to a
14 tribunal ~~[of another state.]~~ outside this State.

15 ~~[+] §576B-318 [+~~ Assistance with discovery. A tribunal of
16 this State may:

17 (1) Request a tribunal ~~[of another state]~~ outside this
18 State to assist in obtaining discovery; and

19 (2) Upon request, compel a person over ~~[whom]~~ which it has
20 jurisdiction to respond to a discovery order issued by
21 a tribunal ~~[of another state.]~~ outside this State.



- 1 [+]§576B-319[+] Receipt and disbursement of payments.
- 2 (a) A support enforcement agency or tribunal of this State
- 3 shall disburse promptly any amounts received pursuant to a
- 4 support order, as directed by the order. The agency or tribunal
- 5 shall furnish to a requesting party or tribunal of another state
- 6 or a foreign country a certified statement by the custodian of
- 7 the record of the amounts and dates of all payments received.
- 8 (b) If neither the obligor, nor the obligee who is an
- 9 individual, nor the child resides in this State, upon request
- 10 from the support enforcement agency of this State or another
- 11 state, the support enforcement agency of this State or a
- 12 tribunal of this State shall:
- 13 (1) Direct that the support payment be made to the support
- 14 enforcement agency in the state in which the obligee
- 15 is receiving services; and
- 16 (2) Issue and send to the obligor's employer a conforming
- 17 income withholding order or an administrative notice
- 18 of change of payee, reflecting the redirected
- 19 payments.
- 20 (c) The support enforcement agency of this State
- 21 receiving redirected payments from another state pursuant to a
- 22 law similar to subsection (b) shall furnish to a requesting



1 party or tribunal of the other state a certified statement by
2 the custodian of the record of the amount and dates of all
3 payments received.

4 ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

5 OR DETERMINATION OF PARENTAGE

6 [~~f~~] §576B-401 [~~]-Petition to establish~~] Establishment of
7 support order. (a) If a support order entitled to recognition
8 under this chapter has not been issued, a responding tribunal of
9 this State with personal jurisdiction over the parties may issue
10 a support order if:

11 (1) The individual seeking the order resides [~~in another~~
12 ~~state,~~] outside this State; or

13 (2) The support enforcement agency seeking the order is
14 located [~~in another state.~~] outside this State.

15 (b) The tribunal may issue a temporary child support order
16 if [~~+~~

17 ~~(1) The respondent has signed a verified statement~~
18 ~~acknowledging parentage,~~

19 ~~(2) The respondent has been determined by or pursuant to~~
20 ~~law to be the parent; or~~

21 ~~(3) There is other clear and convincing evidence that the~~
22 ~~respondent is the child's parent.]~~



1 the tribunal determines that such an order is appropriate and
2 the individual ordered to pay is:

- 3 (1) A presumed father of the child;
- 4 (2) Petitioning to have his paternity adjudicated;
- 5 (3) Identified as the father of the child through genetic
6 testing;
- 7 (4) An alleged father who has declined to submit to
8 genetic testing;
- 9 (5) Shown by clear and convincing evidence to be the
10 father of the child;
- 11 (6) An acknowledged father as provided by section 584-3.5;
- 12 (7) The mother of the child; or
- 13 (8) An individual who has been ordered to pay child
14 support in a previous proceeding and the order has not
15 been reversed or vacated.

16 (c) Upon finding, after notice and opportunity to be
17 heard, that an obligor owes a duty of support, the tribunal
18 shall issue a support order directed to the obligor and may
19 issue other orders pursuant to section 576B-305.

20 §576B-402 Proceeding to determine parentage. (a) A
21 tribunal of this State authorized to determine parentage of a
22 child may serve as a responding tribunal in a proceeding to



1 determine parentage of a child brought under this chapter or a
2 law or procedure substantially similar to this chapter.

3 (b) In a proceeding to determine parentage, a responding
4 tribunal of this State shall apply chapter 584 and the rules of
5 this State on choice of law.

6 ARTICLE 5. ENFORCEMENT OF SUPPORT ORDER [~~OF ANOTHER~~
7 STATE] WITHOUT REGISTRATION

8 §576B-501 Employer's receipt of income withholding order
9 of another state. An income withholding order issued in another
10 state may be sent by or on behalf of the obligee, or by the
11 support enforcement agency, to the person [~~or entity~~] defined as
12 the obligor's employer under sections 571-52, 571-52.2, 571-
13 52.3, and 576E-16, without first filing a petition or comparable
14 pleading or registering the order with a tribunal of this State.

15 [~~+~~] §576B-502 [~~+~~] Employer's compliance with income
16 withholding order of another state. (a) Upon receipt of an
17 income withholding order, the obligor's employer shall
18 immediately provide a copy of the order to the obligor.

19 (b) The employer shall treat an income withholding order
20 issued in another state which appears regular on its face as if
21 it had been issued by a tribunal of this State.



1 (c) Except as otherwise provided in subsection (d) and
2 section 576B-503, the employer shall withhold and distribute the
3 funds as directed in the withholding order by complying with the
4 terms of the order which specify:

5 (1) The duration and the amount of periodic payments of
6 current child support, stated as a sum certain;

7 (2) The person [~~or agency~~] designated to receive payments
8 and the address to which the payments are to be
9 forwarded;

10 (3) Medical support, whether in the form of periodic cash
11 payment, stated as a sum certain, or ordering the
12 obligor to provide health insurance coverage for the
13 child under a policy available through the obligor's
14 employment;

15 (4) The amount of periodic payments of fees and costs for
16 a support enforcement agency, the issuing tribunal,
17 and the obligee's attorney, stated as sums certain;
18 and

19 (5) The amount of periodic payments of arrearages and
20 interest on arrearages, stated as sums certain.



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1 (d) An employer shall comply with the law of the state of
2 the obligor's principal place of employment for withholding from
3 income with respect to:

4 (1) The employer's fee for processing an income
5 withholding order;

6 (2) The maximum amount permitted to be withheld from the
7 obligor's income; and

8 (3) The times within which the employer must implement the
9 withholding order and forward the child support
10 payment.

11 ~~[+]§576B-503[+]—Compliance]~~ Employer's compliance with
12 ~~[multiple]~~ two or more income withholding orders. If an
13 obligor's employer receives ~~[multiple]~~ two or more income
14 withholding orders with respect to the earnings of the same
15 obligor, the employer satisfies the terms of the ~~[multiple]~~
16 orders if the employer complies with the law of the state of the
17 obligor's principal place of employment to establish the
18 priorities for withholding and allocating income withheld for
19 ~~[multiple]~~ two or more child support obligees.

20 ~~[+]§576B-504[+]~~ Immunity from civil liability. An
21 employer ~~[whe]~~ that complies with an income withholding order
22 issued in another state in accordance with this article is not



1 subject to civil liability to an individual or agency with
2 regard to the employer's withholding of child support from the
3 obligor's income as to that income withholding order.

4 [+]§576B-505[+] Penalties for noncompliance. An employer
5 [whe] that wilfully fails to comply with an income withholding
6 order issued [by] in another state and received for enforcement
7 is subject to the same penalties that may be imposed for
8 noncompliance with an order issued by a tribunal of this State.

9 [+]§576B-506[+] Contest by obligor. (a) An obligor may
10 contest the validity or enforcement of an income withholding
11 order issued in another state and received directly by an
12 employer in this State by registering the order in a tribunal of
13 this State and filing a contest to that order as provided in
14 Article 6, or otherwise contesting the order in the same manner
15 as if the order had been issued by a tribunal of this State.

16 [~~Section 576B-604 applies to the contest.~~]

- 17 (b) The obligor shall give notice of the contest to:
- 18 (1) A support enforcement agency providing services to the
19 obligee;
- 20 (2) Each employer that has directly received an income
21 withholding order[+] relating to the obligor; and



1 (3) The person [~~er-agency~~] designated to receive payments
 2 in the income withholding order[+] or, if no person
 3 [~~er-agency~~] is designated, to the obligee.

4 [+] §576B-507 [+] Administrative enforcement of orders.

5 (a) A party or support enforcement agency seeking to enforce a
 6 support order or an income withholding order, or both, issued
 7 [~~by a tribunal of~~] in another state or a foreign support order
 8 may send the documents required for registering the order to a
 9 support enforcement agency of this State.

10 (b) Upon receipt of the documents, the support enforcement
 11 agency, without initially seeking to register the order, shall
 12 consider and, if appropriate, use any administrative procedure
 13 authorized by the law of this State to enforce a support order
 14 or an income withholding order, or both. If the obligor does
 15 not contest administrative enforcement, the order need not be
 16 registered. If the obligor contests the validity or
 17 administrative enforcement of the order, the support enforcement
 18 agency shall register the order pursuant to this chapter.

19 ARTICLE 6. REGISTRATION, ENFORCEMENT, AND

20 MODIFICATION OF SUPPORT ORDER [~~AFTER REGISTRATION~~]

21 PART I. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER



1 [+] §576B-601[+] Registration of order for enforcement. A
 2 support order or [an] income withholding order issued [by a
 3 ~~tribunal of~~] in another state or a foreign support order may be
 4 registered in this State for enforcement.

5 [+] §576B-602[+] Procedure to register order for
 6 enforcement. (a) [A] Except as otherwise provided in section
 7 576B-706, a support order or income withholding order of another
 8 state or a foreign support order may be registered in this State
 9 by sending the following [~~documents and information~~] records to
 10 the registering tribunal[+] in this State:

- 11 (1) A letter of transmittal to the registering tribunal
 12 requesting registration and enforcement;
- 13 (2) Two copies, including one certified copy, of [~~all~~
 14 ~~orders~~] the order to be registered, including any
 15 modification of [an] the order;
- 16 (3) A sworn statement by the [~~party seeking~~] person
 17 requesting registration or a certified statement by
 18 the custodian of the records showing the amount of any
 19 arrearage;
- 20 (4) The name of the obligor and, if known:
 21 (A) The obligor's address and social security number;

1 (B) The name and address of the obligor's employer
2 and any other source of income of the obligor;
3 and

4 (C) A description and the location of property of the
5 obligor in this State not exempt from execution;
6 and

7 (5) [The] Except as otherwise provided in section
8 576B-312, the name and address of the obligee and, if
9 applicable, the [agency-or] person to whom support
10 payments are to be remitted.

11 (b) On receipt of a request for registration, the
12 registering tribunal shall cause the order to be filed as [a
13 ~~foreign judgment,~~] an order of a tribunal of another state or a
14 foreign support order, together with one copy of the documents
15 and information, regardless of their form.

16 (c) A petition or comparable pleading seeking a remedy
17 that must be affirmatively sought under other law of this State
18 may be filed at the same time as the request for registration or
19 later. The pleading must specify the grounds for the remedy
20 sought.

21 (d) If two or more orders are in effect, the person
22 requesting registration shall:

- 1 (1) Furnish to the tribunal a copy of every support order
- 2 asserted to be in effect in addition to the documents
- 3 specified in this section;
- 4 (2) Specify the order alleged to be the controlling order,
- 5 if any; and
- 6 (3) Specify the amount of consolidated arrears, if any.
- 7 (e) A request for a determination of which is the
- 8 controlling order may be filed separately or with a request for
- 9 registration and enforcement or for registration and
- 10 modification. The person requesting registration shall give
- 11 notice of the request to each party whose rights may be affected
- 12 by the determination.

13 [†]§576B-603[†] Effect of registration for enforcement.

14 (a) A support order or income withholding order issued in
15 another state or a foreign support order is registered when the
16 order is filed in a tribunal of this State.

17 (b) A registered support order issued in another state or
18 a foreign country is enforceable in the same manner and is
19 subject to the same procedures as an order issued by a tribunal
20 of this State.

21 (c) Except as otherwise provided in this [~~article,~~]
22 chapter, a tribunal of this State shall recognize and enforce,



1 but may not modify, a registered support order if the issuing
2 tribunal had jurisdiction.

3 ~~[+]~~ §576B-604 ~~[+]~~ Choice of law. (a) ~~[The]~~ Except as
4 otherwise provided in subsection (d), the law of the issuing
5 state or foreign country governs ~~[the]~~:

6 (1) The nature, extent, amount, and duration of current
7 payments ~~[and other obligations of support and the]~~
8 under a registered support order;

9 (2) The computation and payment of arrearages and accrual
10 of interest on the arrearages under the support
11 order~~[-]~~; and

12 (3) The existence and satisfaction of other obligations
13 under the support order.

14 (b) In a proceeding for ~~[arrearages,]~~ arrears under a
15 registered support order, the statute of limitation ~~[under the~~
16 laws] of this State, or of the issuing state~~[-]~~ or foreign
17 country, whichever is longer, applies.

18 (c) A responding tribunal of this State shall apply the
19 procedures and remedies of this State to enforce current support
20 and collect arrears and interest due on a support order of
21 another state or foreign country registered in this State.



1 (d) After a tribunal of this State or another state
 2 determines which is the controlling order and issues an order
 3 consolidating arrears, if any, a tribunal of this State shall
 4 prospectively apply the law of the state or foreign country
 5 issuing the controlling order, including its law on interest on
 6 arrears, on current and future support, and on consolidated
 7 arrears.

8 PART II. CONTEST OF VALIDITY OR ENFORCEMENT

9 §576B-605 Notice of registration of order. (a) When a
 10 support order or income withholding order issued in another
 11 state or a foreign support order is registered, the registering
 12 tribunal shall notify the nonregistering party. The notice must
 13 be accompanied by a copy of the registered order and the
 14 documents and relevant information accompanying the order.

15 (b) ~~[The]~~ A notice must inform the nonregistering party:

16 (1) That a registered order is enforceable as of the date
 17 of registration in the same manner as an order issued
 18 by a tribunal of this State;

19 (2) That a hearing to contest the validity or enforcement
 20 of the registered order must be requested within
 21 twenty days after notice~~[+]~~ unless the registered
 22 order is under section 576B-707;



1 (3) That failure to contest the validity or enforcement of
2 the registered order in a timely manner will result in
3 confirmation of the order and enforcement of the order
4 and the alleged arrearages [~~and precludes further~~
5 ~~contest of that order with respect to any matter that~~
6 ~~could have been asserted~~]; and

7 (4) Of the amount of any alleged arrearages.

8 (c) If the registering party asserts that two or more
9 orders are in effect, a notice must also:

10 (1) Identify the two or more orders and the order alleged
11 by the registering party to be the controlling order
12 and the consolidated arrears, if any;

13 (2) Notify the nonregistering party of the right to a
14 determination of which is the controlling order;

15 (3) State that the procedures provided in subsection (b)
16 apply to the determination of which is the controlling
17 order; and

18 (4) State that failure to contest the validity or
19 enforcement of the order alleged to be the controlling
20 order in a timely manner may result in confirmation
21 that the order is the controlling order.



1 ~~[(e)]~~ (d) Upon registration of an income withholding order
 2 for enforcement, the support enforcement agency or the
 3 registering tribunal shall notify the obligor's employer
 4 pursuant to sections 571-52, 571-52.2, 571-52.3, and 576E-16.

5 ~~[(d)]~~ (e) For the purposes of this section, service of the
 6 notice shall be by personal service or certified mail, return
 7 receipt requested. After initial service is effected,
 8 additional service upon a party shall be satisfied by regular
 9 mail to the party's last known address. In any child support
 10 enforcement proceedings subsequent to an order, upon a showing
 11 that diligent effort has been made to ascertain the location of
 12 a party, notice of service of process shall be presumed to be
 13 satisfied upon delivery of written notice to the most recent
 14 residential or employer address on file with the state case
 15 registry.

16 §576B-606 Procedure to contest validity or enforcement of
 17 registered support order. (a) A nonregistering party seeking
 18 to contest the validity or enforcement of a registered order in
 19 this State shall request a hearing within ~~[twenty days after~~
 20 ~~notice of the registration.]~~ the time required by section
 21 576B-605. The nonregistering party may seek to vacate the
 22 registration, to assert any defense to an allegation of



1 noncompliance with the registered order, or to contest the
2 remedies being sought or the amount of any alleged arrearages
3 pursuant to section 576B-607.

4 (b) If the nonregistering party fails to contest the
5 validity or enforcement of the registered support order in a
6 timely manner, the order is confirmed by operation of law.

7 (c) If a nonregistering party requests a hearing to
8 contest the validity or enforcement of the registered order, the
9 registering tribunal shall schedule the matter for hearing and
10 give notice to the parties of the date, time, and place of the
11 hearing.

12 (d) For the purposes of this section, service of the
13 notice of a hearing regarding the validity or enforcement of the
14 registered order, shall be satisfied by regular mail to the
15 party's last known address. In any child support enforcement
16 proceedings subsequent to an order, upon a showing that diligent
17 effort has been made to ascertain the location of a party,
18 notice of service of process shall be presumed to be satisfied
19 upon delivery of written notice to the most recent residential
20 or employer address on file with the state case registry.

21 [†] §576B-607 [†] Contest of registration or enforcement.

22 (a) A party contesting the validity or enforcement of a



1 registered support order or seeking to vacate the registration
2 has the burden of proving one or more of the following defenses:

3 (1) The issuing tribunal lacked personal jurisdiction over
4 the contesting party;

5 (2) The order was obtained by fraud;

6 (3) The order has been vacated, suspended, or modified by
7 a later order;

8 (4) The issuing tribunal has stayed the order pending
9 appeal;

10 (5) There is a defense under the law of this State to the
11 remedy sought;

12 (6) Full or partial payment has been made [~~7-0x~~]

13 (7) The statute of limitation under section 576B-604
14 precludes enforcement of some or all of the alleged
15 arrearages[-]; or

16 (8) The alleged controlling order is not the controlling
17 order.

18 (b) If a party presents evidence establishing a full or
19 partial defense under subsection (a), a tribunal may stay
20 enforcement of [~~the~~] a registered support order, continue the
21 proceeding to permit production of additional relevant evidence,
22 and issue other appropriate orders. An uncontested portion of



1 the registered order may be enforced by all remedies available
2 under the law of this State.

3 (c) If the contesting party does not establish a defense
4 under subsection (a) to the validity or enforcement of ~~[the]~~ a
5 registered support order, a tribunal of this State shall issue
6 an order confirming the order.

7 ~~[+]~~ §576B-608 ~~[+]~~ Confirmed order. Confirmation of a
8 registered support order, whether by operation of law or after
9 notice and hearing, precludes further contest of the order with
10 respect to any matter that could have been asserted at the time
11 of registration.

12 PART III. REGISTRATION AND MODIFICATION

13 OF CHILD SUPPORT ORDER OF ANOTHER STATE

14 ~~[+]~~ §576B-609 ~~[+]~~ Procedure to register child support order
15 of another state for modification. A party or support
16 enforcement agency seeking to modify, or to modify and enforce,
17 a child support order issued in another state shall register
18 that order in this State in the same manner provided in ~~[part I]~~
19 sections 576B-601 through 576B-608 if the order has not been
20 registered. A petition for modification may be filed at the
21 same time as a request for registration, or later. The pleading
22 must specify the grounds for modification.



1 [+] §576B-610 [-] Effect of registration for modification.

2 A tribunal of this State may enforce a child support order of
3 another state registered for purposes of modification, in the
4 same manner as if the order had been issued by a tribunal of
5 this State, but the registered order may be modified only if the
6 requirements of section 576B-611 or 576B-613 have been met.

7 [+] §576B-611 [-] Modification of child support order of
8 another state. (a) ~~[After]~~ If section 576B-613 does not apply,
9 upon petition a tribunal of this State may modify a child
10 support order issued in another state ~~[has been]~~ which is
11 registered in this State ~~[, the responding tribunal of this State~~
12 ~~may modify that order only if section 576B-613 does not apply~~
13 ~~and]~~ if, after notice and hearing [it], the tribunal finds that:

14 (1) The following requirements are met:

15 (A) ~~[The]~~ Neither the child, nor the [individual]
16 obligee ~~[, and]~~ who is an individual, nor the
17 obligor ~~[do not reside]~~ resides in the issuing
18 state;

19 (B) A petitioner who is a nonresident of this State
20 seeks modification; and

21 (C) The respondent is subject to the personal
22 jurisdiction of the tribunal of this State; or



1 (2) ~~[The] This State is the state of residence of the~~
2 child, or a party who is an individual~~[-]~~ is subject
3 to the personal jurisdiction of the tribunal of this
4 State, and all of the parties who are individuals have
5 filed ~~[written]~~ consents in a record in the issuing
6 tribunal for a tribunal of this State to modify the
7 support order and assume continuing, exclusive
8 jurisdiction ~~[over the order. However, if the issuing~~
9 ~~state is a foreign jurisdiction that has not enacted a~~
10 ~~law or established procedures substantially similar to~~
11 ~~the procedures under this chapter, the consent~~
12 ~~otherwise required of an individual residing in this~~
13 ~~State is not required for the tribunal to assume~~
14 ~~jurisdiction to modify the child support order].~~

15 (b) Modification of a registered child support order is
16 subject to the same requirements, procedures, and defenses that
17 apply to the modification of an order issued by a tribunal of
18 this State and the order may be enforced and satisfied in the
19 same manner.

20 (c) A tribunal of this State may not modify any aspect of
21 a child support order that may not be modified under the law of
22 the issuing state~~[-]~~, including the duration of the obligation



1 of support. If two or more tribunals have issued child support
2 orders for the same obligor and same child, the order that
3 controls and must be so recognized under section 576B-207
4 establishes the aspects of the support order which are
5 nonmodifiable.

6 (d) In a proceeding to modify a child support order, the
7 law of the state that is determined to have issued the initial
8 controlling order governs the duration of the obligation of
9 support. The obligor's fulfillment of the duty of support
10 established by that order precludes imposition of a further
11 obligation of support by a tribunal of this State.

12 [~~d~~] (e) On issuance of an order by a tribunal of this
13 State modifying a child support order issued in another state,
14 [a] the tribunal of this State becomes the tribunal having
15 continuing, exclusive jurisdiction.

16 (f) Notwithstanding subsections (a) through (e) and
17 section 576B-201(b), a tribunal of this State retains
18 jurisdiction to modify an order issued by a tribunal of this
19 State if:

20 (1) One party resides in another state; and

21 (2) The other party resides outside the United States.



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1 ~~[+] §576B-612 [†]~~ Recognition of order modified in another
2 state. [A] If a child support order issued by a tribunal of
3 this State ~~[shall recognize a modification of its earlier child~~
4 ~~support order]~~ is modified by a tribunal of another state which
5 assumed jurisdiction pursuant to ~~[this chapter or a law~~
6 ~~substantially similar to this chapter and, upon request, except~~
7 ~~as otherwise provided in this chapter, shall.]~~ the Uniform
8 Interstate Family Support Act, a tribunal of this State:

9 (1) ~~[Enforce the]~~ May enforce its order that was modified
10 only as to ~~[amounts]~~ arrears and interest accruing
11 before the modification;

12 ~~[-(2) Enforce only nonmodifiable aspects of that order,~~

13 ~~-(3) Provide other]~~ (2) May provide appropriate relief
14 ~~[only]~~ for violations of ~~[that]~~ its order which
15 occurred before the effective date of the
16 modification; and

17 ~~[-(4) Recognize]~~ (3) Shall recognize the modifying order of the
18 other state, upon registration, for the purpose of
19 enforcement.

20 ~~[+] §576B-613 [†]~~ Jurisdiction to modify child support order
21 of another state when individual parties reside in this State.

22 (a) If all of the parties who are individuals reside in this



1 State and the child does not reside in the issuing state, a
2 tribunal of this State has jurisdiction to enforce and to modify
3 the issuing state's child support order in a proceeding to
4 register that order.

5 (b) A tribunal of this State exercising jurisdiction under
6 this section shall apply the provisions of Articles 1 and 2,
7 this article, and the procedural and substantive law of this
8 State to the proceeding for enforcement or modification.
9 Articles 3, 4, 5, 7, and 8 shall not apply.

10 [-]§576B-614[+] Notice to issuing tribunal of
11 modification. Within thirty days after issuance of a modified
12 child support order, the party obtaining the modification shall
13 file a certified copy of the order with the issuing tribunal
14 that had continuing, exclusive jurisdiction over the earlier
15 order, and in each tribunal in which the party knows the earlier
16 order has been registered. A party who obtains the order and
17 fails to file a certified copy is subject to appropriate
18 sanctions by a tribunal in which the issue of failure to file
19 arises. The failure does not affect the validity or
20 enforceability of the modified order of the new tribunal having
21 continuing, exclusive jurisdiction.

22 PART IV. REGISTRATION AND MODIFICATION



OF FOREIGN CHILD SUPPORT ORDER

§576B-615 Jurisdiction to modify child support order of foreign country. (a) Except as otherwise provided in section 576B-711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 576B-611 has been given or whether the individual seeking modification is a resident of this State or of the foreign country.

(b) An order issued by a tribunal of this State modifying a foreign child support order pursuant to this section is the controlling order.

§576B-616 Procedure to register child support order of foreign country for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the Convention may register that order in this State under sections 576B-601 through 576B-608 if the order has not been registered. A petition for modification may be filed at the same time as a

1 request for registration, or at another time. The petition must
2 specify the grounds for modification.

3 ARTICLE 7. [~~DETERMINATION OF PARENTAGE~~]

4 SUPPORT PROCEEDING UNDER CONVENTION

5 [~~+~~] §576B-701 [~~-~~] ~~Proceeding to determine parentage.~~ (a) ~~A~~
6 ~~tribunal of this State may serve as an initiating or responding~~
7 ~~tribunal in a proceeding brought under this chapter or a law or~~
8 ~~procedure substantially similar to this chapter, the Uniform~~
9 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
10 ~~Reciprocal Enforcement of Support Act to determine that the~~
11 ~~petitioner is a parent of a particular child or to determine~~
12 ~~that a respondent is a parent of that child.~~

13 ~~(b) In a proceeding to determine parentage, a responding~~
14 ~~tribunal of this State shall apply chapter 584 and the rules of~~
15 ~~this State on choice of law.] Definitions. In this article:~~

16 "Application" means a request under the Convention by an
17 obligee or obligor, or on behalf of a child, made through a
18 central authority for assistance from another central authority.

19 "Central authority" means the entity designated by the
20 United States or a foreign country described in paragraph (4) of
21 the definition of "foreign country" in section 576B-102 to
22 perform the functions specified in the Convention.



1 "Convention support order" means a support order of a
2 tribunal of a foreign country described in paragraph (4) of the
3 definition of "foreign country" in section 576B-102.

4 "Direct request" means a petition filed by an individual in
5 a tribunal of this State in a proceeding involving an obligee,
6 obligor, or child residing outside the United States.

7 "Foreign central authority" means the entity designated by
8 a foreign country described in paragraph (4) of the definition
9 of "foreign country" in section 576B-102 to perform the
10 functions specified in the Convention.

11 "Foreign support agreement":

12 (1) Means an agreement for support in a record that:

13 (A) Is enforceable as a support order in the country
14 of origin;

15 (B) Has been:

16 (i) Formally drawn up or registered as an
17 authentic instrument by a foreign tribunal;
18 or

19 (ii) Authenticated by, or concluded, registered,
20 or filed with a foreign tribunal; and

21 (C) May be reviewed and modified by a foreign
22 tribunal; and



1 (2) Includes a maintenance arrangement or authentic
2 instrument under the Convention.

3 "United States central authority" means the Secretary of
4 the United States Department of Health and Human Services.

5 §576B-702 Applicability. This article applies only to a
6 support proceeding under the Convention. In such a proceeding,
7 if a provision of this article is inconsistent with Articles 1
8 through 6, this article controls.

9 §576B-703 Relationship of child support enforcement agency
10 to United States central authority. The child support
11 enforcement agency established by section 576D-2 is recognized
12 as the agency designated by the United States central authority
13 to perform specific functions under the Convention.

14 §576B-704 Initiation by child support enforcement agency
15 of support proceeding under Convention. (a) In a support
16 proceeding under this article, the child support enforcement
17 agency shall:

18 (1) Transmit and receive applications; and

19 (2) Initiate or facilitate the institution of a proceeding
20 regarding an application in a tribunal of this State.

21 (b) The following support proceedings are available to an
22 obligee under the Convention:



- 1 (1) Recognition or recognition and enforcement of a
- 2 foreign support order;
- 3 (2) Enforcement of a support order issued or recognized in
- 4 this State;
- 5 (3) Establishment of a support order if there is no
- 6 existing order, including, if necessary, determination
- 7 of parentage of a child;
- 8 (4) Establishment of a support order if recognition of a
- 9 foreign support order is refused under section
- 10 576B-708(b)(2), (4), or (9);
- 11 (5) Modification of a support order of a tribunal of this
- 12 State; and
- 13 (6) Modification of a support order of a tribunal of
- 14 another state or a foreign country.
- 15 (c) The following support proceedings are available under
- 16 the Convention to an obligor against which there is an existing
- 17 support order:
- 18 (1) Recognition of an order suspending or limiting
- 19 enforcement of an existing support order of a tribunal
- 20 of this State;
- 21 (2) Modification of a support order of a tribunal of this
- 22 State; and



1 (3) Modification of a support order of a tribunal of
2 another state or a foreign country.

3 (d) A tribunal of this State may not require security,
4 bond, or deposit, however described, to guarantee the payment of
5 costs and expenses in proceedings under the Convention.

6 §576B-705 Direct request. (a) A petitioner may file a
7 direct request seeking establishment or modification of a
8 support order or determination of parentage of a child. In the
9 proceeding, the law of this State applies.

10 (b) A petitioner may file a direct request seeking
11 recognition and enforcement of a support order or support
12 agreement. In the proceeding, sections 576B-706 through 576B-
13 713 apply.

14 (c) In a direct request for recognition and enforcement of
15 a Convention support order or foreign support agreement:

16 (1) A security, bond, or deposit is not required to
17 guarantee the payment of costs and expenses; and

18 (2) An obligee or obligor that in the issuing country has
19 benefited from free legal assistance is entitled to
20 benefit, at least to the same extent, from any free
21 legal assistance provided for by the law of this State
22 under the same circumstances.



1 (d) A petitioner filing a direct request is not entitled
2 to assistance from the child support enforcement agency.

3 (e) This article does not prevent the application of laws
4 of this State that provide simplified, more expeditious rules
5 regarding a direct request for recognition and enforcement of a
6 foreign support order or foreign support agreement.

7 §576B-706 Registration of convention support order.

8 (a) Except as otherwise provided in this article, a party who
9 is an individual or a support enforcement agency seeking
10 recognition of a Convention support order shall register the
11 order in this State as provided in Article 6.

12 (b) Notwithstanding sections 576B-311 and 576B-602(a), a
13 request for registration of a Convention support order must be
14 accompanied by:

15 (1) A complete text of the support order or an abstract or
16 extract of the support order drawn up by the issuing
17 foreign tribunal, which may be in the form recommended
18 by the Hague Conference on Private International Law;

19 (2) A record stating that the support order is enforceable
20 in the issuing country;

21 (3) If the respondent did not appear and was not
22 represented in the proceedings in the issuing country,



1 a record attesting, as appropriate, either that the
2 respondent had proper notice of the proceedings and an
3 opportunity to be heard or that the respondent had
4 proper notice of the support order and an opportunity
5 to be heard in a challenge or appeal on fact or law
6 before a tribunal;

7 (4) A record showing the amount of arrears, if any, and
8 the date the amount was calculated;

9 (5) A record showing a requirement for automatic
10 adjustment of the amount of support, if any, and the
11 information necessary to make the appropriate
12 calculations; and

13 (6) If necessary, a record showing the extent to which the
14 applicant received free legal assistance in the
15 issuing country.

16 (c) A request for registration of a Convention support
17 order may seek recognition and partial enforcement of the order.

18 (d) A tribunal of this State may vacate the registration
19 of a Convention support order without the filing of a contest
20 under section 576B-707 only if, acting on its own motion, the
21 tribunal finds that recognition and enforcement of the order
22 would be manifestly incompatible with public policy.



1 (e) The tribunal shall promptly notify the parties of the
2 registration or the order vacating the registration of a
3 Convention support order.

4 §576B-707 Contest of registered convention support order.

5 (a) Except as otherwise provided in this article, sections
6 576B-605 through 576B-608 apply to a contest of a registered
7 Convention support order.

8 (b) A party contesting a registered Convention support
9 order shall file a contest not later than thirty days after
10 notice of the registration, but if the contesting party does not
11 reside in the United States, the contest must be filed not later
12 than sixty days after notice of the registration.

13 (c) If the nonregistering party fails to contest the
14 registered Convention support order by the time specified in
15 subsection (b), the order is enforceable.

16 (d) A contest of a registered Convention support order may
17 be based only on grounds set forth in section 576B-708. The
18 contesting party bears the burden of proof.

19 (e) In a contest of a registered Convention support order,
20 a tribunal of this State:

21 (1) Is bound by the findings of fact on which the foreign
22 tribunal based its jurisdiction; and



1 (2) May not review the merits of the order.

2 (f) A tribunal of this State deciding a contest of a
3 registered Convention support order shall promptly notify the
4 parties of its decision.

5 (g) A challenge or appeal, if any, does not stay the
6 enforcement of a Convention support order unless there are
7 exceptional circumstances.

8 §576B-708 Recognition and enforcement of registered
9 convention support order. (a) Except as otherwise provided in
10 subsection (b), a tribunal of this State shall recognize and
11 enforce a registered Convention support order.

12 (b) The following grounds are the only grounds on which a
13 tribunal of this State may refuse recognition and enforcement of
14 a registered Convention support order:

15 (1) Recognition and enforcement of the order is manifestly
16 incompatible with public policy, including the failure
17 of the issuing tribunal to observe minimum standards
18 of due process, which include notice and an
19 opportunity to be heard;

20 (2) The issuing tribunal lacked personal jurisdiction
21 consistent with section 576B-201;

22 (3) The order is not enforceable in the issuing country;



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- 1 (4) The order was obtained by fraud in connection with a
2 matter of procedure;
- 3 (5) A record transmitted in accordance with section
4 576B-706 lacks authenticity or integrity;
- 5 (6) A proceeding between the same parties and having the
6 same purpose is pending before a tribunal of this
7 State and that proceeding was the first to be filed;
- 8 (7) The order is incompatible with a more recent support
9 order involving the same parties and having the same
10 purpose if the more recent support order is entitled
11 to recognition and enforcement under this chapter in
12 this State;
- 13 (8) Payment, to the extent alleged arrears have been paid
14 in whole or in part;
- 15 (9) In a case in which the respondent neither appeared nor
16 was represented in the proceeding in the issuing
17 foreign country:
 - 18 (A) If the law of that country provides for prior
19 notice of proceedings, the respondent did not
20 have proper notice of the proceedings and an
21 opportunity to be heard; or



1 (B) If the law of that country does not provide for
2 prior notice of the proceedings, the respondent
3 did not have proper notice of the order and an
4 opportunity to be heard in a challenge or appeal
5 on fact or law before a tribunal; or

6 (10) The order was made in violation of section 576B-711.

7 (c) If a tribunal of this State does not recognize a
8 Convention support order under subsection (b) (2), (4), or (9):

9 (1) The tribunal may not dismiss the proceeding without
10 allowing a reasonable time for a party to request the
11 establishment of a new Convention support order; and

12 (2) The child support enforcement agency shall take all
13 appropriate measures to request a child support order
14 for the obligee if the application for recognition and
15 enforcement was received under section 576B-704.

16 §576B-709 Partial enforcement. If a tribunal of this
17 State does not recognize and enforce a Convention support order
18 in its entirety, it shall enforce any severable part of the
19 order. An application or direct request may seek recognition
20 and partial enforcement of a Convention support order.

21 §576B-710 Foreign support agreement. (a) Except as
22 otherwise provided in subsections (c) and (d), a tribunal of



1 this State shall recognize and enforce a foreign support
2 agreement registered in this State.

3 (b) An application or direct request for recognition and
4 enforcement of a foreign support agreement must be accompanied
5 by:

6 (1) A complete text of the foreign support agreement; and

7 (2) A record stating that the foreign support agreement is
8 enforceable as an order of support in the issuing
9 country.

10 (c) A tribunal of this State may vacate the registration
11 of a foreign support agreement only if, acting on its own
12 motion, the tribunal finds that recognition and enforcement
13 would be manifestly incompatible with public policy.

14 (d) In a contest of a foreign support agreement, a
15 tribunal of this State may refuse recognition and enforcement of
16 the agreement if it finds:

17 (1) Recognition and enforcement of the agreement is
18 manifestly incompatible with public policy;

19 (2) The agreement was obtained by fraud or falsification;

20 (3) The agreement is incompatible with a support order
21 involving the same parties and having the same purpose
22 in this State, another state, or a foreign country if



1 the support order is entitled to recognition and
2 enforcement under this chapter in this State; or

3 (4) The record submitted under subsection (b) lacks
4 authenticity or integrity.

5 (e) A proceeding for recognition and enforcement of a
6 foreign support agreement must be suspended during the pendency
7 of a challenge to or appeal of the agreement before a tribunal
8 of another state or a foreign country.

9 §576B-711 Modification of convention child support order.

10 (a) A tribunal of this State may not modify a Convention child
11 support order if the obligee remains a resident of the foreign
12 country where the support order was issued unless:

13 (1) The obligee submits to the jurisdiction of a tribunal
14 of this State, either expressly or by defending on the
15 merits of the case without objecting to the
16 jurisdiction at the first available opportunity; or

17 (2) The foreign tribunal lacks or refuses to exercise
18 jurisdiction to modify its support order or issue a
19 new support order.

20 (b) If a tribunal of this State does not modify a
21 Convention child support order because the order is not
22 recognized in this State, section 576B-708(c) applies.



1 §576B-712 Personal information; limit on use. Personal
2 information gathered or transmitted under this article may be
3 used only for the purposes for which it was gathered or
4 transmitted.

5 §576B-713 Record in original language; English
6 translation. A record filed with a tribunal of this State under
7 this article must be in the original language and, if not in
8 English, must be accompanied by an English translation.

9 ARTICLE 8. INTERSTATE RENDITION

10 [H]§576B-801[H] Grounds for rendition. (a) For purposes
11 of this article, "governor" includes an individual performing
12 the functions of governor or the executive authority of a state
13 covered by this chapter.

14 (b) The governor of this State may:

15 (1) Demand that the governor of another state surrender an
16 individual found in the other state who is charged
17 criminally in this State with having failed to provide
18 for the support of an obligee; or

19 (2) On the demand [by] of the governor of another state,
20 surrender an individual found in this State who is
21 charged criminally in the other state with having
22 failed to provide for the support of an obligee.



1 (c) A provision for extradition of individuals not
2 inconsistent with this chapter applies to the demand even if the
3 individual whose surrender is demanded was not in the demanding
4 state when the crime was allegedly committed and has not fled
5 therefrom.

6 [+] §576B-802 [+] Conditions of rendition. (a) Before
7 making a demand that the governor of another state surrender an
8 individual charged criminally in this State with having failed
9 to provide for the support of an obligee, the governor of this
10 State may require a prosecutor of this State to demonstrate that
11 at least sixty days previously the obligee had initiated
12 proceedings for support pursuant to this chapter or that the
13 proceeding would be of no avail.

14 (b) If, under this chapter or a law substantially similar
15 to this chapter, [~~the Uniform Reciprocal Enforcement of Support~~
16 ~~Act, or the Revised Uniform Reciprocal Enforcement of Support~~
17 ~~Act,~~] the governor of another state makes a demand that the
18 governor of this State surrender an individual charged
19 criminally in that state with having failed to provide for the
20 support of a child or other individual to whom a duty of support
21 is owed, the governor may require a prosecutor to investigate
22 the demand and report whether a proceeding for support has been



1 initiated or would be effective. If it appears that a
2 proceeding would be effective but has not been initiated, the
3 governor may delay honoring the demand for a reasonable time to
4 permit the initiation of a proceeding.

5 (c) If a proceeding for support has been initiated and the
6 individual whose rendition is demanded prevails, the governor
7 may decline to honor the demand. If the petitioner prevails and
8 the individual whose rendition is demanded is subject to a
9 support order, the governor may decline to honor the demand if
10 the individual is complying with the support order.

11 ARTICLE 9. MISCELLANEOUS PROVISIONS

12 ~~[+] §576B-901 [+] Uniformity of application and~~
13 ~~construction. [This chapter shall be applied and construed to~~
14 ~~effectuate its general purpose to make uniform] In applying and~~
15 ~~construing this uniform act, consideration must be given to the~~
16 ~~need to promote uniformity of the law with respect to [the] its~~
17 ~~subject [of this chapter] matter among states [enacting] that~~
18 ~~enact it.~~

19 ~~[§576B-902] Short title. This chapter may be cited as~~
20 ~~the Uniform Interstate Family Support Act.]~~

21 §576B-902 Transitional provision. This chapter applies to
22 proceedings begun on or after the effective date of this Act to



1 establish a support order or determine parentage of a child or
2 to register, recognize, enforce, or modify a prior support
3 order, determination, or agreement, whenever issued or entered."

4 SECTION 3. This Act shall take effect on July 1, 2011.

5

INTRODUCED BY:

JAN 24 2011



Report Title:

Uniform Interstate Family Support Act

Description:

Updates Uniform Interstate Family Support Act to reflect requirements of Hague Convention of the International Recovery of Child Support and Other Forms of Family Maintenance. Provides procedures for registration, recognition, enforcement, and modifications of support orders from countries that are parties to the convention.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

