

JAN 26 2011

S.B. NO. 1440

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# 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
- 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 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.

4                                   ARTICLE 2. JURISDICTION

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

6       ~~[+]§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 [~~so~~]  
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 [~~to~~] 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           [+] §576B-301[+] 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 [~~or~~] 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 [certified]  
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 [H]§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[-] 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~~[7]~~ 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 [~~+~~] §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.



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 ~~[who]~~ 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 [who] 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 [~~or agency~~] designated to receive payments  
2           in the income withholding order[+] or, if no person  
3           [~~or 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 [~~or~~]

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                               ~~[, and]~~ who is an individual, nor the  
17                               ~~[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~~[7]~~ 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.



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



## 1 OF FOREIGN CHILD SUPPORT ORDER

2 §576B-615 Jurisdiction to modify child support order of  
3 foreign country. (a) Except as otherwise provided in section  
4 576B-711, if a foreign country lacks or refuses to exercise  
5 jurisdiction to modify its child support order pursuant to its  
6 laws, a tribunal of this State may assume jurisdiction to modify  
7 the child-support order and bind all individuals subject to the  
8 personal jurisdiction of the tribunal whether the consent to  
9 modification of a child support order otherwise required of the  
10 individual pursuant to section 576B-611 has been given or  
11 whether the individual seeking modification is a resident of  
12 this State or of the foreign country.

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

16 §576B-616 Procedure to register child support order of  
17 foreign country for modification. A party or support  
18 enforcement agency seeking to modify, or to modify and enforce,  
19 a foreign child support order not under the Convention may  
20 register that order in this State under sections 576B-601  
21 through 576B-608 if the order has not been registered. A  
22 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;



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            [+]§576B-801[+] **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.]~~

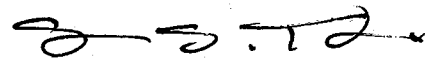
21 §576B-902 Transitional provision. This chapter applies to  
 22 proceedings begun on or after the effective date of this Act to



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: 

**By Request**



**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.*

