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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO DOMESTIC RELATIONS -- UNIFORM INTERSTATE FAMILY SUPPORT
ACT -- GENERAL PROVISIONS

Introduced By: Representative Brian P. Kennedy

Date Introduced: March 22, 2011

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 15-23.1-101, 15-23.1-102, 15-23.1-103, 15-23.1-201, 15-23.1-203,
2 15-23.1-204, 15-23.1-206, 15-23.1-207, 15-23.1-208, 15-23.1-209, 15-23.1-210, 15-23.1-211, 15-
3 23.1-301, 15-23.1-304, 15-23.1-305, 15-23.1-306, 15-23.1-307, 15-23.1-308, 15-23.1-310, 15-
4 23.1-311, 15-23.1-313, 15-23.1-316, 15-23.1-317, 15-23.1-318, 15-23.1-319, 15-23.1-401, 15-
5 23.1-504, 15-23.1-505, 15-23.1-507, 15-23.1-601, 15-23.1-602, 15-23.1-603, 15-23.1-604, 15-
6 23.1-605, 15-23.1-606, 15-23.1-607, 15-23.1-608, 15-23.1-609, 15-23.1-610, 15-23.1-611, 15-
7 23.1-615, 15-23.1-701, 15-23.1-901 and 15-23.1-904 of the General Laws in Chapter 15-23.1
8 entitled "Uniform Interstate Family Support Act" are hereby amended to read as follows:

9 **15-23.1-101. Definitions.** -- In this chapter:

10 (1) "Child" means an individual, whether over or under the age of majority, who is or is
11 alleged to be owed a duty of support 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 (2) "Child support order" means a support order for a child, including a child who has
14 attained the age of majority under the law of the issuing state or foreign country.

15 (3) "Convention" means the convention on the international recovery of child support and
16 other forms of family maintenance, concluded at the Hague on November 23, 2007.

17 ~~(3)~~(4) "Duty of support" means an obligation imposed or imposable by law to provide
18 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide

1 support.

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

4 (i) Which has been declared under the law of the United States to be a foreign
5 reciprocating country;

6 (ii) Which has established a reciprocal arrangement for child support with this state as
7 provided in section 15-23.1-308;

8 (iii) Which has enacted a law or established procedures for the issuance and enforcement
9 of support orders which are substantially similar to the procedures under the chapter;

10 (iv) In which the convention is in force with respect to the United States.

11 (6) "Foreign support order" means a support order of a foreign tribunal.

12 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a
13 foreign country which is authorized to establish, enforce, or modify support orders or to
14 determine parentage of a child. The term includes a competent authority under the convention.

15 ~~(4)~~(8) "Home state" means the state or foreign country in which a child lived with a
16 parent or a person acting as parent for at least six (6) consecutive months immediately preceding
17 the time of filing of a petition or comparable pleading for support and, if a child is less than six
18 (6) months old, the state or foreign country in which the child lived from birth with any of them.
19 A period of temporary absence of any of them is counted as part of the six (6) month or other
20 period.

21 ~~(5)~~(9) "Income" includes earnings or other periodic entitlements to money from any
22 source and any other property subject to withholding for support under the law of this state.

23 ~~(6)~~(10) "Income-withholding order" means an order or other legal process directed to an
24 obligor's employer or other debtor, as defined by section 15-16-1 et seq., to withhold support
25 from the income of the obligor.

26 ~~(7) "Initiating state" means a state from which a proceeding is forwarded or in which a~~
27 ~~proceeding is filed for forwarding to responding state under this chapter or a law or procedure~~
28 ~~substantially similar to this chapter.~~

29 ~~(8)~~(11) "Initiating tribunal" means the ~~authorized~~ tribunal ~~in an initiating of a~~ state or
30 foreign country from which a petition or comparable pleading is filed for forwarding to another
31 state or foreign country.

32 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
33 support order or a judgment determining parentage of a child.

34 ~~(9)~~(13) "Issuing state" means the state in which a tribunal issues a support order or

1 ~~renders~~ a judgment determining parentage of a child.

2 ~~(10)(14)~~ "Issuing tribunal" means the tribunal of a state or foreign country that issues a
3 support order or ~~renders~~ a judgment determining parentage of a child.

4 ~~(11)(15)~~ "Law" includes decisional and statutory law and rules and regulations having
5 the force of law.

6 ~~(12)(16)~~ "Obligee" means:

7 (i) An individual to whom a duty of support is or is alleged to be owed or in whose favor
8 a support order ~~has been issued~~ or a judgment determining parentage of a child has been ~~rendered~~
9 issued;

10 (ii) A foreign country, state or political subdivision of a state to which the rights under a
11 duty of support or support order have been assigned or which has independent claims based on
12 financial assistance provided to an individual obligee in place of child support; ~~or~~

13 (iii) An individual seeking a judgment determining parentage of the individual's child- ;
14 or

15 (iv) A person that is a creditor in a proceeding under article 7.

16 ~~(13)(17)~~ "Obligor" means an individual, or the estate of a decedent that:

17 (i) ~~Who owes~~ Owes or is alleged to owe a duty of support;

18 (ii) ~~Who is Is~~ alleged but has not been adjudicated to be a parent of a child; ~~or~~

19 (iii) ~~Who is Is~~ liable under a support order- ; or

20 (iv) Is a debtor in a proceeding under Article 7 of this chapter.

21 (18) "Outside this state" means a location in another state or a country other than the
22 United States, whether or not the country is a foreign country.

23 ~~(14)(19)~~ "Person" means an individual, corporation, business trust, estate, trust,
24 partnership, limited liability company, association, joint venture, public corporation, government,
25 or governmental subdivision, agency, or instrumentality, ~~public corporation~~, or any other legal or
26 commercial entity.

27 ~~(15)(20)~~ "Record" means information that is inscribed on a tangible medium or that is
28 stored in an electronic or other medium and is retrievable in perceivable form.

29 ~~(16)(21)~~ "Register" means to file in a tribunal of this state a support order or judgment
30 determining parentage of a child issued in another state or foreign country ~~in the registry of the~~
31 ~~Rhode Island family court~~.

32 ~~(17)(22)~~ "Registering tribunal" means a tribunal in which a support order or judgment
33 determining parentage of a child is registered.

34 ~~(18)(23)~~ "Responding state" means a state in which a ~~proceeding~~ petition for support or

1 to determine parentage of a child is filed or to which a ~~proceeding~~ petition is forwarded for filing
2 from ~~an initiating~~ another state or foreign country ~~under this chapter or a law substantially similar~~
3 ~~to this chapter.~~

4 ~~(19)~~(24) "Responding tribunal" means the authorized tribunal in a responding state or
5 foreign country.

6 ~~(20)~~(25) "Spousal-support order" means a support order for a spouse or former spouse of
7 the obligor.

8 ~~(21)~~(26) "State" means a state of the United States, the District of Columbia, Puerto
9 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
10 jurisdiction of the United States. The term includes an Indian nation or tribe.:

11 ~~(i) An Indian tribe; and~~

12 ~~(ii) A foreign country or political subdivision that:~~

13 ~~(a) Has been declared to be a foreign reciprocating country or political subdivision under~~
14 ~~federal law;~~

15 ~~(b) Has established a reciprocal arrangement for child support with this state as provided~~
16 ~~in section 15-23.1-308; or~~

17 ~~(c) Has enacted a law or established procedures for issuance and enforcement of support~~
18 ~~orders which are substantially similar to the procedures under this chapter.~~

19 ~~(22)~~(27) "Support enforcement agency" means a public official, government entity or
20 private ~~or~~ agency authorized to ~~seek~~:

21 (i) ~~Enforcement~~ Seek enforcement of support orders or laws relating to the duty of
22 support;

23 (ii) ~~Establishment~~ Seek establishment or modification of child support;

24 (iii) ~~Determination~~ Request determination of parentage of a child;

25 (iv) ~~Location~~ Attempt to locate of obligors or their assets; or

26 (v) ~~Determination~~ Request determination of the controlling child support order.

27 ~~(23)~~(28) "Support order" means a judgment, decree, order, decision, or directive,
28 whether temporary, final, or subject to modification, issued ~~by a tribunal in a state or foreign~~
29 country for the benefit of a child, a spouse, or a former spouse, which provides for monetary
30 support, health care, arrearages, retroactive support, or reimbursement; for financial assistance
31 provided to an individual obligee in place of child support. ~~and~~ The term may include related
32 costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees,
33 and other relief.

34 ~~(24)~~(29) "Tribunal" means a court, administrative agency, or quasi-judicial entity

1 authorized to establish, enforce, or modify support orders or to determine parentage [of a child](#).

2 **15-23.1-102. ~~Tribunals of this state~~ State tribunals and support enforcement agency.**

3 = (a) The Rhode Island family court, and, where specifically authorized by law, the Rhode Island
4 division of taxation within the department of administration are the tribunals of this state.

5 [\(b\) The Rhode Island family court, and, where specifically authorized by law, the Rhode
6 Island division of taxation within the department of administration are the support enforcement
7 agencies of this state.](#)

8 **15-23.1-103. Remedies cumulative.** -- (a) Remedies provided by this chapter are
9 cumulative and do not affect the availability of remedies under other law, ~~including~~ [or](#) the
10 recognition of a [foreign](#) support order ~~of a foreign country or political subdivision~~ on the basis of
11 comity.

12 (b) This chapter does not:

13 (1) Provide the exclusive method of establishing or enforcing a support order under the
14 law of this state; or

15 (2) Grant a tribunal of this state jurisdiction to render judgment or issue an order relating
16 to child custody or visitation in a proceeding under this chapter.

17 **15-23.1-201. Bases for jurisdiction over nonresident.** -- (a) In proceeding to establish
18 or enforce a support order or to determine parentage [of a child](#), a tribunal of this state may
19 exercise personal jurisdiction over a nonresident individual or the individual's guardian or
20 conservator if:

21 (1) The individual is personally served within this state pursuant to the Rules of
22 Domestic Relations;

23 (2) The individual submits to the jurisdiction of this state by consent in a record, by
24 entering a general appearance, or by filing a responsive document having the effect of waiving
25 any contest to personal jurisdiction;

26 (3) The individual resided with the child in this state;

27 (4) The individual resided in this state and provided prenatal expenses or support for the
28 child;

29 (5) The child resides in this state as a result of the acts or directives of the individual;

30 (6) The individual engaged in sexual intercourse in this state and the child may have
31 been conceived by that act of intercourse;

32 (7) The individual acknowledged ~~paternity~~ [parentage of a child](#) by completing an
33 affidavit of paternity signed by both parents; or

34 (8) There is any other basis consistent with the constitutions of this state, and the United

1 States for the exercise of personal jurisdiction.

2 (b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of
3 this state may not be used to acquire personal jurisdiction for a tribunal of ~~the~~ [this](#) state to modify
4 a child support order of another state unless the requirements of section 15-23.1-611 or, [in the](#)
5 [case of a foreign support order, unless the requirements of](#) section 15-23.1-615 are met.

6 **15-23.1-203. Initiating and responding tribunal of state.** -- Under this chapter, a
7 tribunal of this state may serve as an initiating tribunal to forward proceedings to [a tribunal of](#)
8 another state and as a responding tribunal for proceedings initiated in another state [or a foreign](#)
9 [country](#).

10 **15-23.1-204. Simultaneous proceedings.** -- (a) A tribunal of this state may exercise
11 jurisdiction to establish a support order if the petition or comparable pleading is filed after a
12 petition or comparable pleading is filed in another state [or a foreign country](#) only if:

13 (1) The petition or comparable pleading in this state is filed before the expiration of the
14 time allowed in the other state [or the foreign country](#) for filing a responsive pleading challenging
15 the exercise of jurisdiction by the other state [or the foreign country](#);

16 (2) The contesting party timely challenges the exercise of jurisdiction in the other state
17 [or the foreign country](#); and

18 (3) If relevant, the other state is the home state of the child.

19 (b) A tribunal of this state may not exercise jurisdiction to establish a support order if the
20 petition or comparable pleading is filed before a petition or comparable pleading is filed in
21 another state [or a foreign country](#) if:

22 (1) The petition or comparable pleading in the other state [or foreign country](#) is filed
23 before the expiration of the time allowed in this state for filing a responsive pleading challenging
24 the exercise of jurisdiction by this state;

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

26 (3) If relevant, the other state is the home state [or foreign country](#) of the child.

27 **15-23.1-206. Continuing jurisdiction to enforce child support order.** -- (a) A tribunal
28 of this state that has issued a child-support order consistent with the law of this state may serve as
29 an initiating tribunal to request a tribunal of another state to enforce:

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

33 (2) A money judgment for arrears of support and interest on the order accrued before a
34 determination that an order [of a tribunal](#) of another state is the controlling order.

1 (b) A tribunal of this state having continuing jurisdiction over a support order may act as
2 a responding tribunal to enforce the order.

3 **15-23.1-207. Determination of controlling child support order.** -- (a) If a proceeding is
4 brought under this chapter, and only one tribunal has issued a child support order, the order of
5 that tribunal controls and must be so recognized.

6 (b) If a proceeding is brought under this chapter, and two (2) or more child support
7 orders have been issued by tribunals of this state, ~~or~~ another state or a foreign country with regard
8 to the same obligor and same child, a tribunal of this state having personal jurisdiction over both
9 the obligor and the individual obligee shall apply the following rules and by order shall determine
10 which order controls and must be recognized.

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

13 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction under
14 this chapter: (i) an order issued by a tribunal in the current home state of the child controls; but
15 (ii) if an order has not been issued in the current home state of the child, the order most recently
16 issued controls.

17 (3) If none of the tribunals would have continuing exclusive jurisdiction under this
18 chapter, the tribunal of this state shall issue a child support order, which controls.

19 (c) If two (2) or more child support orders have been issued for the same obligor and
20 same child, upon request of a party who is an individual or that is a support enforcement agency,
21 a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an
22 individual shall determine which order controls under subsection (b) of this section. The request
23 may be filed with a registration for enforcement or registration for modification pursuant to
24 Article 6, or may be filed as a separate proceeding.

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

28 (e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this
29 section has continuing jurisdiction to the extent provided in section 15-23.1-205 or section 15-
30 23.1-206.

31 (f) A tribunal of this state that determines by order which is the controlling order under
32 subdivision (1) or (2) of subsection (b) or subsection (c), or that issues a new controlling order
33 under subdivision (3) of subsection (b) shall state in that order: (1) the basis upon which the
34 tribunal made its determination; (2) the amount of prospective support, if any; and (3) the total

1 amount of consolidated arrears and accrued interest, if any, under all of the orders after all
2 payments made are credited as provided by section 15-23.1-209.

3 (g) Within thirty (30) days after issuance of an order determining which is the
4 controlling order, the party obtaining the order shall file a certified copy of it with each tribunal
5 that issued or registered an earlier order of child support. A party or support enforcement agency
6 obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a
7 tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or
8 enforceability of the controlling order.

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

12 **15-23.1-208. Child-support orders for two or more obligees.** -- In responding to
13 registrations or petitions for enforcement of two (2) or more child support orders in effect at the
14 same time with regard to the same obligor and different individual obligees, at least one of which
15 was issued by a tribunal of another state [or a foreign country](#), a tribunal of this state shall enforce
16 those orders in the same manner as if the orders had been issued by a tribunal of this state.

17 **15-23.1-209. Credit for payments.** -- A tribunal of this state shall credit amounts
18 collected for a particular period pursuant to any child-support order against the amounts owed for
19 the same period under any other child-support order for support of the same child issued by a
20 tribunal of this, ~~or~~ another state or [a](#) foreign country.

21 **15-23.1-210. Application of chapter to nonresident subject to personal jurisdiction.** -
22 - A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under
23 this chapter, under other law of this state relating to a support order, or recognizing a [foreign](#)
24 support order ~~of a foreign country or political subdivision on the basis of comity~~ may receive
25 evidence from ~~another~~ [outside this](#) state pursuant to section 15-23.1-316, communicate with a
26 tribunal ~~of another~~ [outside this](#) state pursuant to section 15-23.1-317, and obtain discovery
27 through ~~of another~~ [outside this](#) state pursuant to section 15-23.1-318. In all other respects,
28 ~~Articles 3 through 7~~ [sections 301 through 616](#) of this chapter do not apply and the tribunal shall
29 apply the procedural and substantive law of this state.

30 **15-23.1-211. Continuing exclusive jurisdiction to modify spousal-support order.** --
31 (a) A tribunal of this state issuing a spousal-support order consistent with the law of this state has
32 continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of
33 the support obligation.

34 (b) A tribunal of this state may not modify a spousal-support order issued by a tribunal

1 of another state [or a foreign country](#) having continuing, exclusive jurisdiction over that order
2 under the law of that state [or foreign country](#).

3 (c) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal-
4 support order may serve as:

5 (1) An initiating tribunal to request a tribunal of another state to enforce the spousal-
6 support order issued in this state; or

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

8 **15-23.1-301. Proceedings under this chapter.** -- (a) Except as otherwise provided in
9 this chapter, this article applies to all proceedings under this chapter.

10 (b) An individual petitioner or a support enforcement agency may initiate a proceeding
11 authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a
12 responding tribunal, or by filing a petition or a comparable pleading directly in a tribunal of
13 another state [or a foreign country](#) which has or can obtain personal jurisdiction over the
14 respondent.

15 **15-23.1-304. Duties of initiating tribunal.** -- (a) Upon the filing of a petition authorized
16 by this chapter, an initiating tribunal of this state shall forward the petition and its accompanying
17 documents:

18 (1) To the responding tribunal or appropriate support enforcement agency in the
19 responding state; or

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

23 (b) If requested by the responding tribunal, a tribunal of this state shall issue a certificate
24 or other document and make findings required by the law of the responding state. If the
25 responding ~~state tribunal~~ is [in](#) a foreign country ~~political-subdivision~~, upon request, the tribunal [of](#)
26 [this state](#) shall specify the amount of support sought, convert that amount into the equivalent
27 amount in the foreign currency under applicable official or market exchange rate as publicly
28 reported, and provide any other documents necessary to satisfy the requirements of the
29 responding ~~state~~ [foreign tribunal](#).

30 **15-23.1-305. Duties and powers of responding tribunal.** -- (a) When a responding
31 tribunal of this state receives a petition or comparable pleading from an initiating tribunal or
32 directly pursuant to section 15-23.1-301(b) it shall cause the petition or pleading to be filed and
33 notify the petitioner where and when it was filed.

34 (b) A responding tribunal of this state, to the extent not prohibited by other law, may do

1 one or more of the following:

2 (1) ~~Issue~~ Establish or enforce a support order, modify a child support order, determine
3 the controlling child support order, or to determine parentage of a child;

4 (2) Order an obligor to comply with a support order specifying the amount and the
5 manner of compliance;

6 (3) Order income withholding;

7 (4) Determine the amount of any arrearages, and specify a method of payment;

8 (5) Enforce orders by civil or criminal contempt, or both;

9 (6) Set aside property for satisfaction of the support order;

10 (7) Place liens and order execution on the obligor's property;

11 (8) Order an obligor to keep the tribunal informed of the obligor's current residential
12 address, electronic-mail address, telephone number, employer, address of employment, and
13 telephone number at the place of employment;

14 (9) Issue a body attachment for an obligor who has failed, after proper notice, to appear
15 at a hearing ordered by the tribunal and enter the body attachment in any local and state computer
16 systems for criminal warrants;

17 (10) Order the obligor to seek appropriate employment by specified methods;

18 (11) Award reasonable attorney's fees and other fees and costs; and

19 (12) Grant any other available remedy.

20 (c) A responding tribunal of this state shall include in a support order issued under this
21 chapter, or in the documents accompanying the order, the calculations on which the support order
22 is based.

23 (d) A responding tribunal of this state may not condition the payment of a support order
24 issued under this chapter upon compliance by a party with provisions for visitation.

25 (e) If a responding tribunal of this state issues an order under this chapter, the tribunal
26 shall send a copy of the order by first class mail to the petitioner and the respondent and to the
27 initiating tribunal, if any.

28 (f) If requested to enforce a support order, arrears, or judgment or modify a support order
29 stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in
30 the foreign currency to the equivalent amount in dollars under the applicable official or market
31 exchange rate as publicly reported.

32 **15-23.1-306. Inappropriate tribunal.** -- If a petition or comparable pleading is received
33 by an inappropriate tribunal of this state, the tribunal shall forward the pleading and
34 accompanying documents to an appropriate tribunal ~~in~~ of this state or another state and notify the

1 petitioner where and when the pleading was sent.

2 **15-23.1-307. Duties of support enforcement agency.** -- (a) A support enforcement
3 agency of this state, upon request, shall provide services to a petitioner in a proceeding under this
4 chapter.

5 (b) A support enforcement agency of this state that is providing services to the petitioner
6 shall:

7 (1) Take all steps necessary to enable an appropriate tribunal ~~in this state or another state~~
8 of this state, another state or a foreign country to obtain jurisdiction over the respondent;

9 (2) Request an appropriate tribunal to set a date, time, and place for a hearing;

10 (3) Make a reasonable effort to obtain all relevant information, including information as
11 to income and property of the parties;

12 (4) Within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, after
13 receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of
14 the notice to the petitioner;

15 (5) Within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, after
16 receipt of in a record communication from the respondent, or the respondent's attorney, send a
17 copy of the communication to the petitioner; and

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

19 (c) A support enforcement agency of this state that requests registration of a child-
20 support order in this state for enforcement or for modification shall make reasonable efforts:

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

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

25 (d) A support enforcement agency of this state that requests registration and enforcement
26 of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts
27 stated in the foreign currency into the equivalent amounts in dollars under the applicable official
28 or market exchange rate as publicly reported.

29 (e) A support enforcement agency of this state shall issue or request a tribunal of this
30 state to issue a child-support order and an income-withholding order that redirect payment of
31 current support, arrears, and interest if requested to do so by a support enforcement agency of
32 another state pursuant to section 319 ~~of the Uniform Interstate Family Support Act.~~

33 (f) This chapter does not create or negate a relationship of attorney and client or other
34 fiduciary relationship between a support enforcement agency or the attorney for the agency and

1 the individual being assisted by the agency.

2 **15-23.1-308. Duty of attorney general.** -- (a) If the attorney general determines that the
3 support enforcement agency is neglecting or refusing to provide services to an individual, the
4 attorney general may order the agency to perform its duties under this chapter or may provide
5 those services directly to the individual.

6 (b) The attorney general may determine that a foreign country ~~or political subdivision~~
7 has established a reciprocal arrangement for child-support with this state and take appropriate
8 action for notification of the determination.

9 **15-23.1-310. Duties of state information agency.** -- (a) The division of taxation within
10 the department of administration is the state information agency under this chapter.

11 (b) The state information agency shall:

12 (1) Compile and maintain a current list, including addresses, of the tribunals in this state
13 which have jurisdiction under this chapter and any support enforcement agencies in this state and
14 transmit a copy to the state information agency of every other state;

15 (2) Maintain a register of names and addresses of tribunals and support enforcement
16 agencies received from other states;

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

22 (4) Obtain information concerning the location of the obligor and the obligor's property
23 within this state not exempt from execution, by means such as postal verification and federal or
24 state locator services, examination of telephone directories, requests for the obligor's address
25 from employers, and examination of governmental records, including, to the extent not prohibited
26 by other law, those relating to real property, vital statistics, law enforcement, taxation, motor
27 vehicles, drivers' licenses, and social security.

28 **15-23.1-311. Pleadings and accompanying documents.** -- (a) In a proceeding under this
29 chapter, a petitioner seeking to establish a support order, to determine parentage of a child or to
30 register and modify a support order of a tribunal of another state or a foreign country must file a
31 verified petition. Unless otherwise ordered under section 15-23.1-312, the petition or
32 accompanying documents must provide, so far as known, the name, residential address, and
33 social security numbers of the obligor and the obligee or the parent and alleged parent, and the
34 name, sex, residential address, social security number, and date of birth of each child for whose

1 benefit support is sought or whose parentage is to be determined. Unless filed at the time of
2 registration, the petition must be accompanied by a copy of any support order known to have
3 been issued by another tribunal. The petition may include any other information that may assist in
4 locating or identifying the respondent.

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

8 **15-23.1-313. Costs and fees.** -- (a) The petitioner may not be required to pay a filing fee
9 or other costs.

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

18 (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it
19 determines that a hearing was requested primarily for delay. In a proceeding under Article 6,
20 sections 15-23.1-601 -- 15-23.1-614, a hearing is presumed to have been requested primarily for
21 delay if a registered support order is confirmed or enforced without change.

22 **15-23.1-316. Special rules of evidence and procedure.** -- (a) The physical presence of a
23 nonresident party who is an individual in a tribunal of this state is not required for the
24 establishment, enforcement, or modification of a support order or the rendition of a judgment
25 determining parentage [of a child](#).

26 (b) An affidavit, a document substantially complying with federal mandated forms, or a
27 document incorporated by reference in any of them, which would not be excluded under the
28 hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a
29 party or witness residing ~~in another~~ [outside this](#) state.

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

33 (d) Copies of bills for testing for parentage [of a child](#), and for prenatal and postnatal
34 health care of the mother and child, furnished to the adverse party at least ten (10) days before

1 trial, are admissible in evidence to prove the amount of the charges billed and that the charges
2 were reasonable, necessary, and customary.

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

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

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

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

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

18 (j) A voluntary acknowledgement of paternity, certified as a true copy, is admissible to
19 establish parentage of the child.

20 **15-23.1-317. Communications between tribunals.** -- A tribunal of this state may
21 communicate with a tribunal ~~of another~~ outside this state ~~or foreign country~~ or political
22 subdivision in a record, or by telephone, electronic mail or other means, to obtain information
23 concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status
24 of a proceeding ~~in the other state or foreign country or political subdivision~~. A tribunal of this
25 state may furnish similar information by similar means to a tribunal ~~of another~~ outside this state
26 ~~or foreign country or political subdivision~~.

27 **15-23.1-318. Assistance with discovery.** -- A tribunal of this state may:

28 (1) Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery; and

29 (2) Upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a
30 discovery order issued by a tribunal ~~of another~~ outside this state.

31 **15-23.1-319. Receipt and disbursement of payments.** -- (a) A support enforcement
32 agency or tribunal of this state shall disburse promptly any amounts received pursuant to a
33 support order, as directed by the order. The agency or tribunal shall furnish to a requesting party
34 or tribunal of another state or foreign country a certified statement by the custodian of the record

1 of the amounts and dates of all payments received.

2 (b) If neither the obligor, nor the obligee who is an individual, nor the child resides in
3 this state, upon request from the support enforcement agency of this state or another state, the
4 support enforcement agency of this state or a tribunal of this state shall:

5 (1) Direct that the support payment be made to the support enforcement agency in the
6 state in which the obligee is receiving services; and

7 (2) Issue and send to the obligor's employer a conforming income-withholding order or
8 an administrative notice of change of payee, reflecting the redirected payments.

9 (c) The support enforcement agency of this state receiving redirected payments from
10 another state pursuant to a law similar to subsection (b) shall furnish to a requesting party or
11 tribunal of the other state a certified statement by the custodian of the record of the amount and
12 dates of all payments received.

13 ARTICLE 4

14 ESTABLISHMENT OF SUPPORT ORDER

15 ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE

16 15-23.1-401. ~~Petition to establish support order~~ Establishment of support order. --

17 (a) If a support order entitled to recognition under this chapter has not been issued, a responding
18 tribunal of this state with personal jurisdiction over the parties may issue a support order if:

19 (1) The individual seeking the order resides ~~of another~~ outside this state; or

20 (2) The support enforcement agency seeking the order is located ~~of another~~ outside this
21 state.

22 (b) The tribunal may issue a temporary child support order if the tribunal determined that
23 such an order is appropriate and the individual ordered to pay is:

24 (1) a presumed father of the child;

25 (2) petitioning to have his paternity adjudicated;

26 (3) identified as the father of the child through genetic testing;

27 (4) an alleged father who has declined to submit to genetic testing;

28 (5) shown by clear and convincing evidence to be the father of the child;

29 (6) an acknowledged father as provided by applicable state law;

30 (7) the mother of the child; or

31 (8) an individual who has been ordered to pay child support in previous proceeding and
32 the order has not been reversed or vacated.

33 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of
34 support, the tribunal shall issue a support order directed to the obligor and may issue other orders

1 pursuant to section 15-23.1-305.

2 ARTICLE 5

3 ~~ENFORCEMENT OF ANOTHER STATE WITHOUT REGISTRATION~~

4 ENFORCEMENT OF SUPPORT WITHOUT REGISTRATION

5 **15-23.1-504. Immunity from civil liability.** -- An employer ~~who~~ that complies with an
6 income-withholding order issued in another state in accordance with this article is not subject to
7 civil liability to any individual or agency with regard to the employer's withholding of child
8 support from the obligor's income.

9 **15-23.1-505. Penalties for noncompliance.** -- An employer ~~who~~ that willfully fails to
10 comply with an income-withholding order issued ~~by~~ in another state and received for
11 enforcement is subject to the same penalties that may be imposed for noncompliance with an
12 order issued by a tribunal of this state.

13 **15-23.1-507. Administrative enforcement of orders.** -- (a) A party or support
14 enforcement agency seeking to enforce a support order or an income-withholding order, or both,
15 issued ~~by a tribunal of~~ in another state or a foreign support order may send the documents
16 required for registering the order to a support enforcement agency of this state.

17 (b) Upon receipt of the documents, the support enforcement agency, without initially
18 seeking to register the order, shall consider and, if appropriate, use any administrative procedure
19 authorized by the law of this state to enforce a support order or an income-withholding order, or
20 both. If the obligor does not contest administrative enforcement, the order need not be registered.
21 If the obligor contests the validity or administrative enforcement of the order, the support
22 enforcement agency shall register the order pursuant to this chapter.

23 **15-23.1-601. Registration of order for enforcement.** -- A support order or income-
24 withholding order issued ~~by a tribunal of~~ in another state may be registered in this state or a
25 foreign support order may be registered in this state for enforcement.

26 **15-23.1-602. Procedure to register order for enforcement.** -- (a) ~~A~~ Except as otherwise
27 provided in section 15-23.1-706, a support order or income-withholding order of another state
28 may be registered in this state or foreign support order by sending the following records ~~and~~
29 ~~information~~ to the appropriate tribunal in this state:

- 30 (1) A letter of transmittal to the tribunal requesting registration and enforcement;
- 31 (2) Two (2) copies, including one certified copy, of the order to be registered, including
32 any modification of the order;
- 33 (3) A sworn statement by the person requesting registration or a certified statement by
34 the custodian of the records showing the amount of any arrearage;

- 1 (4) The name of the obligor and, if known;
- 2 (i) The obligor's address and social security number;
- 3 (ii) The name and address of the obligor's employer and any other source of income of
- 4 the obligor; and
- 5 (iii) A description and the location of property of the obligor in this state not exempt
- 6 from execution; and
- 7 (5) Except as otherwise provided in section 15-23.1-312, the name and address of the
- 8 obligee and, if applicable, the person to whom support payments are to be remitted.
- 9 (b) On receipt of a request for registration, the registering tribunal shall cause the order
- 10 to be filed as ~~a foreign judgment~~ [an order of a tribunal of another state or a foreign support order](#),
- 11 together with one copy of the documents and information, regardless of their form.
- 12 (c) A petition or comparable pleading seeking a remedy that must be affirmatively
- 13 sought under other law of this state may be filed at the same time as the request for registration or
- 14 later. The pleading must specify the grounds for the remedy sought.
- 15 (d) If two (2) or more orders are in effect, the person requesting registration shall:
- 16 (1) furnish to the tribunal a copy of every support order asserted to be in effect in
- 17 addition to the documents specified in this section;
- 18 (2) specify the order alleged to be the controlling order, if any; and
- 19 (3) specify the amount of consolidated arrears, if any.
- 20 (e) A request for a determination of which is the controlling order may be filed
- 21 separately or with a request for registration and enforcement or for registration and modification.
- 22 The person requesting registration shall give notice of the request to each party whose rights may
- 23 be affected by the determination.

24 **15-23.1-603. Effect of registration for enforcement.** -- (a) A support order or income-

25 withholding order issued in another state [or a foreign support order](#) is registered when the order is

26 filed in the registering tribunal of this state.

27 (b) A registered [support](#) order issued in another state [or a foreign country](#) is enforceable

28 in the same manner and is subject to the same procedures as an order issued by a tribunal of this

29 state.

30 (c) Except as otherwise provided in this article, a tribunal of this state shall recognize

31 and enforce, but may not modify, a registered [support](#) order if the issuing tribunal had

32 jurisdiction.

33 **15-23.1-604. Choice of law.** -- (a) Except as otherwise provided in subsection (d), the

34 law of the issuing state [or foreign country](#) governs: (1) the nature, extent, amount, and duration of

1 current payments under a registered support order; (2) the computation and payment of arrearages
2 and accrual of interest on the arrearages under the support order; and (3) the existence and
3 satisfaction of other obligations under the support order.

4 (b) In a proceeding for arrears under a registered support order, the statute of limitation
5 of this state or of the issuing state or foreign country, whichever is longer, applies.

6 (c) A responding tribunal of this state shall apply the procedures and remedies of this
7 state [or foreign country](#) to enforce current support and collect arrears and interest due on a
8 support order of another state registered in this state.

9 (d) After a tribunal of this or another state determines which is the controlling order and
10 issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the
11 law of the state [or foreign country](#) issuing the controlling order, including its law on interest on
12 arrears, on current and future support, and on consolidated arrears.

13 **15-23.1-605. Notice of registration of order.** -- (a) When a support order or income-
14 withholding order issued in another state [or foreign support order](#) is registered, the registering
15 tribunal [of this state](#) shall notify the nonregistering party. The notice must be accompanied by a
16 copy of the registered order and the documents and relevant information accompanying the order.

17 (b) A notice must inform the non-registering party:

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

20 (2) That a hearing to contest the validity or enforcement of the registered order must be
21 requested within twenty (20) days after notice [unless the registered order is under section 15-](#)
22 [23.1-707](#);

23 (3) That failure to contest the validity or enforcement of the registered order in a timely
24 manner will result in confirmation of the order and enforcement of the order and the alleged
25 arrearages, and precludes further contest of that order with respect to any matter that could have
26 been asserted; and

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

28 (c) If the registering party asserts that two (2) or more orders are in effect, a notice must
29 also:

30 (1) Identify the two (2) or more orders and the order alleged by the registering ~~person~~
31 [party](#) to be the controlling order and the consolidated arrears, if any;

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

34 (3) State that the procedures provided in subsection (b) apply to the determination of

1 which is the controlling order; and

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

5 (d) Upon registration of an income-withholding order for enforcement, [the support](#)
6 [enforcement agency](#) or the registering tribunal shall notify the obligor's employer pursuant to the
7 income-withholding law of this state.

8 ~~**15-23.1-606. Procedure to contest validity or enforcement of registered order**~~

9 **Procedure to contest validity or enforcement of registered support order.** -- (a) A non-
10 registering party seeking to contest the validity or enforcement of a registered order in this state
11 shall request a hearing within ~~twenty (20) days after notice of the registration~~ [the time required by](#)
12 [section 605](#). The non-registering party may seek to vacate the registration, to assert any defense to
13 an allegation of noncompliance with the registered order, or to contest the remedies being sought
14 or the amount of any alleged arrearages pursuant to section 15-23.1-607.

15 (b) If the non-registering party fails to contest the validity or enforcement of the
16 registered order in a timely manner, the order is confirmed by operation of law.

17 (c) If a non-registering party requests a hearing to contest the validity or enforcement of
18 the registered order, the registering tribunal shall schedule the matter for a hearing and give notice
19 to the parties of the date, time, and place of the hearing.

20 **15-23.1-607. Contest of registration or enforcement.** -- (a) A party contesting the
21 validity or enforcement of a registered [support](#) order or seeking to vacate the registration has the
22 burden of proving one or more of the following defenses:

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

24 (2) The order was obtained by fraud;

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

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

27 (5) There is a defense under the law of this state to the remedy sought;

28 (6) Full or partial payment has been made;

29 (7) The statute of limitations under section 15-23.1-604 (Choice of law) precludes
30 enforcement of some or all of the arrearages; or

31 (8) The alleged controlling order is not the controlling order.

32 (b) If a party presents evidence establishing a full or partial defense under subsection (a)
33 of this section, a tribunal may stay enforcement of ~~the~~ a registered [support](#) order, continue the
34 proceeding to permit production of additional relevant evidence, and issue other appropriate

1 orders. An uncontested portion of the registered [support](#) order may be enforced by all remedies
2 available under the law of this state.

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

6 **15-23.1-608. Confirmed order.** -- Confirmation of a registered [support](#) order, whether
7 by operation of law or after notice and a hearing, precludes further contest of the order with
8 respect to any matter that could have been asserted at the time of registration.

9 ~~PART 3. REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER~~

10 [PART 3. REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER OF](#)
11 [ANOTHER STATE](#)

12 **15-23.1-609. Procedure to register child support order of another state for**
13 **modification.** -- A party or support enforcement agency seeking to modify, or to modify and
14 enforce, a child support order issued in another state shall register that order in this state in the
15 same manner provided in ~~Part 1,~~ sections 15-23.1-601 ~~—15-23.1-602~~ [through 15-23.1-608](#), if the
16 order has not been registered. A petition for modification may be filed at the same time as a
17 request for registration, or later. The pleading must specify the grounds for modification.

18 **15-23.1-610. Effect of registration for modification.** -- A tribunal of this state may
19 enforce a child support order of another state registered for purposes of modification in the same
20 manner as if the order had been issued by a tribunal of this state, but the registered [support](#) order
21 may be modified only if the requirements of section 15-23.1-611, [or](#) 15-23.1-613 ~~or 15-23.1-615~~
22 have been met.

23 **15-23.1-611. Modification of child support order of another state.** -- (a) If section 15-
24 23.1-613 does not apply, ~~except as otherwise provided in section 15-23.1-615,~~ upon petition a
25 tribunal of this state may modify a child support order issued in another state which is registered
26 in this state if after notice and hearing the tribunal finds that:

27 (1) The following requirements are met:

28 (i) Neither child, nor the obligee who is an individual, nor the obligor resides in the
29 issuing state;

30 (ii) A petitioner who is a nonresident of this state seeks modification; and

31 (iii) The respondent is subject to the personal jurisdiction of the tribunal of this state; or

32 (2) This state is the ~~state of~~ residence of the child, or a party who is an individual, is
33 subject to the personal jurisdiction of the tribunal of this state and all of the parties who are
34 individuals have filed consent in a record in the issuing tribunal for a tribunal of this state to

1 modify the support order and assume continuing, exclusive jurisdiction.

2 (b) Modification of a registered child support order is subject to the same requirements,
3 procedures, and defenses that apply to the modification of an order issued by a tribunal of this
4 state and the order may be enforced and satisfied in the same manner.

5 (c) ~~Except as otherwise provided in section 15-23.1-615, a~~ tribunal of this state may not
6 modify any aspect of a child support order that may not be modified under the law of the issuing
7 state, including the duration of the obligation of support. If two (2) or more tribunals have issued
8 child support orders for the same obligor and child, the order that controls and must be so
9 recognized under section 15-23.1-207 establishes the aspects of the support order which are non-
10 modifiable.

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

15 (e) On issuance of an order by a tribunal of this state modifying a child support order
16 issued in another state, the tribunal of this state becomes the tribunal of continuing, exclusive
17 jurisdiction.

18 (f) Notwithstanding subsections (a) through (e) and subsection 15-23.1-201(b), a tribunal
19 of this state retains jurisdiction to modify an order issued by a tribunal of this state if:

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

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

22 PART 4. REGISTRATION ENFORCEMENT AND MODIFICATION OF FOREIGN
23 CHILD-SUPPORT ORDER

24 ~~15-23.1-615. Jurisdiction to modify child-support order of foreign country or~~
25 ~~political subdivision~~ **Jurisdiction to modify child-support order of foreign country.** -- (a)

26 Except as otherwise provided in section 15-23.1-711, if ~~If~~ a foreign country ~~or political~~
27 ~~subdivision that is a state will not or may not modify its order~~ lacks or refuses to exercise

28 jurisdiction to modify its child-support order pursuant to its laws, a tribunal of this state may
29 assume jurisdiction to modify the child-support order and bind all individuals subject to the
30 personal jurisdiction of the tribunal whether ~~or not~~ the consent to modification of a child-support
31 order otherwise required of the individual pursuant to section 15-23.1-611 has been given or
32 whether the individual seeking modification is a resident of this state or of the foreign country ~~or~~
33 ~~political subdivision~~.

34 (b) An order issued by a tribunal of this state modifying a foreign child-support order

1 pursuant to this section is the controlling order.

2 ARTICLE 7

3 ~~DETERMINATION OF PARENTAGE~~

4 DETERMINATION OF PARENTAGE SUPPORT PROCEEDING UNDER
5 CONVENTION

6 ~~15-23.1-701. Proceeding to determine parentage~~ **Definitions.** -- ~~A court of this state~~
7 ~~authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to~~
8 ~~determine parentage brought under this chapter or a law substantially similar to this chapter. In~~ In
9 this chapter:

10 (1) “Application” means a request under the convention by an obligee or obligor, or on
11 behalf of a child, made through a central authority for assistance from another central authority.

12 (2) “Central authority” means the entity designated by the United States or a foreign
13 country described in subdivision 15-23.1-101(5)(iv) to perform the functions specified in the
14 convention.

15 (3) “Convention support order” means a support order of a tribunal of a foreign country
16 described in subdivision 15-23.1-101(5)(iv).

17 (4) “Direct request” means a petition filed by an individual in a tribunal of this state in a
18 proceeding involving an obligee, obligor, or child residing outside the United States.

19 (5) “Foreign central authority” means the entity designated by a foreign country
20 described in subdivision 15-23.1-101(5)(iv) to perform the functions specified in the convention.

21 (6) “Foreign support agreement”:

22 (i) An agreement for support in a record that:

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

24 (B) Has been:

25 (I) Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

26 (II) Authenticated by, or concluded, registered, or filed with a foreign tribunal; and

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

28 (ii) Includes a maintenance arrangement or authentic instrument under the convention.

29 (7) “United States central authority” means the secretary of the United States department
30 of health and human services.

31 **15-23.1-901. Uniformity of application and construction.** -- In applying and construing
32 this ~~Uniform Act~~ uniform act consideration must be given to the need to promote uniformity of
33 the law with respect to its subject matter among states that enact it.

34 **15-23.1-904. Effective date.** -- This chapter, as amended, takes effect ~~July 1, 2006~~ six (6)

1 [months after either congress amending 42 USC section 666\(f\) to allow or require states to adopt](#)
2 [this version of the uniform interstate family support act, or six \(6\) months after the state obtaining](#)
3 [a waiver of its state plan requirement under title IV-D of the social security act.](#)

4 SECTION 2. Sections 15-23.1-905 and 15-23.1-907 of the General Laws in Chapter 15-
5 23.1 entitled "Uniform Interstate Family Support Act" are hereby repealed.

6 ~~**15-23.1-905. Jurisdiction.** -- The Rhode Island family court, and where specifically~~
7 ~~authorized by law, the Rhode Island division of taxation within the department of administration,~~
8 ~~shall have jurisdiction of any proceeding under this chapter.~~

9 ~~**15-23.1-907. Remedies of state or political subdivision furnishing support.** -- (a)~~
10 ~~Except in cases involving fraud, misrepresentation, or false statement, if a state or a political~~
11 ~~subdivision furnishes support to an individual obligee, it shall not have the right to initiate a~~
12 ~~proceeding under this chapter for the purpose of securing reimbursement for support furnished.~~
13 ~~The state shall have the right to initiate a proceeding for the purpose of:~~

14 ~~(1) Obtaining continuing support; and/or~~

15 ~~(2) Reimbursement in cases of fraud, misrepresentation, or false statement.~~

16 ~~(b) The state shall have the right to recover all arrearages in court ordered support~~
17 ~~payments which were ordered or agreed to for continuing support and not for reimbursement of~~
18 ~~aid to families with dependent children (AFDC).~~

19 ~~(c) Except to the extent that support furnished was obtained by fraud, misrepresentation~~
20 ~~or false statement, the state, through the department of administration, division of taxation, child~~
21 ~~support enforcement, shall take all necessary action, including court action, to dismiss all~~
22 ~~proceedings relating to reimbursement for support furnished and to vacate any orders relating to~~
23 ~~reimbursement for support furnished. The department shall further take all necessary action to~~
24 ~~discharge all liens against real estate and/or personal property which resulted from a proceeding~~
25 ~~for reimbursement for support furnished.~~

26 ~~(d) No person who has paid the state any sum as a result of a proceeding for~~
27 ~~reimbursement of support furnished shall be entitled to a refund of the amount paid or a credit of~~
28 ~~the amount paid against a continuing support obligation or an arrearage of a support obligation.~~

29 SECTION 3. Chapter 15-23.1 of the General Laws entitled "Uniform Interstate Family
30 Support Act" is hereby amended by adding thereto the following sections:

31 ~~**15-23.1-104. Application of this chapter to resident of foreign country and foreign**~~
32 ~~**support proceeding.** -- (a) [A tribunal of this state shall apply this chapter to a support proceeding](#)~~
33 ~~[involving:](#)~~

34 ~~(1) [A foreign support order;](#)~~

1 (2) A foreign tribunal; or
2 (3) An obligee, obligor or a child residing in a foreign country.

3 (b) A tribunal of this state that is requested to recognize and enforce a support order on
4 the basis of comity may apply the procedural and substantive provisions of this chapter.

5 (c) Article 7 of this chapter applies only to a support proceeding under the convention. In
6 such a proceeding, if a provision of article 7 is inconsistent with articles 1 through 6, the
7 provisions of article 7 controls.

8 **15-23.1-402. Proceeding to determine parentage.** – A tribunal of this state authorized
9 to determine parentage of a child may serve as a responding tribunal in a proceeding to determine
10 parentage of a child brought under this act or a law or procedure substantially similar to this act.

11 **15-23.1-616. Procedure to register child-support order of foreign country for**
12 **modification.** – A party or support enforcement agency seeking to modify, or to modify and
13 enforce, a foreign child-support order not under the convention may register that order in this
14 state under sections 15-23.1-601 through 15-23.1-608 if the order has not been registered. A
15 petition for modification may be filed at the same time as a request for registration, or at another
16 time. The petition must specify the grounds for modification.

17 **15-23.1-702. Applicability.** – This chapter applies only to a support proceeding under the
18 convention. In such a proceeding, if a provision of this article is inconsistent with articles 1
19 through 6, this article controls.

20 **15-23.1-703. Relationship of the Rhode Island court to United States central**
21 **authority.** – The court of this state is recognized as the agency designated by the United States
22 central authority to perform specific functions under the convention.

23 **15-23.1-704. Initiation by the Rhode Island court of support proceeding under**
24 **convention.** – (a) In a support proceeding under this chapter, the court of this state shall:

25 (1) Transmit and receive applications; and
26 (2) Initiate or facilitate the institution of a proceeding regarding an application in a
27 tribunal of this state.

28 (b) The following support proceedings are available to an obligee under the convention:

29 (1) Recognition or recognition and enforcement of a foreign support order;
30 (2) Enforcement of a support order issued or recognized in this state;
31 (3) Establishment of a support order if there is no existing order, including, if necessary,
32 determination of parentage of a child;

33 (4) Establishment of support order if recognition of a foreign support order is refused
34 under subdivision 15-23.1-708(b)(2), (4) or (9);

1 (5) Modification of a support order of a tribunal of this state; and
2 (6) Modification of a support order of a tribunal of another state or a foreign country.

3 (c) The following support proceedings are available under the convention to an obligor
4 against which there is an existing support order:

5 (1) Recognition of an order suspending or limiting enforcement of an existing support
6 order of a tribunal of this state;

7 (2) Modification of a support order of a tribunal of this state; and

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

9 (d) A tribunal of this state may not require security, bond, or deposit, however described,
10 to guarantee the payment of costs and expenses in proceedings under the convention.

11 **15-23.1-705. Direct request.** – (a) A petitioner may file a direct request seeking
12 establishment or modification of a support order or determination of parentage of a child. In the
13 proceeding, the law of this state applies.

14 (b) A petitioner may file a direct request seeking recognition and enforcement of a
15 support order or support agreement. In the proceeding, sections 15-23.1-706 through 15-23.1-713
16 apply.

17 (c) In a direct request for recognition and enforcement of a convention support order or
18 foreign support agreement:

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

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

24 (d) A petitioner filing a direct request is not entitled to assistance from the court.

25 (e) This chapter does not prevent the application of laws of this state that provide
26 simplified, more expeditious rules regarding a direct request for recognition and enforcement of a
27 foreign support order or foreign support agreement.

28 **15-23.1-706. Registration of convention support order.** – (a) Except as otherwise
29 provided in this article, a party who is an individual or a support enforcement agency seeking
30 recognition of a convention support order shall register the order in this state as provided in
31 article 6.

32 (b) Notwithstanding section 15-23.1-311 and subsection 15-23.1-602(a), a request for
33 registration of a convention support order must be accompanied by:

34 (1) A complete text of the support order or an abstract or extract of the support order

1 drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague
2 conference on private international law.

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

4 (3) If the respondent did not appear and was not represented in the proceedings in the
5 issuing country, a record attesting, as appropriate, either that the respondent had proper notice of
6 the proceedings and an opportunity to be heard or that the respondent had proper notice of the
7 support order and an opportunity to be heard in a challenge or appeal on fact or law before a
8 tribunal;

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

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

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

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

17 (d) A tribunal of this state may vacate the registration of a convention support order
18 without the filing of a contest under section 15-23.1-707 only if, acting on its own motion, the
19 tribunal finds that recognition and enforcement of the order would be manifestly incompatible
20 with public policy.

21 (e) The tribunal shall promptly notify the parties of the registration or the order vacating
22 the registration of a convention support order.

23 **15-23.1-707. Contest of registered convention support order.** – (a) Except as
24 otherwise provided in this chapter, sections 605 through 608 apply to a contest of a registered
25 convention support order.

26 (b) A party contesting a registered convention support order shall file a contest not later
27 than thirty (30) days after notice of the registration, but if the contesting party does not reside in
28 the United States, the contest must be filed not later than sixty (60) days after the notice of the
29 registration.

30 (c) If the nonregistering party fails to contest the registered convention support order by
31 the time specified in subsection (b), the order is enforceable.

32 (d) A contest of a registered convention support order may be based only on grounds set
33 forth in section 15-23.1-708. The contesting party bears the burden of proof.

34 (e) In a contest of a registered convention support order, a tribunal of this state:

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

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

4 (f) A tribunal of this state deciding a contest of a registered convention support order
5 shall promptly notify the parties of its decision.

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

8 **15-23.1-708. Recognition and enforcement of registered convention support order. –**

9 (a) Except as otherwise provide in subsection (b), a tribunal of this state shall recognize and
10 enforce a registered convention support order.

11 (b) The following grounds are the only grounds on which a tribunal of this state may
12 refuse recognition and enforcement of a registered convention support order;

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

16 (2) The issuing tribunal lacked personal jurisdiction consistent with section 201;

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

18 (4) The order was obtained by fraud in connection with a matter or procedure;

19 (5) A record transmitted in accordance with section 15-23.1-706 lacks authenticity;

20 (6) A proceeding between the same parties and having the same purpose is pending
21 before a tribunal of this state and that proceeding was the first to be filed;

22 (7) The order is incompatible with a more recent support order involving the same parties
23 and having the same purpose if the more recent support order is entitled to recognition and
24 enforcement under this chapter in this state;

25 (8) Payment, to the extent alleged arrears have been paid in whole or in part;

26 (9) In a case in which the respondent neither appeared nor was represented in the
27 proceeding in the issuing foreign country;

28 (i) If the law or that a country provides for prior notice of proceedings, the respondent did
29 not have proper notice of the proceedings and an opportunity to be heard; or

30 (ii) If the law of that country does not provide for prior notice of the proceedings, the
31 respondent did not have proper notice of the order and an opportunity to be heard in a challenge
32 or appeal on fact or law before a tribunal; or

33 (10) The order was made in violation of section 15-23.1-711.

34 (c) If a tribunal of this state does not recognize a convention support order under

1 subsection (b)(2), (4), (6), or (9):

2 (1) The tribunal may not dismiss the proceeding without allowing a reasonable time for
3 party to request the establishment of a new convention support order; and

4 (2) The court shall take all appropriate measures to request a child-support order for the
5 obligee if the application for recognition and enforcement was received under section 15-23.1-
6 704.

7 **15-23.1-709. Partial enforcement.** – If a tribunal of this state does not recognize and
8 enforce a convention support order in its entirety, it shall enforce any severable part of the order.
9 An application or direct request may seek recognition and partial enforcement of a Convention
10 support order.

11 **15-23.1-710. Foreign support agreement.** – (a) Except as otherwise provided in
12 subsections (c) and (d), a tribunal of this state shall recognize and enforce a foreign support
13 agreement registered in this state.

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

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

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

19 (c) A tribunal of this state may vacate the registration of a foreign support agreement only
20 if, acting on its own motion; the tribunal finds that recognition and enforcement would be
21 manifestly incompatible with public policy.

22 (d) In a contest of a foreign support agreement, a tribunal of this state may refuse
23 recognition and enforcement of the agreement if it finds:

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

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

27 (3) The agreement is incompatible with a support order involving the same parties and
28 having the same purpose in this state, another state, or a foreign country if the support order is
29 entitled to recognition and enforcement under this chapter in this state; or

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

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

34 **15-23.1-711. Modification of convention child-support order.** --

1 (a) A tribunal of this state may not modify a convention child-support order if the obligee
2 remains a resident of the foreign country where the support order was issued unless:

3 (1) The obligee submits to the jurisdiction of a tribunal of this state, either expressly or by
4 defending on the merits of the case without objecting to the jurisdiction at the first available
5 opportunity; or

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

8 (b) If a tribunal of this state does not modify a convention child-support order because the
9 order is not recognized in this state, subsection 15-23.1-708(c) applies.

10 **15-23.1-712. Personal information; Limit on use.** -- Personal information gathered or
11 transmitted under this chapter may be used only for the purposes for which it was gathered or
12 transmitted.

13 **15-23.1-713. Record in original language; English translation.** -- A record filed with a
14 tribunal of this state under this chapter must be in the original language and, if not in English,
15 must be accompanied by an English translation.

16 **15-23.1-902. Transitional provision.** – [This chapter applies to proceedings begun on or](#)
17 [after the effective date of this act to establish a support order or determine parentage of a child or](#)
18 [to register, recognize, enforce, or modify a prior support order, determination, or agreement,](#)
19 [whenever issued or entered.](#)

20 SECTION 4. This act shall take effect six (6) months after either congress amending 42
21 USC section 666(f) to allow or require states to adopt this version of the uniform interstate family
22 support act, or six (6) months after the state obtaining a waiver of its state plan requirement under
23 title IV-D of the social security act.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO DOMESTIC RELATIONS -- UNIFORM INTERSTATE FAMILY SUPPORT
ACT -- GENERAL PROVISIONS

1 This act would update the uniform interstate family support act of 2006 to implement the
2 convention of the international recovery of child support and other forms of family maintenance,
3 concluded at the Hague on November 23, 2007 and ratified by the United States senate.

4 This act shall take effect six (6) months after either congress amending 42 USC section
5 666(f) to allow or require states to adopt this version of the uniform interstate family support act,
6 or six (6) months after the state obtaining a waiver of its state plan requirement under title IV-D
7 of the social security act.

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