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LC01725/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

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A N A C T

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

Introduced By: Representatives Corvese, Lewiss, San Bento, and Gallison

Date Introduced: February 15, 2006

Referred To: House Health, Education & Welfare

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, 15-23.1-104 ,15-23.1-201,
2 15-23.1-202, 15-23.1-204, 15-23.1-205, 15-23.1-206, 15-23.1-207, 15-23.1-208, 15-23.1-209, 15-
3 23.1-301, 15-23.1-302, 15-23.1-303, 15-23.1-304, 15-23.1-305, 15-23.1-306, 15-23.1-307, 15-
4 23.1-308, 15-23.1-310, 15-23.1-311, 15-23.1-312, 15-23.1-313, 15-23.1-314, 15-23.1-316, 15-
5 23.1-317, 15-23.1-319, 15-23.1-401, 15-23.1-501, 15-23.1-502, 15-23.1-503, 15-23.1-506, 15-
6 23.1-507, 15-23.1-602, 15-23.1-604, 15-23.1-605, 15-23.1-606, 15-23.1-607, 15-23.1-609, 15-
7 23.1-610, 15-23.1-611, 15-23.1-612, 15-23.1-701, 15-23.1-801, 15-23.1-802, 15-23.1-901 and
8 15-23.1-904 of the General Laws in Chapter 15-23.1 entitled "Uniform Interstate Family Support
9 Act" are hereby amended to read as follows:

10 **15-23.1-101. Short title.** – [This act shall be known and maybe cited as "The Uniform](#)
11 [Interstate Family Support Act of 2006"](#).

12 **15-23.1-102. Definitions.** -- In this chapter:

13 (1) "Child" means an individual, whether over or under the age of majority, who is or is
14 alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the
15 beneficiary of a support order directed to the parent.

16 (2) "Child support order" means a support order for a child, including a child who has
17 attained the age of majority under the law of the issuing state.

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

1 support.

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

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

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

12 (7) "Initiating state" means a state from which a proceeding is forwarded or in which a
13 proceeding is filed for forwarding to responding state under this chapter or a law or procedure
14 substantially similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act, or the~~
15 ~~Revised Uniform Reciprocal Enforcement of the Support Act.~~

16 (8) "Initiating tribunal" means the authorized tribunal in an initiating state.

17 (9) "Issuing state" means the state in which a tribunal issues a support order or renders a
18 judgment determining parentage.

19 (10) "Issuing tribunal" means the tribunal that issues a support order or renders a
20 judgment determining parentage.

21 (11) "Law" includes decisional and statutory law and rules and regulations having the
22 force of law.

23 (12) "Obligee" means:

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

26 (ii) A state or political subdivision to which the rights under a duty of support or support
27 order have been assigned or which has independent claims based on financial assistance provided
28 to an individual obligee; or

29 (iii) An individual seeking a judgment determining parentage of the individual's child.

30 (13) "Obligor" means an individual, or the estate of a decedent:

31 (i) Who owes or is alleged to owe a duty of support;

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

33 (iii) Who is liable under a support order.

34 (14) "Person" means an individual, corporation, business trust, estate, trust, partnership,

1 limited liability company, association, joint venture, government, governmental subdivision,
2 agency, or instrumentality, public corporation, or any other legal or commercial entity.

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

5 ~~(14)~~ (16) "Register" means to file a support order or judgment determining parentage in
6 the registry of the Rhode Island family court.

7 ~~(15)~~ (17) "Registering tribunal" means a tribunal in which a support order is registered.

8 ~~(16)~~ (18) "Responding state" means a state in which a proceeding is filed or to which a
9 proceeding is forwarded for filing from an initiating state under this chapter or a law substantially
10 similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised~~
11 ~~Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal~~
12 ~~Enforcement of Support Act.~~

13 ~~(17)~~ (19) "Responding tribunal" means the authorized tribunal in a responding state.

14 ~~(18)~~ (20) "Spousal-support order" means a support order for a spouse or former spouse
15 of the obligor.

16 ~~(19)~~ (21) "State" means a state of the United States, the District of Columbia, ~~the~~
17 ~~Commonwealth of~~ Puerto Rico, the United States Virgin Islands, or any territory or insular
18 possession subject to the jurisdiction of the United States. The term "state" includes:

19 (i) An Indian tribe; and

20 (ii) A foreign ~~jurisdiction that has enacted a law or~~ country or political subdivision that:

21 (a) has been declared to be a foreign reciprocating country or political subdivision under
22 federal law;

23 (b) has established a reciprocal arrangement for child support with this state as provided
24 in section 15-23.1-308; or

25 (c) has enacted a law or established procedures for issuance and enforcement of support
26 orders which are substantially similar to the procedures under this chapter ~~or the procedures under~~
27 ~~the Uniform Reciprocal Enforcement of Support Chapter or the Revised Uniform Reciprocal~~
28 ~~Enforcement of Support Act.~~

29 ~~(20)~~ (22) "Support enforcement agency" means a public official or agency authorized to
30 seek:

31 (i) Enforcement of support orders or laws relating to the duty of support;

32 (ii) Establishment or modification of child support;

33 (iii) Determination of parentage; ~~or~~

34 (iv) ~~To locate~~ Location of obligors or their assets; ~~or~~

1 [\(v\) Determination of the controlling child support order.](#)

2 ~~(21)~~ [\(23\)](#) "Support order" means a judgment, decree, ~~or~~ order, [or directive](#), whether
3 temporary, final, or subject to modification, [issued by a tribunal](#) for the benefit of a child, a
4 spouse, or a former spouse, which provides for monetary support, health care, arrearages, or
5 reimbursement, and may include related costs and fees, interest, income withholding, attorney's
6 fees, and other relief.

7 ~~(22)~~ [\(24\)](#) "Tribunal" means a court, administrative agency, or quasi-judicial entity
8 authorized to establish, enforce, or modify support orders or to determine parentage.

9 ~~15-23.1-102 Tribunals of this state~~ **15-23.1-103. Tribunals of this state.** -- The Rhode
10 Island family court, and, where specifically authorized by law, the Rhode Island division of
11 taxation within the department of administration are the tribunals of this state.

12 **15-23.1-104. Remedies cumulative.** – [\(a\)](#) Remedies provided by this chapter are
13 cumulative and do not affect the availability of remedies under other law-, [including the](#)
14 [recognition of a support order of a foreign country or political subdivision on the basis of comity.](#)

15 [\(b\) This chapter does not:](#)

16 [\(1\) provide the exclusive method of establishing or enforcing a support order under the](#)
17 [law of this state; or](#)

18 [\(2\) grant a tribunal of this state jurisdiction to render judgment or issue an order relating](#)
19 [to child custody or visitation in a proceeding under this chapter.](#)

20 ARTICLE 2

21 JURISDICTION

22 ~~Part 1~~

23 ~~Extended Personal Jurisdiction~~

24 **15-23.1-201. Bases for jurisdiction over nonresident.** – [\(a\)](#) In proceeding to establish,
25 [or](#) enforce, ~~or modify~~ a support order or to determine parentage, a tribunal of this state may
26 exercise personal jurisdiction over a nonresident individual or the individual's guardian or
27 conservator if:

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

30 (2) The individual submits to the jurisdiction of this state by consent [in a record](#), by
31 entering a general appearance, or by filing a responsive document having the effect of waiving
32 any contest to personal jurisdiction;

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

34 (4) The individual resided in this state and provided prenatal expenses or support for the

1 child;

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

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

5 (7) The individual acknowledged paternity by completing an affidavit of paternity signed
6 by both parents; or

7 (8) There is any other basis consistent with the constitutions of this state, and the United
8 States for the exercise of personal jurisdiction.

9 (b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this
10 state may not be used to acquire personal jurisdiction for a tribunal of the state to modify a child
11 support order of another state unless the requirements of section 15-23.1-611 or section 15-23.1-
12 615 are met.

13 ~~**15-23.1-202. Procedure when exercising jurisdiction over nonresident. -- Duration of**~~
14 ~~**personal jurisdiction. --**~~ A tribunal of this state exercising personal jurisdiction over a
15 ~~nonresident under this chapter may apply section 15-23.1-316 (Special Rules of Evidence and~~
16 ~~Procedure) to receive evidence from another state, and section 15-23.1-318 (Assistance with~~
17 ~~Discovery) to obtain discovery through a tribunal of another state. In all other respects, Articles 3~~
18 ~~through 7, sections 15-23.1-301—15-23.1-701, do not apply and the tribunal shall apply the~~
19 ~~procedural and substantive law of this state, including the rules on choice of law other than those~~
20 ~~established by this chapter.~~ Personal jurisdiction acquired by a tribunal of this state in a
21 proceeding under this chapter or other law of this state relating to a support order continues as
22 long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or
23 continuing jurisdiction to enforce its order as provided by sections 15-23.1-205, 15-23.1-206, and
24 15-23.1-211.

25 **Part 2**

26 ~~**Proceedings Involving Two or More States**~~

27 ~~**15-23.1-204. Simultaneous proceedings in another state. -- Simultaneous**~~
28 ~~**proceedings. --**~~ (a) A tribunal of this state may exercise jurisdiction to establish a support order if
29 the petition or comparable pleading is filed after a petition or comparable pleading is filed in
30 another state only if:

31 (1) The petition or comparable pleading in this state is filed before the expiration of the
32 time allowed in the other state for filing a responsive pleading challenging the exercise of
33 jurisdiction by the other state;

34 (2) The contesting party timely challenges the exercise of jurisdiction in the other state;

1 and

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

3 (b) A tribunal of this state may not exercise jurisdiction to establish a support order if the
4 petition or comparable pleading is filed before a petition or comparable pleading is filed in
5 another state if:

6 (1) The petition or comparable pleading in the other state is filed before the expiration of
7 the time allowed in this state for filing a responsive pleading challenging the exercise of
8 jurisdiction by this state;

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

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

11 **15-23.1-205. Continuing, exclusive jurisdiction. — Continuing, exclusive jurisdiction**

12 **to modify child support order.** - (a) A tribunal of this state ~~issuing~~ that has issued a support
13 order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction
14 ~~over a~~ to modify its child support order if the order is the controlling order, and:

15 (1) ~~As long as~~ At the time of the filing of a request for modification this state ~~remains~~ is
16 the residence of the obligor, the individual obligee, or the child for whose benefit the support
17 order is issued; or

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

23 (b) A tribunal of this state ~~issuing~~ that has issued a child support order consistent with
24 the law of this state may not exercise ~~its~~ continuing, exclusive jurisdiction to modify the order if :
25 ~~the order has been modified by a tribunal of another state pursuant to a law substantially similar~~
26 ~~to this chapter.~~

27 (1) all of the parties who are individuals file consent in a record with the tribunal of this
28 state that a tribunal of another state that has jurisdiction over at least one of the parties who is an
29 individual or that is located in the state of residence of the child may modify the order and assume
30 continuing, exclusive jurisdiction; or

31 (2) its order is not the controlling order.

32 (c) ~~If a child support order of this state is modified by a tribunal of another state pursuant~~
33 ~~to a law substantially similar to this chapter, a tribunal of this state loses its continuing, exclusive~~
34 ~~jurisdiction with regard to prospective enforcement of the order issued in this state, and may only:~~

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

5 ~~(d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of~~ If a
6 tribunal of another state ~~which~~ has issued a child support order pursuant to ~~a law substantially~~
7 ~~similar to this chapter.~~ the Uniform Interstate Family Support Act or a law similar to this chapter
8 which modifies a child-support order of a tribunal of this state, tribunals of this state shall
9 recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

10 (d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-
11 support order may serve as an initiating tribunal to request a tribunal of another state to modify a
12 support order issued in that state.

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

15 ~~(f) A tribunal of this state issuing a support order consistent with the law of this state has~~
16 ~~continuing, exclusive jurisdiction over a spousal support order throughout the existence of the~~
17 ~~support obligation. A tribunal of this state may not modify a spousal support order issued by a~~
18 ~~tribunal of another state having continuing, exclusive jurisdiction over that order under the law of~~
19 ~~that state.~~

20 ~~**15-23.1-206. Enforcement and modification of support order by tribunal having**~~
21 ~~**continuing jurisdiction.**~~ ~~Continuing jurisdiction to enforce child support order. --~~ (a) A
22 tribunal of this state that has issued a child-support order consistent with the law of this state may
23 serve as an initiating tribunal to request a tribunal of another state to enforce, ~~or modify a support~~
24 ~~order issued in that state.~~

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

28 (2) a money judgment for arrears of support and interest on the order accrued before a
29 determination that an order of another state is the controlling order.

30 (b) A tribunal of this state having continuing, ~~exclusive~~ jurisdiction over a support order
31 may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a party subject to the~~
32 ~~continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in~~
33 ~~subsequent proceedings the tribunal may apply section 15-23.1-316 (Special Rules of Evidence~~
34 ~~and Procedure) to receive evidence from another state and section 15-23.1-318 (Assistance with~~

1 ~~Discovery) to obtain discovery through a tribunal of another state.~~

2 ~~(c) A tribunal of this state which lacks continuing, exclusive jurisdiction over a spousal~~
3 ~~support order may not serve as a responding tribunal to modify a spousal support order of another~~
4 ~~state.~~

5 Part 3

6 Reconciliation of multiple Orders

7 15-23.1-207. Recognition of controlling child support order.—Determination of
8 controlling child support order. -- (a) If a proceeding is brought under this chapter, and only
9 one tribunal has issued a child support order, the order of that tribunal controls and must be so
10 recognized.

11 (b) If a proceeding is brought under this chapter, and two (2) or more child support
12 orders have been issued by tribunals of this state or another state with regard to the same obligor
13 and same child, a tribunal of this state having personal jurisdiction over both the obligor and the
14 individual obligee shall apply the following rules ~~in determining~~ and by order shall determine
15 which order ~~to recognize for purposes of continuing, exclusive jurisdiction~~ controls.

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

18 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction under
19 this chapter: (i) an order issued by a tribunal in the current home state of the child controls; ~~and~~
20 ~~must be so recognized~~; but (ii) if an order has not been issued in the current home state of the
21 child, the order most recently issued controls ~~and must be so recognized~~.

22 (3) If none of the tribunals would have continuing exclusive jurisdiction under this
23 chapter, the tribunal of this state ~~having jurisdiction over the parties~~ shall issue a child support
24 order, which controls ~~and must be so recognized~~.

25 (c) If two (2) or more child support orders have been issued for the same obligor and
26 same child, ~~and if the obligor or the individual obligee resides in this state, upon request of~~ a
27 party ~~may request~~ who is an individual or a support enforcement agency, a tribunal of this state ~~to~~
28 having personal jurisdiction over both the obligor and the obligee who is an individual shall
29 determine which order controls ~~and must be so recognized~~ under subsection (b) of this section.
30 ~~The request must be accompanied by a certified copy of every support order in effect. The~~
31 ~~requesting party shall give notice of the request to each party whose rights may be affected by the~~
32 ~~determination.~~ The request may be filed with a registration for enforcement or registration for
33 modification pursuant to Article 6, or may be filed as a separate proceeding.

34 (d) A request to determine which is the controlling order must be accompanied by a copy

1 of every child-support order in effect and the applicable record of payments. The requesting party
2 shall give notice of the request to each party whose rights may be affected by the determination.

3 ~~(d)~~ (e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of
4 this section ~~is the tribunal that~~ has continuing ~~exclusive~~ jurisdiction ~~under~~ to the extent provided
5 in section 15-23.1-205 or section 15-23.1-206.

6 ~~(e)~~ (f) A tribunal of this state ~~which that~~ determines by order ~~the identity of~~ which is the
7 controlling order under subdivision (1) or (2) of subsection (b) or subsection (c), or ~~which that~~
8 issues a new controlling order under subdivision (3) of subsection (b) shall state in that order: (1)
9 the basis upon which the tribunal made its determination; (2) the amount of prospective support,
10 if any; and (3) the total amount of consolidated arrears and accrued interest, if any, under all of
11 the orders after all payments made are credited as provided by section 15-23.1-209.

12 ~~(f)~~ (g) Within thirty (30) days after issuance of an order determining ~~the identity of~~
13 which is the controlling order, the party obtaining the order shall file a certified copy of it with
14 each tribunal that issued or registered an earlier order of child support. A party ~~who obtains or~~
15 support enforcement agency obtaining the order ~~and that~~ fails to file a certified copy is subject to
16 appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file
17 does not affect the validity or enforceability of the controlling order.

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

21 **15-23.1-208. Multiple child support orders for two or more obligees.—Child support**
22 **orders for two or more obliges. --** In responding to ~~multiple~~ registrations or petitions for
23 enforcement of two (2) or more child support orders in effect at the same time with regard to the
24 same obligor and different individual obligees, at least one of which was issued by a tribunal of
25 another state, a tribunal of this state shall enforce those orders in the same manner as if the
26 ~~multiple~~ orders had been issued by a tribunal of this state.

27 **15-23.1-209. Credit for payments. --** ~~Amounts~~ A tribunal of this state shall credit
28 amounts collected ~~and credited~~ for a particular period pursuant to ~~a support order~~ any child-
29 support order against the amounts owed for the same period under any other child-support order
30 for support of the same child issued by a tribunal of this or another state, ~~must be credited against~~
31 ~~the amounts accruing or accrued for the same period under a support order issued by the tribunal~~
32 ~~of this state.~~

33 Article 3

34 Civil Provisions of General Applications

1 **15-23.1-301. Proceedings under this chapter.** -- (a) Except as otherwise provided in
2 this chapter, this article applies to all proceedings under this chapter.

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

4 ~~(1) Establishment of an order for spousal support or child support pursuant to Article 4,~~
5 ~~section 15-23.1-401 et seq.;~~

6 ~~(2) Enforcement of a support order and income withholding order of another state~~
7 ~~without registration pursuant to Article 5, sections 15-23.1-501—15-23.1-507;~~

8 ~~(3) Registration of an order for spousal support or child support of another state for~~
9 ~~enforcement pursuant to Article 6, sections 15-23.1-601—15-23.1-614;~~

10 ~~(4) Modification of an order for child support or spousal support issued by a tribunal of~~
11 ~~this state pursuant to Article 2, Part 2, sections 15-23.1-203—15-23.1-206;~~

12 ~~(5) Registration of an order for child support of another state for modification pursuant~~
13 ~~to Article 6, sections 15-23.1-601—15-23.1-614;~~

14 ~~(6) Determination of parentage pursuant to Article 7, sections 15-23.1-701 et seq.; and~~

15 ~~(7) Assertion of jurisdiction over nonresidents pursuant to Article 2, Part 1, sections 15-~~
16 ~~23.1-201, 15-23.1-202.~~

17 (e) An individual petitioner or a support enforcement agency may ~~commence~~ initiate a
18 proceeding authorized under this chapter by filing a petition in an initiating tribunal for
19 forwarding to a responding tribunal, or by filing a petition or a comparable pleading directly in a
20 tribunal of another state which has or can obtain personal jurisdiction over the respondent.

21 **15-23.1-302. Action by minor parent.** -- ~~Proceeding by minor parent.~~ -- A minor
22 parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding
23 on behalf of or for the benefit of the minor's child.

24 **15-23.1-303. Application of law of this state.** -- Except as otherwise provided, by this
25 chapter, a responding tribunal of this state shall:

26 (1) ~~Shall apply~~ Apply the procedural and substantive law, ~~including the rules on choice~~
27 ~~of law~~ generally applicable to similar proceedings originating in this state and may exercise all
28 powers and provide all remedies available in those proceedings; and

29 (2) ~~Shall determine~~ Determine the duty of support and the amount payable in accordance
30 with the law and support guidelines of this state.

31 **15-23.1-304. Duties of initiating tribunal.** -- (a) Upon the filing of a petition authorized
32 by this chapter, an initiating tribunal of this state shall forward ~~three (3) copies of~~ the petition and
33 its accompanying documents:

34 (1) To the responding tribunal or appropriate support enforcement agency in the

1 responding state; or

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

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

13 **15-23.1-305. Duties and powers of responding tribunal.** -- (a) When a responding
14 tribunal of this state receives a petition or comparable pleading from an initiating tribunal or
15 directly pursuant to section 15-23.1-301**(b) (e) (Proceedings under this chapter)**, it shall cause the
16 petition or pleading to be filed and notify the petitioner where and when it was filed.

17 (b) A responding tribunal of this state, to the extent ~~otherwise authorized~~ not prohibited
18 by other law, may do one or more of the following:

19 (1) Issue or enforce a support order, modify a child support order, determine the
20 controlling child support order, or ~~render a judgment~~ to determine parentage;

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

23 (3) Order income withholding;

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

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

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

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

28 (8) Order an obligor to keep the tribunal informed of the obligor's current residential
29 address, telephone number, employer, address of employment, and telephone number at the place
30 of employment;

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

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

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

2 (12) Grant any other available remedy.

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

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

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

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

15 **15-23.1-306. Inappropriate tribunal.** -- If a petition or comparable pleading is received
16 by an inappropriate tribunal of this state, ~~#~~ the tribunal shall forward the pleading and
17 accompanying documents to an appropriate tribunal in this state or another state and notify the
18 petitioner ~~by first class mail~~ where and when the pleading was sent.

19 **15-23.1-307. Duties of support enforcement agency.** -- (a) A support enforcement
20 agency of this state, upon request, shall provide services to a petitioner in a proceeding under this
21 chapter.

22 (b) A support enforcement agency of this state that is providing services to the petitioner
23 ~~as appropriate~~ shall:

24 (1) Take all steps necessary to enable an appropriate tribunal in this state or another state
25 to obtain jurisdiction over the respondent;

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

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

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

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

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

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

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

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

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

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

16 (f) This chapter does not create or negate a relationship of attorney and client or other
17 fiduciary relationship between a support enforcement agency or the attorney for the agency and
18 the individual being assisted by the agency.

19 **15-23.1-308. Duty of attorney general.** – (a) If the attorney general determines that the
20 support enforcement agency is neglecting or refusing to provide services to an individual, the
21 attorney general may order the agency to perform its duties under this chapter or may provide
22 those services directly to the individual.

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

26 **15-23.1-310. Duties of state information agency.** -- (a) The division of taxation within
27 the department of administration is the state information agency under this chapter.

28 (b) The state information agency shall:

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

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

34 (3) Forward to the appropriate tribunal in the ~~place~~ county in this state in which the

1 ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is
2 believed to be located, all documents concerning a proceeding under this chapter received from
3 an initiating tribunal or the state information agency of the initiating state; and

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

10 **15-23.1-311. Pleadings and accompanying documents.** -- (a) ~~A~~ In a proceeding under
11 this chapter, a petitioner seeking to establish ~~or modify~~ a support order, ~~or~~ to determine parentage
12 ~~in a proceeding under this chapter~~ or to register and modify a support order of another state must
13 ~~verify the~~ file a verified petition. Unless otherwise ordered under section 15-23.1-312
14 ~~(Nondisclosure of Information in Exceptional Circumstances)~~, the petition or accompanying
15 documents must provide, so far as known, the name, residential address, and social security
16 numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex,
17 residential address, social security number, and date of birth of each child for ~~whom~~ whose
18 benefit support is sought or whose parentage is to be determined. ~~The~~ Unless filed at the time of
19 registration, the petition must be accompanied by a ~~certified~~ copy of any support order ~~in effect~~
20 known to have been issued by another tribunal The petition may include any other information
21 that may assist in locating or identifying the respondent.

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

25 **15-23.1-312. Nondisclosure of information in exceptional circumstances.** -- ~~Upon a~~
26 ~~finding, which may be made ex parte, that the health, safety, or liberty of a party or child would~~
27 ~~be unreasonably put at risk by the disclosure of identifying information, or if an existing order~~
28 ~~provides, a tribunal shall order that the address of the child or party or other identifying~~
29 ~~information not be disclosed in a pleading or other document filed in a proceeding under this~~
30 ~~chapter.~~ If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty
31 of a party or child would be jeopardized by disclosure of specific identifying information, that
32 information must be sealed and may not be disclosed to he other party or the public. After a
33 hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or
34 child, the tribunal may order disclosure of information that the tribunal determines to be in the

1 [interest of justice.](#)

2 **15-23.1-313. Costs and fees.** -- (a) The petitioner may not be required to pay a filing fee
3 or other costs.

4 (b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees,
5 reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses
6 incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or
7 expenses against the obligee or the support enforcement agency of either the initiating or the
8 responding state, except as provided by other law. Attorney's fees may be ordered as costs, and
9 may be ordered paid directly to the attorney, who may enforce the order in the attorney's own
10 name. Payment of support owed to the obligee has priority over fees, costs and expenses.

11 (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it
12 determines that a hearing was requested primarily for delay. In a proceeding under Article 6
13 (~~Enforcement and Modification of Support Order After Registration~~), sections 15-23.1-601 -- 15-
14 23.1-614, a hearing is presumed to have been requested primarily for delay if a registered support
15 order is confirmed or enforced without change.

16 **15-23.1-314. Limited immunity of petitioner.** -- (a) Participation by a petitioner in a
17 proceeding [under this chapter](#) before a responding tribunal, whether in person, by private
18 attorney, or through services provided by the support enforcement agency, does not confer
19 personal jurisdiction over the petitioner in another proceeding.

20 (b) A petitioner is not amenable to service of civil process while physically present in
21 this state to participate in a proceeding under this chapter.

22 (c) The immunity granted by this section does not extend to civil litigation based on acts
23 unrelated to a proceeding under this chapter committed by a party while present in this state to
24 participate in the proceeding.

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

29 (b) ~~A verified petition,~~ [An](#) affidavit, [a](#) document substantially complying with federal
30 mandated forms, ~~and or~~ [a](#) document incorporated by reference in any of them, [which would](#) not
31 [be](#) excluded under the hearsay rule if given in person, is admissible in evidence if given under
32 ~~oath~~ [penalty of perjury](#) by a party or witness residing in another state.

33 (c) A copy of the record of child support payments certified as a true copy of the original
34 by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of

1 facts asserted in it, and is admissible to show whether payments were made.

2 (d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of
3 the mother and child, furnished to the adverse party at least ten (10) days before trial, are
4 admissible in evidence to prove the amount of the charges billed and that the charges were
5 reasonable, necessary, and customary.

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

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

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

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

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

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

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

30 **15-23.1-319. Receipt and disbursement of payments.** – (a) A support enforcement
31 agency or tribunal of this state shall disburse promptly any amounts received pursuant to a
32 support order, as directed by the order. The agency or tribunal shall furnish to a requesting party
33 or tribunal of another state a certified statement by the custodian of the record of the amounts and
34 dates of all payments received.

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

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

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

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

12 Article 4

13 Establishment of support Order

14 **15-23.1-401. Petition to establish support order.** -- (a) If a support order entitled to
15 recognition under this chapter has not been issued, a responding tribunal of this state may issue a
16 support order if:

17 (1) The individual seeking the order resides in another state; or

18 (2) The support enforcement agency seeking the order is located in another state.

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

21 ~~(1) The respondent has signed a verified statement acknowledging parentage;~~

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

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

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 (~~Duties and powers of responding tribunal~~).

2 Article 5

3 Enforcement of Order of Another State Without Registration

4 **15-23.1-501. Employer's receipt of income -withholding order of another state.** -- An
5 income-withholding order issued in another state may be sent by or on behalf of the obligee, or by
6 the support enforcement agency to the person ~~or entity~~ defined as the obligor's employer under
7 the income-withholding law of this state without first filing a petition or comparable pleading or
8 registering the order with a tribunal of this state.

9 **15-23.1-502. Employer's compliance with income -withholding order of another**
10 **state.** -- (a) Upon receipt of an income-withholding order, the obligor's employer shall
11 immediately provide a copy of the order to the obligor.

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

14 (c) Except as otherwise provided in subsection (d) of this section and section 15-23.1-
15 503, the employer shall withhold and distribute the funds as directed in the withholding order by
16 complying with terms of the order, which specify:

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

19 (2) The person ~~or agency~~ designated to receive payments and the address to which the
20 payments are to be forwarded;

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

24 (4) The amount of periodic payments of fees and costs for a support enforcement agency,
25 the issuing tribunal, and the obligee's attorney, state as sums certain; and

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

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

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

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

32 (3) The times within which the employer must implement the withholding order and
33 forward the child support payment.

34 **15-23.1-503. ~~Compliance with multiple income -withholding orders.~~** – Employer's

1 **compliance with two or more income -withholding orders.** -- If an obligor's employer receives
2 ~~multiple~~ two (2) or more income-withholding orders with respect to the earnings of the same
3 obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the
4 law of the state of the obligor's principal place of employment to establish the priorities for
5 withholding and allocating income withheld for ~~multiple~~ two (2) or more child support obligees.

6 **15-23.1-506. Contest by obligor.** -- (a) An obligor may contest the validity or
7 enforcement of an income-withholding order issued in another state and received directly by an
8 employer in this state by registering the order in a tribunal of this state and filing a contest to that
9 order as provided in Article 6, or otherwise contesting the order in the same manner as if the
10 order had been issued by a tribunal of this state. ~~Section 15-23.1-604 (Choice of Law) applies to~~
11 ~~the contest.~~

- 12 (b) The obligor shall give notice of the contest to:
- 13 (1) A support enforcement agency providing services to the obligee;
 - 14 (2) Each employer that has directly received an income-withholding order relating to the
15 obligor; and
 - 16 (3) The person ~~or agency~~ designated to receive payments in the income-withholding
17 order or, if no person ~~or agency~~ is designated, to the obligee.

18 **15-23.1-507. Administrative enforcement of orders.** -- (a) A party or support
19 enforcement agency seeking to enforce a support order or an income-withholding order, or both,
20 issued by a tribunal of another state may send the documents required for registering the order to
21 a support enforcement agency of this state.

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

28 Article 6

29 ~~Enforcement and Modification of Support Order After Registration~~
30 Registration, Enforcement and Modification of Support Order

31 **15-23.1-601. Registration of order for enforcement.** -- A support order or ~~an~~ income-
32 withholding order issued by a tribunal of another state may be registered in this state for
33 enforcement.

34 **15-23.1-602. Procedure to register order for enforcement.** -- (a) A support order or

1 income-withholding order of another state may be registered in this state by sending the following
2 ~~documents~~ records and information to the appropriate tribunal in this state:

3 (1) A letter of transmittal to the tribunal requesting registration and enforcement;

4 (2) Two (2) copies, including one certified copy, of ~~all the~~ orders to be registered,
5 including any modification of ~~an~~ the order;

6 (3) A sworn statement by the ~~party-seeking~~ person requestin g registration or a certified
7 statement by the custodian of the records showing the amount of any arrearage;

8 (4) The name of the obligor and, if known;

9 (i) The obligor's address and social security number;

10 (ii) The name and address of the obligor's employer and any other source of income of
11 the obligor; and

12 (iii) A description and the location of property of the obligor in this state not exempt
13 from execution; and

14 (5) ~~The~~ Except as otherwise provided in section 15-23.1-312 ,the name and address of
15 the obligee and, if applicable, the ~~agency-or~~ person to whom support payments are to be remitted.

16 (b) On receipt of a request for registration, the registering tribunal shall cause the order
17 to be filed as a foreign judgment, together with one copy of the documents and information,
18 regardless of their form.

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

22 (d) If two (2) or more orders are in effect, the person requesting registration shall:

23 (1) furnish to the tribunal a copy of every support order asserted to be in effect in addition
24 to the documents specified in this section;

25 (2) specify the order alleged to be the controlling order, if any; and

26 (3) specify the amount of consolidated arrears, if any.

27 (e) A request for a determination of which is the controlling order may be filed separately
28 or with a request for registration and enforcement or for registration and modification. The person
29 requesting registration shall give notice of the request to each party whose rights may be affected
30 by the determination.

31 **15-23.1-604. Choice of law. --** (a) ~~The~~ Except as otherwise provided in subsection (d),
32 the law of the issuing state governs: (1) the nature, extent, amount, and duration of current
33 payments ~~and other obligations of support and~~ under a registered support order; (2) the
34 computation and payment of arrearages and accrual of interest on the arrearages under the support

1 order; and (3) the existence and satisfaction of other obligations under the support order.

2 (b) In a proceeding for ~~arrears~~ arrears under a registered support order, the statute of
3 limitation ~~under the laws~~ of this state or of the issuing state, whichever is longer, applies.

4 (c) A responding tribunal of this state shall apply the procedures and remedies of this
5 state to enforce current support and collect arrears and interest due on a support order of another
6 state registered in this state.

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

11 Part 2

12 Contest of Validity or Enforcement

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

17 (b) ~~The~~ 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 ~~the date of mailing or personal service of the~~ notice;

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

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

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

29 (1) identify the two (2) or more orders and the order alleged by the registering person to
30 be the controlling order and the consolidated arrears, if any;

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

33 (3) state that the procedures provided in subsection (b) apply to the determination of
34 which is the controlling order; and

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

4 ~~(e)~~ (d) Upon registration of an income-withholding order for enforcement, the registering
5 tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state.

6 **15-23.1-606. Procedure to contest validity or enforcement of registered order.** -- (a)

7 A non-registering party seeking to contest the validity or enforcement of a registered order in this
8 state shall request a hearing within twenty (20) days after ~~the date of mailing or personal service~~
9 ~~of~~ notice of the registration. The non-registering party may seek to vacate the registration, to
10 assert any defense to an allegation of noncompliance with the registered order, or to contest the
11 remedies being sought or the amount of any alleged arrearages pursuant to section 15-23.1-607
12 ~~(Contest of registration or enforcement).~~

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

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

18 **15-23.1-607. Contest of registration or enforcement.** -- (a) A party contesting the

19 validity or enforcement of a registered order or seeking to vacate the registration has the burden
20 of proving one or more of the following defenses:

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

22 (2) The order was obtained by fraud;

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

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

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

26 (6) Full or partial payment has been made; ~~or~~

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

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

30 (b) If a party presents evidence establishing a full or partial defense under subsection (a)
31 of this section, a tribunal may stay enforcement of the registered order, continue the proceeding to
32 permit production of additional relevant evidence, and issue other appropriate orders. An
33 uncontested portion of the registered order may be enforced by all remedies available under the
34 law of this state.

1 (c) If the contesting party does not establish a defense under subsection (a) of this section
2 to the validity or enforcement of the order, the registering tribunal shall issue an order confirming
3 the order.

4 Part 3

5 Registration and Modification of Child Support Order

6 **15-23.1-609. Procedure to register child support order of another state for**
7 **modification.** -- A party or support enforcement agency seeking to modify, or to modify and
8 enforce, a child support order issued in another state shall register that order in this state in the
9 same manner provided in Part 1, sections ~~15-23.1-201 — 15-23.1-202~~ 15-23.1-601 through 15-
10 23.1-602, if the order has not been registered. A petition for modification may be filed at the same
11 time as a request for registration, or later. The pleading must specify the grounds for
12 modification.

13 **15-23.1-610. Effect of registration for modification.** -- A tribunal of this state may
14 enforce a child support order of another state registered for purposes of modification in the same
15 manner as if the order had been issued by a tribunal of this state, but the registered order may be
16 modified only if the requirements of section 15-23.1-611, 15-23.1-613 or 15-23.1-615
17 ~~(Modification of child support order of another state)~~ have been met.

18 **15-23.1-611. Modification of child support order of another state.** -- (a) ~~After~~ If
19 section 15-23.1-613 does not apply, except as otherwise provided in section 15-23.1-615, upon
20 petition a tribunal of this state may modify a child support order issued in another state ~~has been~~
21 which is registered in this state, ~~the responding tribunal of this state may modify that order only if~~
22 ~~section 15-23.1-613 does not apply and, if~~ after notice and hearing, ~~it~~ the tribunal finds that:

23 (1) The following requirements are met:

24 (i) ~~The~~ Neither child, nor the ~~individual~~ obligee who is an individual, ~~and nor~~ the obligor
25 ~~do not~~ reside s in the issuing state;

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

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

28 (2) ~~The~~ This state is the state of residence of the child, or a party who is an individual, is
29 subject to the personal jurisdiction of the tribunal of this state and all of the parties who are
30 individuals have filed consent ~~a written~~ in a record in the issuing tribunal for a tribunal of this
31 state to modify the support order and assume continuing, exclusive jurisdiction. ~~over the order.~~
32 ~~However, if the issuing state is a foreign jurisdiction, that has not enacted a law or established~~
33 ~~procedures substantially similar to the procedures under this act, the consent otherwise required~~
34 ~~of an individual residing in this state is not required for the tribunal to assume jurisdiction to~~

1 ~~modify the child support order.~~

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) ~~A~~ Except as otherwise provided in section 15-23.1-615, 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 determined
12 to have issued the initial controlling order governs the duration of the obligation of support. The
13 obligor's fulfillment of the duty of support established by that order precludes imposition of a
14 further obligation of support by a tribunal of this state.

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

18 **15-23.1-612. Recognition of order modified in another state. --** ~~A~~ If a child support
19 order issued by a tribunal of this state ~~shall recognize a modification of its earlier child support~~
20 ~~order is modified~~ by a tribunal of another state which assumed jurisdiction pursuant to ~~a law~~
21 ~~substantially similar to this chapter and, upon request, except as otherwise provided in this~~
22 ~~chapter, shall~~ the Uniform Interstate Family Support Act, a tribunal of this state:

23 (1) ~~Enforce the~~ May enforce its order that was modified only as to ~~amounts~~ arrears and
24 interest accruing before the modification;

25 (2) ~~Enforce only non-modifiable aspects of that order;~~

26 ~~(3) Provide other~~ May provide appropriate relief ~~only~~ for violations of ~~that~~ its order
27 which occurred before the effective date of the modification; and

28 ~~(4)~~ (3) ~~Recognize~~ Shall recognize the modifying order of the other state, upon
29 registration, for the purpose of enforcement.

30 Article 7

31 Determination of Parentage

32 **15-23.1-701. Proceeding to determine parentage. --** (a) A ~~tribunal~~ court of this state
33 authorized to determine parentage of a child may serve as ~~an initiating or a~~ responding tribunal in
34 a proceeding to determine parentage brought under this chapter or a law substantially similar to

1 this chapter, ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform~~
2 ~~Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular~~
3 ~~child or to determine that a respondent is a parent of that child.~~

4 ~~(b) In a proceeding to determine parentage, a responding tribunal of this state shall apply~~
5 ~~the Uniform Parentage Act, procedural and substantive law of this state, and the rules of this state~~
6 ~~on choice of law.~~

7 Article 8

8 Interstate Rendition

9 **15-23.1-801. Grounds for rendition.** -- (a) For purposes of this article "governor"
10 includes an individual performing the functions of governor or the executive authority of a state
11 covered by this chapter.

12 (b) The governor of this state may:

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

16 (2) On the demand ~~by~~ of the governor of another state, surrender an individual found in
17 this state who is charged criminally in the other state with having failed to provide for the support
18 of an obligee.

19 (c) A provision for extradition of individuals not inconsistent with this chapter applies to
20 the demand even if the individual whose surrender is demanded was not in the demanding state
21 when the crime was allegedly committed and has not fled from the demanding state.

22 **15-23.1-802. Conditions of rendition.** -- (a) Before demanding that the governor of
23 another state surrender an individual charged criminally in this state with having failed to provide
24 for the support of an obligee, the governor of this state may require a prosecutor of this state to
25 demonstrate that at least sixty (60) days previously the obligee had initiated proceedings for
26 support pursuant to this chapter or that the proceeding would be of no avail.

27 (b) If, under this chapter or a law substantially similar to this chapter, ~~the Uniform~~
28 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of~~
29 ~~Support Act,~~ the governor of another state demands that the governor of this state surrender an
30 individual charged criminally in that state with having failed to provide for the support of a child
31 or other individual to whom a duty of support is owed, the governor may require a prosecutor to
32 investigate the demand and report whether a proceeding for support has been initiated or would
33 be effective. If it appears that a proceeding would be effective but has not been initiated, the
34 governor may delay honoring the demand for a reasonable time to permit the initiation of a

1 proceeding.

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

6 Article 9

7 Miscellaneous provisions

8 **15-23.1-901. Uniformity of application and construction.** -- ~~This chapter shall be~~
9 ~~applied and construed to effectuate its general purpose to make uniform~~ In applying and
10 construing this Uniform Act consideration must be given to the need to promote uniformity of the
11 law with respect to ~~the~~ its subject ~~of this chapter~~ matter among states ~~enacting~~ that enact it.

12 **15-23.1-904. Effective date.** -- This chapter, as amended, takes effect ~~July 3, 1997~~ July
13 1, 2006.

14 SECTION 2. Chapter 15-23.1 of the General Laws entitled "Uniform Interstate Family
15 Support Act" is hereby amended by adding thereto the following sections:

16 **15-23.1-210. Application of chapter to nonresident subject to personal jurisdiction.** --
17 A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under
18 this chapter, under other law of this state relating to a support order, or recognizing a support
19 order of a foreign country or political subdivision on the basis of comity may receive evidence
20 from another state pursuant to section 15-23.1-316, communicate with a tribunal of another state
21 pursuant to section 15-23.1-317, and obtain discovery through a tribunal of another state pursuant
22 to section 15-23.1-318. In all other respects, Articles 3 through 7 of this chapter do not apply and
23 the tribunal shall apply the procedural and substantive law of this state.

24 **15-23.1-211. Continuing exclusive jurisdiction to modify spousal-support order.** -- (a)
25 A tribunal of this state issuing a spousal-support order consistent with the law of this state has
26 continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of
27 the support obligation.

28 (b) A tribunal of this state may not modify a spousal-support order issued by a tribunal
29 of another state having continuing, exclusives jurisdiction over that order under the law of that
30 state.

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

33 (1) an initiating tribunal to request a tribunal of another state to enforce the spousal-
34 support order issued in this state; or

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

2 **15-23.1-615. Jurisdiction to modify child-support order of foreign country or**
3 **political subdivision.** – (a) If a foreign country or political subdivision that is a state will not or
4 may not modify its order pursuant to its laws, a tribunal of this state may assume jurisdiction to
5 modify the child-support order and bind all individuals subject to the personal jurisdiction of the
6 tribunal whether or not the consent to modification of a child-support order otherwise required of
7 the individual pursuant to section 611 has been given or whether the individual seeking
8 modification is a resident of this state or of the foreign country or political subdivision.

9 (b) An order issued pursuant to this section is the controlling order.

10 SECTION 3. Section 15-23.1-902 of the General Laws in Chapter 15-23.1 entitled
11 "Uniform Interstate Family Support Act" is hereby repealed.

12 ~~**15-23.1-902. Short title.** -- This chapter may be cited as the "Uniform Interstate Family~~
13 ~~**Support Act**".~~

14 SECTION 4. This act shall take effect on July 1, 2006.

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LC01725/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT

- 1 This act would make several changes to the Uniform Interstate Family Support Act
2 clarifying notice, controlling jurisdiction and therefrom custody orders. The act would also
3 further amend enforcement of the orders and make many technical and grammatical changes.
4 This act would take effect on July 1, 2006.

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LC01725/SUB A
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