

2015 -- H 6162

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO DOMESTIC RELATIONS - UNIFORM INTERSTATE FAMILY SUPPORT
ACT

Introduced By: Representatives Ucci, Maldonado, Fogarty, and Regunberg

Date Introduced: May 01, 2015

Referred To: House Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 15-23.1-201, 15-23.1-604, 15-23.1-708 and 15-23.1-904 of the
2 General Laws in Chapter 15-23.1 entitled "Uniform Interstate Family Support Act" are hereby
3 amended to read as follows:

4 **15-23.1-201. Bases for jurisdiction over nonresident. [Contingent effective date; see**
5 **note.] --** (a) In proceeding to establish or enforce a support order or to determine parentage of a
6 child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or
7 the individual's guardian or conservator if:

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

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

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

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

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

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

1 (7) The individual ~~acknowledged~~ asserted parentage of a child by completing an
2 affidavit of paternity in this state signed by both parents; or

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

5 (b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of
6 this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a
7 child support order of another state unless the requirements of § 15-23.1-611 or, in the case of a
8 foreign support order, unless the requirements of § 15-23.1-615 are met.

9 **15-23.1-604. Choice of law. [Contingent effective date; see note.]** -- (a) Except as
10 otherwise provided in subsection (d), the law of the issuing state or foreign country governs: (1)
11 the nature, extent, amount, and duration of current payments under a registered support order; (2)
12 the computation and payment of arrearages and accrual of interest on the arrearages under the
13 support order; and (3) the existence and satisfaction of other obligations under the support order.

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

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

19 (d) After a tribunal of this or another state determines which is the controlling order and
20 issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the
21 law of the state or foreign country issuing the controlling order, including its law on interest on
22 arrears, on current and future support, and on consolidated arrears.

23 **15-23.1-708. Recognition and enforcement of registered convention support order.**
24 **[Contingent effective date; see note.]** -- (a) Except as otherwise provide in subsection (b), a
25 tribunal of this state shall recognize and enforce a registered convention support order.

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

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

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

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

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

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

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

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

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

7 (9) In a case in which the respondent neither appeared nor was represented in the
8 proceeding in the issuing foreign country:

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

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

14 (10) The order was made in violation of § 15-23.1-711.

15 (c) If a tribunal of this state does not recognize a convention support order under
16 subsection (b)(2), (4), ~~(6)~~, or (9):

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

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

21 **15-23.1-904. Effective date. [Contingent effective date; see note.]** -- This chapter, as
22 amended, takes effect ~~six (6) months after either congress amending 42 USC § 666(f) to allow or~~
23 ~~require states to adopt this version of the uniform interstate family support act, or six (6) months~~
24 ~~after the state obtaining a waiver of its state plan requirement under title IV-D of the social~~
25 ~~security act~~ July 1, 2015.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO DOMESTIC RELATIONS - UNIFORM INTERSTATE FAMILY SUPPORT
ACT

- 1 This act would make a few minor changes to the uniform interstate family support act
- 2 necessitated by a 2014 federal law amendment.
- 3 This act would take effect upon passage.

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