
A BILL FOR AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

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

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

3 " [+] CHAPTER 576B [+]

4 UNIFORM INTERSTATE FAMILY SUPPORT ACT

5 ARTICLE 1. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 "Obligee" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 modification, issued in a state or foreign country for the
2 benefit of a child, a spouse, or a former spouse, which provides
3 for monetary support, health care, arrearages, retroactive
4 support, or reimbursement [~~,-and~~] for financial assistance
5 provided to an individual obligee in place of child support.

6 The term may include related costs and fees, interest, income
7 withholding, automatic adjustment, reasonable attorney's fees,
8 and other relief.

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

12 [~~§576B-102~~] ~~Tribunals of State.~~ §576B-103 State
13 tribunal and support enforcement agency. (a) The family court,
14 the child support enforcement agency [~~as defined by the~~
15 ~~registering tribunal in section 576B-101~~], established by
16 section 576D-2, and the office of child support hearings are the
17 tribunals of this State.

18 (b) The child support enforcement agency is the support
19 enforcement agency of this State.

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

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

3 (b) This chapter does not:

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

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

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

14 (1) A foreign support order;

15 (2) A foreign tribunal; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 pleading challenging the exercise of jurisdiction by
2 this State;

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

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

7 ~~[+] §576B-205 [†]~~ Continuing, exclusive jurisdiction~~[+]~~ to

8 modify child support order. (a) A tribunal of this State

9 ~~[issuing]~~ that has issued a child support order consistent with

10 the law of this State has and shall exercise continuing,

11 exclusive jurisdiction ~~[ever-a]~~ to modify its child support

12 order~~[+]~~ if the order is the controlling order and:

13 (1) ~~[As long as]~~ At the time of the filing of a request

14 for modification this State ~~[remains]~~ is the residence

15 of the obligor, the individual obligee, or the child

16 for whose benefit the support order is issued; or

17 (2) ~~[Until all of the parties who are individuals have~~

18 ~~filed written consents with the tribunal of this State~~

19 ~~for a tribunal of another state to modify the order~~

20 ~~and assume continuing, exclusive jurisdiction.]~~ Even

21 if this State is not the residence of the obligor, the

22 individual obligee, or the child for whose benefit the

1 support order is issued, the parties consent in a
2 record or in open court that the tribunal of this
3 State may continue to exercise jurisdiction to modify
4 its order.

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

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

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

19 ~~[(c) If a child support order of this State is modified by~~
20 ~~a tribunal of another state pursuant to this chapter or a law~~
21 ~~substantially similar to this chapter, a tribunal of this State~~
22 ~~loses its continuing, exclusive jurisdiction with regard to~~

1 ~~prospective enforcement of the order issued in this State, and~~
2 ~~may only:~~

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

9 ~~(d) A tribunal of this State shall recognize the~~
10 ~~continuing, exclusive jurisdiction of a tribunal of another~~
11 ~~state which has issued a child support order pursuant to this~~
12 ~~chapter or a law substantially similar to this chapter.]~~

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

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

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

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

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

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

1 (2) A money judgment for arrears of support and interest
2 on the order accrued before a determination that an
3 order of a tribunal of another state is the
4 controlling order.

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

13 ~~(c) A tribunal of this State which lacks continuing,~~
14 ~~exclusive jurisdiction over a spousal support order may not~~
15 ~~serve as a responding tribunal to modify a spousal support order~~
16 ~~of another state.]~~

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

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

1 (b) If a proceeding is brought under this chapter, and two
2 or more child support orders have been issued by tribunals of
3 this State [~~or~~], another state, or a foreign country with regard
4 to the same obligor and same child, a tribunal of this State
5 having personal jurisdiction over both the obligor and
6 individual obligee shall apply the following rules [~~in~~
7 ~~determining~~] and by order shall determine which order [~~to~~
8 ~~recognize for purposes of continuing, exclusive jurisdiction:~~]
9 controls and must be recognized:

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

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

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

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

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

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

20 (d) A request to determine which is the controlling order
21 must be accompanied by a copy of every child support order in
22 effect and the applicable record of payments. The requesting

1 party shall give notice of the request to each party whose
2 rights may be affected by the determination.

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

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

17 ~~[-(e)]~~ (f) A tribunal of this State ~~[which]~~ that determines
18 by order ~~[the identity of]~~ which is the controlling order under
19 subsection (b) (1) or (2) or ~~[which]~~ (c), or that issues a new
20 controlling order under subsection (b) (3), shall state in that
21 order ~~[the]~~ :

- 1 (1) The basis upon which the tribunal made its
2 determination~~[-]~~;
- 3 (2) The amount of prospective support, if any; and
- 4 (3) The total amount of consolidated arrears and accrued
5 interest, if any, under all of the orders after all
6 payments made are credited as provided by section
7 576B-209.

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

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

1 [+] §576B-208 [+] ~~[Multiple child]~~ Child support orders for
2 two or more obligees. In responding to [~~multiple~~] registrations
3 or petitions for enforcement of two or more child support orders
4 in effect at the same time with regard to the same obligor and
5 different individual obligees, at least one of which was issued
6 by a tribunal of another state[~~7~~] or a foreign country, a
7 tribunal of this State shall enforce those orders in the same
8 manner as if the [~~multiple~~] orders had been issued by a tribunal
9 of this State.

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

19 §576B-210 Application of chapter to nonresident subject to
20 personal jurisdiction. A tribunal of this State exercising
21 personal jurisdiction over a nonresident in a proceeding under
22 this chapter, under other law of this State relating to a

1 support order, or recognizing a foreign support order may
2 receive evidence from outside this State pursuant to section
3 576B-316, communicate with a tribunal outside this State
4 pursuant to section 576B-317, and obtain discovery through a
5 tribunal outside this State pursuant to section 576B-318. In
6 all other respects, Articles 3 through 6 do not apply, and the
7 tribunal shall apply the procedural and substantive law of this
8 State.

9 §576B-211 Continuing, exclusive jurisdiction to modify
10 spousal support order. (a) A tribunal of this State issuing a
11 spousal support order consistent with the law of this State has
12 continuing, exclusive jurisdiction to modify the spousal support
13 order throughout the existence of the support obligation.

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

18 (c) A tribunal of this State that has continuing,
19 exclusive jurisdiction over a spousal support order may serve
20 as:

- 1 (1) An initiating tribunal to request a tribunal of
2 another state to enforce the spousal support order
3 issued in this State; or
4 (2) A responding tribunal to enforce or modify its own
5 spousal support order.

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

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

8 Except as otherwise provided in this chapter, this article
9 applies to all proceedings under this chapter.

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

- 11 ~~(1) Establishment of an order for spousal support or child~~
12 ~~support pursuant to Article 4;~~
13 ~~(2) Enforcement of a support order and income withholding~~
14 ~~order of another state without registration pursuant~~
15 ~~to Article 5;~~
16 ~~(3) Registration of an order for spousal support or child~~
17 ~~support of another state for enforcement pursuant to~~
18 ~~Article 6;~~
19 ~~(4) Modification of an order for child support or spousal~~
20 ~~support issued by a tribunal of this State pursuant to~~
21 ~~Article 2, part II;~~

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- 1 ~~(5) Registration of an order for child support of another~~
- 2 ~~state for modification pursuant to Article 6;~~
- 3 ~~(6) Determination of parentage pursuant to Article 7; and~~
- 4 ~~(7) Assertion of jurisdiction over nonresidents pursuant~~
- 5 ~~to Article 2, part I.~~

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

13 ~~[+] §576B-302 [† Action]~~ Proceeding by minor parent. A
 14 minor parent, or a guardian or other legal representative of a
 15 minor parent, may maintain a proceeding on behalf of or for the
 16 benefit of the minor's child.

17 ~~[+] §576B-303 [†]~~ Application of law of State. Except as
 18 otherwise provided ~~[by]~~ in this chapter, a responding tribunal
 19 of this State~~[+]~~ shall:

- 20 (1) ~~[Shall apply]~~ Apply the procedural and substantive
- 21 ~~law[, including the rules on choice of law,]~~ generally
- 22 applicable to similar proceedings originating in this

1 State and may exercise all powers and provide all
2 remedies available in those proceedings; and

3 (2) [~~shall determine~~] Determine the duty of support and
4 the amount payable in accordance with the law and
5 support guidelines of this State.

6 [~~+~~] **§576B-304** [~~+~~] **Duties of initiating tribunal.** (a) Upon
7 the filing of a petition authorized by this chapter, an
8 initiating tribunal of this State shall forward [~~three copies~~
9 ~~of~~] the petition and its accompanying documents:

10 (1) To the responding tribunal or appropriate support
11 enforcement agency in the responding state; or

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

16 (b) If [~~a responding state has not enacted this chapter or~~
17 ~~a law or procedure substantially similar to this chapter,~~]
18 requested by the responding tribunal, a tribunal of this State
19 [~~may~~] shall issue a certificate or other document and make
20 findings required by the law of the responding state. If the
21 responding [~~state~~] tribunal is in a foreign [~~jurisdiction,~~]
22 country, upon request the tribunal [~~may~~] of this State shall

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1 specify the amount of support sought, convert that amount into
2 the equivalent amount in the foreign currency under applicable
3 official or market exchange rate as publicly reported, and
4 provide any other documents necessary to satisfy the
5 requirements of the responding [~~state.~~] foreign tribunal.

6 [~~+~~] §576B-305 [~~+~~] **Duties and powers of responding tribunal.**

7 (a) When a responding tribunal of this State receives a
8 petition or comparable pleading from an initiating tribunal or
9 directly pursuant to section [~~576B-301(e),~~] 576B-301(b), it
10 shall cause the petition or pleading to be filed and notify the
11 petitioner where and when it was filed.

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

- 15 (1) [~~Issue~~] Establish or enforce a support order, modify a
16 child support order, determine the controlling child
17 support order, or [~~render a judgment to~~] determine
18 parentage[~~+~~] of a child;
- 19 (2) Order an obligor to comply with a child support order,
20 specifying the amount and the manner of compliance;
- 21 (3) Order income withholding;

- 1 (4) Determine the amount of any arrearages, and specify a
2 method of payment;
- 3 (5) Enforce orders by civil or criminal contempt, or both;
- 4 (6) Set aside property for satisfaction of the support
5 order;
- 6 (7) Place liens and order execution on the obligor's
7 property;
- 8 (8) Order an obligor to keep the tribunal informed of the
9 obligor's current residential address, electronic-mail
10 address, telephone number, employer, address of
11 employment, and telephone number at the place of
12 employment;
- 13 (9) Issue a bench warrant for an obligor who has failed
14 after proper notice to appear at a hearing ordered by
15 the tribunal and enter the bench warrant in any local
16 and state computer systems for criminal warrants;
- 17 (10) Order the obligor to seek appropriate employment by
18 specified methods;
- 19 (11) Award reasonable attorney's fees and other fees and
20 costs; and
- 21 (12) Grant any other available remedy.

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

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

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

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

18 ~~[+]~~ §576B-306 ~~[+]~~ **Inappropriate tribunal.** If a petition or
19 comparable pleading is received by an inappropriate tribunal of
20 this State, that tribunal shall forward the pleading and
21 accompanying documents to an appropriate tribunal ~~[in]~~ of this

1 State or another state and notify the petitioner where and when
2 the pleading was sent.

3 ~~[†]~~ §576B-307 ~~[†]~~ Duties of support enforcement agency.

4 (a) ~~[The child]~~ A support enforcement agency of this State,
5 upon request, shall provide services to a petitioner in a
6 proceeding under this chapter.

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

9 (1) Take all steps necessary to enable an appropriate
10 tribunal ~~[in this State or another state]~~ of this
11 State, another state, or a foreign country to obtain
12 jurisdiction over the respondent ~~[and to process all~~
13 ~~registration requests received from an individual who~~
14 ~~has applied for child support enforcement agency~~
15 ~~services or support enforcement agencies in other~~
16 ~~jurisdictions]~~;

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

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

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

6 (5) Within two days, exclusive of Saturdays, Sundays, and
7 legal holidays, after receipt of [~~a written~~]
8 communication in a record from the respondent or the
9 respondent's attorney, send a copy of the
10 communication to the petitioner; and

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

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

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

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

1 (d) A support enforcement agency of this State that
2 requests registration and enforcement of a support order,
3 arrears, or judgment stated in a foreign currency shall convert
4 the amounts stated in the foreign currency into the equivalent
5 amounts in dollars under the applicable official or market
6 exchange rate as publicly reported.

7 (e) A support enforcement agency of this State shall issue
8 or request a tribunal of this State to issue a child support
9 order and an income withholding order that redirect payment of
10 current support, arrears, and interest if requested to do so by
11 a support enforcement agency of another state pursuant to
12 section 576B-319.

13 ~~[-e-]~~ (f) This chapter does not create or negate a
14 relationship of attorney and client or other fiduciary
15 relationship between a support enforcement agency or the
16 attorney for the agency and the individual being assisted by the
17 agency.

18 ~~[-]~~ **§576B-308** ~~[+]~~ **Duty of attorney general.** (a) If the
19 attorney general determines that the support enforcement agency
20 is neglecting or refusing to provide services to an individual,
21 the attorney general may order the agency to perform its duties

1 under this chapter or may provide those services directly to the
2 individual.

3 (b) The attorney general may determine that a foreign
4 country has established a reciprocal arrangement for child
5 support with this State and take appropriate action for
6 notification of the determination.

7 ~~[+]~~ §576B-309 ~~[+]~~ **Private counsel.** An individual may employ
8 private counsel to represent the individual in proceedings
9 authorized by this chapter.

10 ~~[+]~~ §576B-310 ~~[+]~~ **Duties of child support enforcement agency**
11 **as state information agency.** (a) The child support enforcement
12 agency is the state information agency under this chapter.

13 (b) The state information agency shall:

- 14 (1) Compile and maintain a current list, including
15 addresses, of the tribunals in this State which have
16 jurisdiction under this chapter and any support
17 enforcement agencies in this State and transmit a copy
18 to the state information agency of every other state;
- 19 (2) Maintain a register of names and addresses of
20 tribunals and support enforcement agencies received
21 from other states;

- 1 (3) Forward to the appropriate tribunal in the [~~place~~]
2 county in this State in which the [~~individual~~] obligee
3 who is an individual or the obligor resides, or in
4 which the obligor's property is believed to be
5 located, all documents concerning a proceeding under
6 this chapter received from [~~an initiating tribunal, an~~
7 ~~individual, or the state information agency of the~~
8 ~~initiating state;~~] another state or a foreign country;
9 and
- 10 (4) Obtain information concerning the location of the
11 obligor and the obligor's property within this State
12 not exempt from execution, by such means as postal
13 verification and federal or state locator services,
14 examination of telephone directories, requests for the
15 obligor's address from employers, and examination of
16 governmental records, including, to the extent not
17 prohibited by other law, those relating to real
18 property, vital statistics, law enforcement, taxation,
19 motor vehicles, driver's licenses, and social
20 security.

21 [+] §576B-311 [+] **Pleadings and accompanying**
22 **documents.** (a) [A] In a proceeding under this chapter, a

1 petitioner seeking to establish [~~or modify~~] a support order,
2 [~~or~~] to determine parentage [~~in a proceeding under this chapter~~]
3 of a child, or to register and modify a support order of a
4 tribunal of another state or a foreign country must [~~verify the~~]
5 file a petition. Unless otherwise ordered under section 576B-
6 312, the petition or accompanying documents must provide, so far
7 as [~~is~~] known, the name, residential address, and social
8 security numbers of the obligor and the obligee[~~r~~] or the parent
9 and alleged parent, and the name, sex, residential address,
10 social security number, and date of birth of each child for
11 [~~whom~~] whose benefit support is sought [~~—The~~] or whose
12 parentage is to be determined. Unless filed at the time of
13 registration, the petition must be accompanied by a [~~certified~~]
14 copy of any support order [~~in effect.~~] known to have been issued
15 by another tribunal. The petition may include any other
16 information that may assist in locating or identifying the
17 respondent.

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

1 [+] §576B-312 [+] **Nondisclosure of information in**
2 **exceptional circumstances.** ~~[Upon a finding, which may be made~~
3 ~~ex parte, that the health, safety, or liberty of a party or~~
4 ~~child would be unreasonably put at risk by the disclosure of~~
5 ~~identifying information, or if an existing order so provides, a~~
6 ~~tribunal shall order that the address of the child or party or~~
7 ~~other identifying information not be disclosed in a pleading or~~
8 ~~other document filed in a proceeding under this chapter.] If a
9 party alleges in an affidavit or a pleading under oath that the
10 health, safety, or liberty of a party or child would be
11 jeopardized by disclosure of specific identifying information,
12 that information must be sealed and may not be disclosed to the
13 other party or the public. After a hearing in which a tribunal
14 takes into consideration the health, safety, or liberty of the
15 party or child, the tribunal may order disclosure of information
16 that the tribunal determines to be in the interest of justice.~~

17 [+] §576B-313 [+] **Costs and fees.** (a) The petitioner may
18 not be required to pay a filing fee or other costs.

19 (b) If an obligee prevails, a responding tribunal of this
20 State may assess against an obligor filing fees, reasonable
21 attorney's fees, other costs, and necessary travel and other
22 reasonable expenses incurred by the obligee and the obligee's

1 witnesses. The tribunal may not assess fees, costs, or expenses
2 against the obligee or the support enforcement agency of either
3 the initiating or the responding state^[7] or foreign country,
4 except as provided by other law. Attorney's fees may be taxed
5 as costs, and may be ordered paid directly to the attorney, who
6 may enforce the order in the attorney's own name. Payment of
7 support owed to the obligee has priority over fees, costs, and
8 expenses.

9 (c) The tribunal shall order the payment of costs and
10 reasonable attorney's fees if it determines that a hearing was
11 requested primarily for delay. In a proceeding under Article
12 6, a hearing is presumed to have been requested primarily for
13 delay if a registered support order is confirmed or enforced
14 without change.

15 ~~[+]~~ §576B-314 ~~[+]~~ **Limited immunity of petitioner.** (a)
16 Participation by a petitioner in a proceeding under this chapter
17 before a responding tribunal, whether in person, by private
18 attorney, or through services provided by the support
19 enforcement agency, does not confer personal jurisdiction over
20 the petitioner in another proceeding.

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

4 (c) The immunity granted by this section does not extend
5 to civil litigation based on acts unrelated to a proceeding
6 under this chapter committed by a party while physically present
7 in this State to participate in the proceeding.

8 ~~[+]~~ §576B-315 ~~[+]~~ **Nonparentage as defense.** A party whose
9 parentage of a child has been previously determined by or
10 pursuant to law may not plead nonparentage as a defense to a
11 proceeding under this chapter.

12 ~~[+]~~ §576B-316 ~~[+]~~ **Special rules of evidence and procedure.**

13 (a) The physical presence of ~~[the petitioner]~~ a nonresident
14 party who is an individual in a ~~[responding]~~ tribunal of this
15 State is not required for the establishment, enforcement, or
16 modification of a support order or the rendition of a judgment
17 determining parentage~~[-]~~ of a child.

18 (b) ~~[A verified petition, an]~~ An affidavit, a document
19 substantially complying with federally mandated forms, ~~[and]~~ or
20 a document incorporated by reference in any of them, which would
21 not be excluded under the hearsay rule if given in person, is
22 admissible in evidence if given under ~~[oath]~~ penalty of perjury

1 by a party or witness residing [~~in another state.~~] outside this
2 State.

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

8 (d) Copies of bills for testing for parentage[~~7~~] of a
9 child, and for prenatal and postnatal health care of the mother
10 and child, furnished to the adverse party at least ten days
11 before trial, are admissible in evidence to prove the amount of
12 the charges billed and that the charges were reasonable,
13 necessary, and customary.

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

19 (f) In a proceeding under this chapter, a tribunal of this
20 State [~~may~~] shall permit a party or witness residing [~~in another~~
21 ~~state~~] outside this State to be deposed or to testify under
22 penalty of perjury by telephone, audiovisual means, or other

1 electronic means at a designated tribunal or other location [~~in~~
2 ~~that state~~]. A tribunal of this State shall cooperate with
3 other tribunals [~~of other states~~] in designating an appropriate
4 location for the deposition or testimony.

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

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

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

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

17 **[+] §576B-317 [+] Communications between tribunals.** A
18 tribunal of this State may communicate with a tribunal [~~of~~
19 ~~another state~~] outside this State in [~~writing,~~] a record or by
20 telephone, electronic mail, or other means, to obtain
21 information concerning the laws [~~of that state~~], the legal
22 effect of a judgment, decree, or order of that tribunal, and the

1 status of a proceeding [~~in the other state~~]. A tribunal of this
2 State may furnish similar information by similar means to a
3 tribunal [~~of another state.~~] outside this State.

4 **[+] §576B-318 [+] Assistance with discovery.** A tribunal of
5 this State may:

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

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

11 **[+] §576B-319 [+] Receipt and disbursement of payments.**

12 (a) A support enforcement agency or tribunal of this State
13 shall disburse promptly any amounts received pursuant to a
14 support order, as directed by the order. The agency or tribunal
15 shall furnish to a requesting party or tribunal of another state
16 or a foreign country a certified statement by the custodian of
17 the record of the amounts and dates of all payments received.

18 (b) If neither the obligor, nor the obligee who is an
19 individual, nor the child resides in this State, upon request
20 from the support enforcement agency of this State or another
21 state, the support enforcement agency of this State or a
22 tribunal of this State shall:

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

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

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

14 **ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER**

15 **OR DETERMINATION OF PARENTAGE**

16 ~~[f] §576B-401 [f]—Petition to establish]~~ **Establishment of**
17 **support order.** (a) If a support order entitled to recognition
18 under this chapter has not been issued, a responding tribunal of
19 this State with personal jurisdiction over the parties may issue
20 a support order if:

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

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

3 (b) The tribunal may issue a temporary child support order
4 if [+

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

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

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

11 the tribunal determines that such an order is appropriate and
12 the individual ordered to pay is:

13 (1) A presumed father of the child;

14 (2) Petitioning to have his paternity adjudicated;

15 (3) Identified as the father of the child through genetic
16 testing;

17 (4) An alleged father who has declined to submit to
18 genetic testing;

19 (5) Shown by clear and convincing evidence to be the
20 father of the child;

21 (6) An acknowledged father as provided by section 584-3.5;

22 (7) The mother of the child; or

1 52.3, 576D-14, and 576E-16, without first filing a petition or
2 comparable pleading or registering the order with a tribunal of
3 this State.

4 ~~[+]~~ §576B-502 ~~[+]~~ **Employer's compliance with income**
5 **withholding order of another state.** (a) Upon receipt of an
6 income withholding order, the obligor's employer shall
7 immediately provide a copy of the order to the obligor.

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

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

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

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

20 (3) Medical support, whether in the form of periodic cash
21 payment, stated as a sum certain, or ordering the
22 obligor to provide health insurance coverage for the

1 child under a policy available through the obligor's
2 employment;

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

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

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

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

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

16 (3) The times within which the employer must implement the
17 withholding order and forward the child support
18 payment.

19 [~~f~~] §576B-503 [~~]- Compliance~~] Employer's compliance with
20 [~~multiple~~] two or more income withholding orders. If an
21 obligor's employer receives [~~multiple~~] two or more income
22 withholding orders with respect to the earnings of the same

1 obligor, the employer satisfies the terms of the [~~multiple~~]
2 orders if the employer complies with the law of the state of the
3 obligor's principal place of employment to establish the
4 priorities for withholding and allocating income withheld for
5 [~~multiple~~] two or more child support obligees.

6 [+] §576B-504 [+] **Immunity from civil liability.** An
7 employer [~~who~~] that complies with an income withholding order
8 issued in another state in accordance with this article is not
9 subject to civil liability to an individual or agency with
10 regard to the employer's withholding of child support from the
11 obligor's income [~~as to that income withholding order~~].

12 [+] §576B-505 [+] **Penalties for noncompliance.** An employer
13 [~~who~~] that wilfully fails to comply with an income withholding
14 order issued [~~by~~] in another state and received for enforcement
15 is subject to the same penalties that may be imposed for
16 noncompliance with an order issued by a tribunal of this State.

17 [+] §576B-506 [+] **Contest by obligor.** (a) An obligor may
18 contest the validity or enforcement of an income withholding
19 order issued in another state and received directly by an
20 employer in this State by registering the order in a tribunal of
21 this State and filing a contest to that order as provided in
22 Article 6, or otherwise contesting the order in the same manner

1 as if the order had been issued by a tribunal of this State.

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

3 (b) The obligor shall give notice of the contest to:

4 (1) A support enforcement agency providing services to the
5 obligee;

6 (2) Each employer that has directly received an income
7 withholding order[+] relating to the obligor; and

8 (3) The person [~~or agency~~] designated to receive payments
9 in the income withholding order[+] or, if no person
10 [~~or agency~~] is designated, to the obligee.

11 [+]**§576B-507** [+] **Administrative enforcement of orders.**

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

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

1 registered. If the obligor contests the validity or
2 administrative enforcement of the order, the support enforcement
3 agency shall register the order pursuant to this chapter.

4 ARTICLE 6. REGISTRATION, ENFORCEMENT, AND
5 MODIFICATION OF SUPPORT ORDER [~~AFTER REGISTRATION~~]

6 PART I. REGISTRATION [~~AND~~] FOR ENFORCEMENT OF SUPPORT ORDER

7 ~~[+] §576B-601 [+] Registration of order for enforcement. A~~
8 support order or [~~an~~] income withholding order issued [~~by a~~
9 ~~tribunal of~~] in another state or a foreign support order may be
10 registered in this State for enforcement.

11 ~~[+] §576B-602 [+] Procedure to register order for~~
12 ~~enforcement.~~ (a) [A] Except as otherwise provided in section
13 576B-706, a support order or income withholding order of another
14 state or a foreign support order may be registered in this State
15 by sending the following [~~documents and information~~] records to
16 the registering tribunal [~~+~~] in this State:

- 17 (1) A letter of transmittal to the [~~registering~~] tribunal
18 requesting registration and enforcement;
- 19 (2) Two copies, including one certified copy, of [~~all~~
20 ~~orders~~] the order to be registered, including any
21 modification of [~~an~~] the order;

- 1 (3) A sworn statement by the [~~party-seeking~~] person
2 requesting registration or a certified statement by
3 the custodian of the record showing the amount of any
4 arrearage;
- 5 (4) The name of the obligor and, if known:
6 (A) The obligor's address and social security number;
7 (B) The name and address of the obligor's employer and
8 any other source of income of the obligor; and
9 (C) A description and the location of property of the
10 obligor in this State not exempt from execution;
11 and
- 12 (5) [~~The~~] Except as otherwise provided in section
13 576B-312, the name and address of the obligee and, if
14 applicable, the [~~agency-or~~] person to whom support
15 payments are to be remitted.
- 16 (b) On receipt of a request for registration, the
17 registering tribunal shall cause the order to be filed as [~~a~~
18 ~~foreign judgment,~~] an order of a tribunal of another state or a
19 foreign support order, together with one copy of the documents
20 and information, regardless of their form.
- 21 (c) A petition or comparable pleading seeking a remedy
22 that must be affirmatively sought under other law of this State

1 may be filed at the same time as the request for registration or
2 later. The pleading must specify the grounds for the remedy
3 sought.

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

6 (1) Furnish to the tribunal a copy of every support order
7 asserted to be in effect in addition to the documents
8 specified in this section;

9 (2) Specify the order alleged to be the controlling order,
10 if any; and

11 (3) Specify the amount of consolidated arrears, if any.

12 (e) A request for a determination of which is the
13 controlling order may be filed separately or with a request for
14 registration and enforcement or for registration and
15 modification. The person requesting registration shall give
16 notice of the request to each party whose rights may be affected
17 by the determination.

18 ~~[f]~~ §576B-603 ~~[f]~~ **Effect of registration for enforcement.**

19 (a) A support order or income withholding order issued in
20 another state or a foreign support order is registered when the
21 order is filed in ~~[a]~~ the registering tribunal of this State.

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

5 (c) Except as otherwise provided in this [~~article,~~
6 chapter, a tribunal of this State shall recognize and enforce,
7 but may not modify, a registered support order if the issuing
8 tribunal had jurisdiction.

9 [~~§~~ **§576B-604** [~~§~~] **Choice of law.** (a) [~~The~~] Except as
10 otherwise provided in subsection (d), the law of the issuing
11 state or foreign country governs [~~the~~]:

12 (1) The nature, extent, amount, and duration of current
13 payments [~~and other obligations of support and the~~
14 under a registered support order;

15 (2) The computation and payment of arrearages and accrual
16 of interest on the arrearages under the support
17 order [~~;~~]; and

18 (3) The existence and satisfaction of other obligations
19 under the support order.

20 (b) In a proceeding for [~~arrearages,~~] arrears under a
21 registered support order, the statute of limitation [~~under the~~

1 ~~laws~~] of this State, or of the issuing state~~[7]~~ or foreign
2 country, whichever is longer, applies.

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

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

14 PART II. CONTEST OF VALIDITY OR ENFORCEMENT

15 §576B-605 Notice of registration of order. (a) When a
16 support order or income withholding order issued in another
17 state or a foreign support order is registered, the registering
18 tribunal of this State shall notify the nonregistering party.
19 The notice must be accompanied by a copy of the registered order
20 and the documents and relevant information accompanying the
21 order.

22 (b) ~~The~~ A notice must inform the nonregistering party:

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- 1 (1) That a registered order is enforceable as of the date
2 of registration in the same manner as an order issued
3 by a tribunal of this State;
- 4 (2) That a hearing to contest the validity or enforcement
5 of the registered order must be requested within
6 twenty days after notice[+] unless the registered
7 order is under section 576B-707;
- 8 (3) That failure to contest the validity or enforcement of
9 the registered order in a timely manner will result in
10 confirmation of the order and enforcement of the order
11 and the alleged arrearages [~~and precludes further~~
12 ~~contest of that order with respect to any matter that~~
13 ~~could have been asserted~~]; and
- 14 (4) Of the amount of any alleged arrearages.
- 15 (c) If the registering party asserts that two or more
16 orders are in effect, a notice must also:
- 17 (1) Identify the two or more orders and the order alleged
18 by the registering party to be the controlling order
19 and the consolidated arrears, if any;
- 20 (2) Notify the nonregistering party of the right to a
21 determination of which is the controlling order;

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

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

8 [~~e~~] (d) Upon registration of an income withholding order
9 for enforcement, the support enforcement agency or the
10 registering tribunal shall notify the obligor's employer
11 pursuant to sections 571-52, 571-52.2, 571-52.3, 576D-14, and
12 576E-16.

13 [~~d~~] (e) For the purposes of this section, service of the
14 notice shall be by personal service or certified mail, return
15 receipt requested. After initial service is effected,
16 additional service upon a party shall be satisfied by regular
17 mail to the party's last known address. In any child support
18 enforcement proceedings subsequent to an order, upon a showing
19 that diligent effort has been made to ascertain the location of
20 a party, notice of service of process shall be presumed to be
21 satisfied upon delivery of written notice to the most recent

1 residential or employer address on file with the state case
2 registry.

3 §576B-606 Procedure to contest validity or enforcement of
4 registered support order. (a) A nonregistering party seeking
5 to contest the validity or enforcement of a registered order in
6 this State shall request a hearing within [~~twenty days after~~
7 ~~notice of the registration.~~] the time required by section
8 576B-605. The nonregistering party may seek to vacate the
9 registration, to assert any defense to an allegation of
10 noncompliance with the registered order, or to contest the
11 remedies being sought or the amount of any alleged arrearages
12 pursuant to section 576B-607.

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

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

21 (d) For the purposes of this section, service of the
22 notice of a hearing regarding the validity or enforcement of the

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

8 ~~[+]~~ §576B-607 ~~[+]~~ **Contest of registration or enforcement.**

9 (a) A party contesting the validity or enforcement of a
10 registered support order or seeking to vacate the registration
11 has the burden of proving one or more of the following defenses:

- 12 (1) The issuing tribunal lacked personal jurisdiction over
13 the contesting party;
- 14 (2) The order was obtained by fraud;
- 15 (3) The order has been vacated, suspended, or modified by
16 a later order;
- 17 (4) The issuing tribunal has stayed the order pending
18 appeal;
- 19 (5) There is a defense under the law of this State to the
20 remedy sought;
- 21 (6) Full or partial payment has been made ~~[+or]~~

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

4 (8) The alleged controlling order is not the controlling
5 order.

6 (b) If a party presents evidence establishing a full or
7 partial defense under subsection (a), a tribunal may stay
8 enforcement of [~~the~~] a registered support order, continue the
9 proceeding to permit production of additional relevant evidence,
10 and issue other appropriate orders. An uncontested portion of
11 the registered support order may be enforced by all remedies
12 available under the law of this State.

13 (c) If the contesting party does not establish a defense
14 under subsection (a) to the validity or enforcement of [~~the~~] a
15 registered support order, [~~a tribunal of this State~~] the
16 registering tribunal shall issue an order confirming the order.

17 [~~§~~576B-608 [~~§~~] **Confirmed order.** Confirmation of a
18 registered support order, whether by operation of law or after
19 notice and hearing, precludes further contest of the order with
20 respect to any matter that could have been asserted at the time
21 of registration.

22 **PART III. REGISTRATION AND MODIFICATION**

1 OF CHILD SUPPORT ORDER OF ANOTHER STATE

2 ~~[+]~~ §576B-609 ~~[+]~~ Procedure to register child support order
3 of another state for modification. A party or support
4 enforcement agency seeking to modify, or to modify and enforce,
5 a child support order issued in another state shall register
6 that order in this State in the same manner provided in ~~[part I]~~
7 sections 576B-601 through 576B-608 if the order has not been
8 registered. A petition for modification may be filed at the
9 same time as a request for registration, or later. The pleading
10 must specify the grounds for modification.

11 ~~[+]~~ §576B-610 ~~[+]~~ Effect of registration for modification.

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

17 ~~[+]~~ §576B-611 ~~[+]~~ Modification of child support order of
18 another state. (a) ~~[After]~~ If section 576B-613 does not apply,
19 upon petition a tribunal of this State may modify a child
20 support order issued in another state ~~[has been]~~ which is
21 registered in this State~~[, the responding tribunal of this State~~

1 ~~may modify that order only if section 576B-613 does not apply~~
2 and] if, after notice and hearing [~~it~~], the tribunal finds that:

3 (1) The following requirements are met:

4 (A) [~~The~~] Neither the child, nor the [individual]
5 obligee[~~7~~and] who is an individual, nor the
6 obligor [~~do not reside~~] resides in the issuing
7 state;

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

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

12 (2) [~~The~~] This State is the residence of the child, or a
13 party who is an individual[~~7~~] is subject to the
14 personal jurisdiction of the tribunal of this State,
15 and all of the parties who are individuals have filed
16 [~~written~~] consents in a record in the issuing tribunal
17 for a tribunal of this State to modify the support
18 order and assume continuing, exclusive jurisdiction
19 [~~over the order. However, if the issuing state is a~~
20 ~~foreign jurisdiction that has not enacted a law or~~
21 ~~established procedures substantially similar to the~~
22 ~~procedures under this chapter, the consent otherwise~~

1 ~~required of an individual residing in this State is~~
2 ~~not required for the tribunal to assume jurisdiction~~
3 ~~to modify the child support order].~~

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

9 (c) A tribunal of this State may not modify any aspect of
10 a child support order that may not be modified under the law of
11 the issuing state[-], including the duration of the obligation
12 of support. If two or more tribunals have issued child support
13 orders for the same obligor and same child, the order that
14 controls and must be so recognized under section 576B-207
15 establishes the aspects of the support order which are
16 nonmodifiable.

17 (d) In a proceeding to modify a child support order, the
18 law of the state that is determined to have issued the initial
19 controlling order governs the duration of the obligation of
20 support. The obligor's fulfillment of the duty of support
21 established by that order precludes imposition of a further
22 obligation of support by a tribunal of this State.

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

5 (f) Notwithstanding subsections (a) through (e) and
6 section 576B-201(b), a tribunal of this State retains
7 jurisdiction to modify an order issued by a tribunal of this
8 State if:

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

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

11 ~~[\d]~~ §576B-612 ~~[\d]~~ **Recognition of order modified in another**
12 **state.** [A] If a child support order issued by a tribunal of
13 this State ~~[shall recognize a modification of its earlier child~~
14 ~~support order]~~ is modified by a tribunal of another state which
15 assumed jurisdiction pursuant to ~~[this chapter or a law~~
16 ~~substantially similar to this chapter and, upon request, except~~
17 ~~as otherwise provided in this chapter, shall:]~~ the Uniform
18 Interstate Family Support Act, a tribunal of this State:

19 (1) ~~[Enforce the]~~ May enforce its order that was modified
20 only as to ~~[amounts]~~ arrear and interest accruing
21 before the modification;

22 ~~[-(2) Enforce only nonmodifiable aspects of that order;~~

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

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

8 [+] §576B-613 [+] **Jurisdiction to modify child support order**
9 **of another state when individual parties reside in this State.**

10 (a) If all of the parties who are individuals reside in this
11 State and the child does not reside in the issuing state, a
12 tribunal of this State has jurisdiction to enforce and to modify
13 the issuing state's child support order in a proceeding to
14 register that order.

15 (b) A tribunal of this State exercising jurisdiction under
16 this section shall apply the provisions of Articles 1 and 2,
17 this article, and the procedural and substantive law of this
18 State to the proceeding for enforcement or modification.
19 Articles 3, 4, 5, 7, and 8 [~~shall~~] do not apply.

20 [+] §576B-614 [+] **Notice to issuing tribunal of**
21 **modification.** Within thirty days after issuance of a modified
22 child support order, the party obtaining the modification shall

1 file a certified copy of the order with the issuing tribunal
2 that had continuing, exclusive jurisdiction over the earlier
3 order, and in each tribunal in which the party knows the earlier
4 order has been registered. A party who obtains the order and
5 fails to file a certified copy is subject to appropriate
6 sanctions by a tribunal in which the issue of failure to file
7 arises. The failure to file does not affect the validity or
8 enforceability of the modified order of the new tribunal having
9 continuing, exclusive jurisdiction.

10 PART IV. REGISTRATION AND MODIFICATION

11 OF FOREIGN CHILD SUPPORT ORDER

12 §576B-615 Jurisdiction to modify child support order of
13 foreign country. (a) Except as otherwise provided in section
14 576B-711, if a foreign country lacks or refuses to exercise
15 jurisdiction to modify its child support order pursuant to its
16 laws, a tribunal of this State may assume jurisdiction to modify
17 the child support order and bind all individuals subject to the
18 personal jurisdiction of the tribunal whether the consent to
19 modification of a child support order otherwise required of the
20 individual pursuant to section 576B-611 has been given or
21 whether the individual seeking modification is a resident of
22 this State or of the foreign country.

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

4 **§576B-616 Procedure to register child support order of**
5 **foreign country for modification.** **A party or support**
6 **enforcement agency seeking to modify, or to modify and enforce,**
7 **a foreign child support order not under the Convention may**
8 **register that order in this State under sections 576B-601**
9 **through 576B-608 if the order has not been registered. A**
10 **petition for modification may be filed at the same time as a**
11 **request for registration, or at another time. The petition must**
12 **specify the grounds for modification.**

13 **ARTICLE 7. [DETERMINATION OF PARENTAGE]**

14 **SUPPORT PROCEEDING UNDER CONVENTION**

15 ~~[§576B-701] Proceeding to determine parentage. (a) A~~
16 ~~tribunal of this State may serve as an initiating or responding~~
17 ~~tribunal in a proceeding brought under this chapter or a law or~~
18 ~~procedure substantially similar to this chapter, the Uniform~~
19 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
20 ~~Reciprocal Enforcement of Support Act to determine that the~~
21 ~~petitioner is a parent of a particular child or to determine~~
22 ~~that a respondent is a parent of that child.~~

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

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

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

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

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

17 "Foreign central authority" means the entity designated by
18 a foreign country described in paragraph (4) of the definition
19 of "foreign country" in section 576B-102 to perform the
20 functions specified in the Convention.

21 "Foreign support agreement":

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

- 1 (A) Is enforceable as a support order in the country
2 of origin;
- 3 (B) Has been:
- 4 (i) Formally drawn up or registered as an
5 authentic instrument by a foreign tribunal;
6 or
- 7 (ii) Authenticated by, or concluded, registered,
8 or filed with a foreign tribunal; and
- 9 (C) May be reviewed and modified by a foreign
10 tribunal; and
- 11 (2) Includes a maintenance arrangement or authentic
12 instrument under the Convention.

13 "United States central authority" means the Secretary of
14 the United States Department of Health and Human Services.

15 §576B-702 Applicability. This article applies only to a
16 support proceeding under the Convention. In such a proceeding,
17 if a provision of this article is inconsistent with Articles 1
18 through 6, this article controls.

19 §576B-703 Relationship of support enforcement agency to
20 United States central authority. The support enforcement agency
21 of this State is recognized as the agency designated by the

1 United States central authority to perform specific functions
2 under the Convention.

3 §576B-704 Initiation by support enforcement agency of

4 support proceeding under Convention. (a) In a support

5 proceeding under this article, the support enforcement agency of

6 this State shall:

7 (1) Transmit and receive applications; and

8 (2) Initiate or facilitate the institution of a proceeding

9 regarding an application in a tribunal of this State.

10 (b) The following support proceedings are available to an

11 obligee under the Convention:

12 (1) Recognition or recognition and enforcement of a

13 foreign support order;

14 (2) Enforcement of a support order issued or recognized in

15 this State;

16 (3) Establishment of a support order if there is no

17 existing order, including, if necessary, determination

18 of parentage of a child;

19 (4) Establishment of a support order if recognition of a

20 foreign support order is refused under section

21 576B-708(b)(2), (4), or (9);

1 (5) Modification of a support order of a tribunal of this
2 State; and

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

5 (c) The following support proceedings are available under
6 the Convention to an obligor against which there is an existing
7 support order:

8 (1) Recognition of an order suspending or limiting
9 enforcement of an existing support order of a tribunal
10 of this State;

11 (2) Modification of a support order of a tribunal of this
12 State; and

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

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

18 **§576B-705 Direct request.** (a) A petitioner may file a
19 direct request seeking establishment or modification of a
20 support order or determination of parentage of a child. In the
21 proceeding, the law of this State applies.

1 (b) A petitioner may file a direct request seeking
2 recognition and enforcement of a support order or support
3 agreement. In the proceeding, sections 576B-706 through 576B-
4 713 apply.

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

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

9 (2) An obligee or obligor that in the issuing country has
10 benefited from free legal assistance is entitled to
11 benefit, at least to the same extent, from any free
12 legal assistance provided for by the law of this State
13 under the same circumstances.

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

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

20 **§576B-706 Registration of Convention support order.**

21 (a) Except as otherwise provided in this article, a party who
22 is an individual or a support enforcement agency seeking

1 recognition of a Convention support order shall register the
2 order in this State as provided in Article 6.

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

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

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

12 (3) If the respondent did not appear and was not
13 represented in the proceedings in the issuing country,
14 a record attesting, as appropriate, either that the
15 respondent had proper notice of the proceedings and an
16 opportunity to be heard or that the respondent had
17 proper notice of the support order and an opportunity
18 to be heard in a challenge or appeal on fact or law
19 before a tribunal;

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

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

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

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

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

15 (e) The tribunal shall promptly notify the parties of the
16 registration or the order vacating the registration of a
17 Convention support order.

18 §576B-707 Contest of registered Convention support order.

19 (a) Except as otherwise provided in this article, sections
20 576B-605 through 576B-608 apply to a contest of a registered
21 Convention support order.

1 (b) A party contesting a registered Convention support
2 order shall file a contest not later than thirty days after
3 notice of the registration, but if the contesting party does not
4 reside in the United States, the contest must be filed not later
5 than sixty days after notice of the registration.

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

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

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

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

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

17 (f) A tribunal of this State deciding a contest of a
18 registered Convention support order shall promptly notify the
19 parties of its decision.

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

1 §576B-708 Recognition and enforcement of registered
2 Convention support order. (a) Except as otherwise provided in
3 subsection (b), a tribunal of this State shall recognize and
4 enforce a registered Convention support order.

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

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

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

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

16 (4) The order was obtained by fraud in connection with a
17 matter of procedure;

18 (5) A record transmitted in accordance with section
19 576B-706 lacks authenticity or integrity;

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

- 1 (7) The order is incompatible with a more recent support
2 order involving the same parties and having the same
3 purpose if the more recent support order is entitled
4 to recognition and enforcement under this chapter in
5 this State;
- 6 (8) Payment, to the extent alleged arrears have been paid
7 in whole or in part;
- 8 (9) In a case in which the respondent neither appeared nor
9 was represented in the proceeding in the issuing
10 foreign country:
- 11 (A) If the law of that country provides for prior
12 notice of proceedings, the respondent did not
13 have proper notice of the proceedings and an
14 opportunity to be heard; or
- 15 (B) If the law of that country does not provide for
16 prior notice of the proceedings, the respondent
17 did not have proper notice of the order and an
18 opportunity to be heard in a challenge or appeal
19 on fact or law before a tribunal; or
- 20 (10) The order was made in violation of section 576B-711.
- 21 (c) If a tribunal of this State does not recognize a
22 Convention support order under subsection (b) (2), (4), or (9):

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

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

8 §576B-709 Partial enforcement. If a tribunal of this
9 State does not recognize and enforce a Convention support order
10 in its entirety, it shall enforce any severable part of the
11 order. An application or direct request may seek recognition
12 and partial enforcement of a Convention support order.

13 §576B-710 Foreign support agreement. (a) Except as
14 otherwise provided in subsections (c) and (d), a tribunal of
15 this State shall recognize and enforce a foreign support
16 agreement registered in this State.

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

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

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

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

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

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

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

14 (3) The agreement is incompatible with a support order
15 involving the same parties and having the same purpose
16 in this State, another state, or a foreign country if
17 the support order is entitled to recognition and
18 enforcement under this chapter in this State; or

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

21 (e) A proceeding for recognition and enforcement of a
22 foreign support agreement must be suspended during the pendency

1 of a challenge to or appeal of the agreement before a tribunal
2 of another state or a foreign country.

3 §576B-711 Modification of Convention child support order.

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

7 (1) The obligee submits to the jurisdiction of a tribunal
8 of this State, either expressly or by defending on the
9 merits of the case without objecting to the
10 jurisdiction at the first available opportunity; or

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

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

17 §576B-712 Personal information; limit on use. Personal
18 information gathered or transmitted under this article may be
19 used only for the purposes for which it was gathered or
20 transmitted.

21 §576B-713 Record in original language; English
22 translation. A record filed with a tribunal of this State under

1 this article must be in the original language and, if not in
2 English, must be accompanied by an English translation.

3 **ARTICLE 8. INTERSTATE RENDITION**

4 ~~[§576B-801]~~ **Grounds for rendition.** (a) For purposes
5 of this article, "governor" includes an individual performing
6 the functions of governor or the executive authority of a state
7 covered by this chapter.

8 (b) The governor of this State may:

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

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

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

1 [+] §576B-802 [+] **Conditions of rendition.** (a) Before
2 making a demand that the governor of another state surrender an
3 individual charged criminally in this State with having failed
4 to provide for the support of an obligee, the governor of this
5 State may require a prosecutor of this State to demonstrate that
6 at least sixty days previously the obligee had initiated
7 proceedings for support pursuant to this chapter or that the
8 proceeding would be of no avail.

9 (b) If, under this chapter or a law substantially similar
10 to this chapter, [~~the Uniform Reciprocal Enforcement of Support~~
11 ~~Act, or the Revised Uniform Reciprocal Enforcement of Support~~
12 ~~Act,~~] the governor of another state makes a demand that the
13 governor of this State surrender an individual charged
14 criminally in that state with having failed to provide for the
15 support of a child or other individual to whom a duty of support
16 is owed, the governor may require a prosecutor to investigate
17 the demand and report whether a proceeding for support has been
18 initiated or would be effective. If it appears that a
19 proceeding would be effective but has not been initiated, the
20 governor may delay honoring the demand for a reasonable time to
21 permit the initiation of a proceeding.

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

7 **ARTICLE 9. MISCELLANEOUS PROVISIONS**

8 ~~[+] §576B-901 [+~~ **Uniformity of application and**
9 **construction.** ~~[This chapter shall be applied and construed to~~
10 ~~effectuate its general purpose to make uniform]~~ In applying and
11 construing this uniform act, consideration must be given to the
12 need to promote uniformity of the law with respect to [the] its
13 subject [of this chapter] matter among states [enacting] that
14 enact it.


15 ~~[+] §576B-902 [+~~ ~~**Short title.** This chapter may be cited as~~
16 ~~the Uniform Interstate Family Support Act.]~~ **Transitional**
17 **provision.** This chapter applies to proceedings begun on or
18 after the effective date of this chapter to establish a support
19 order or determine parentage of a child or to register,
20 recognize, enforce, or modify a prior support order,
21 determination, or agreement, whenever issued or entered."

S.B. NO. 1066

1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4
5
6

INTRODUCED BY: 

BY REQUEST

Report Title:

Uniform Interstate Family Support Act

Description:

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

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

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

MEANS: Amend section 576B, Hawaii Revised Statutes.

JUSTIFICATION: On September 18, 2014, the United States Congress passed H.R. 4980 which requires all states to adopt the 2008 amendments to the Uniform Interstate Family Support Act. The President of the United States signed this bill into law on September 29, 2014. States must enact this requirement no later than the first day of the first calendar quarter beginning after the close of the first regular session of the state legislature that begins after the passage of this bill in order to be in compliance with the new law.

Impact on the public: This measure would benefit the public by providing a method for the enforcement and collection of child support in more countries and by helping to make the child support enforcement process more efficient.

Impact on the department and other agencies: If federal requirements are not met, eligibility for federal welfare funding and

federal funding of child support enforcement programs may be jeopardized.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: ATG 500

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.
