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# A BILL FOR AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

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

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

3 "~~[+]CHAPTER 576B[+]~~

4 UNIFORM INTERSTATE FAMILY SUPPORT ACT

5 ARTICLE 1. GENERAL PROVISIONS

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

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

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

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

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



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

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

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

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

12 (3) That has enacted a law or established procedures for  
13 the issuance and enforcement of support orders that  
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 that is authorized to



1 establish, enforce, or modify support orders or to determine  
2 parentage of a child. This term includes a competent authority  
3 under the Convention.

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

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

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

19 [~~"Initiating state" means a state from which a proceeding~~  
20 ~~is forwarded or in which a proceeding is filed for forwarding to~~  
21 ~~a responding state under this chapter or a law or procedure~~



1 ~~substantially similar to this chapter, the Uniform Reciprocal~~  
2 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal~~  
3 ~~Enforcement of Support Act.]~~

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

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

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

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

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

20 "Obligee" means:



- 1 (1) An individual to whom a duty of support is or is
- 2 alleged to be owed or in whose favor a support order
- 3 ~~[has been issued]~~ or a judgment determining parentage
- 4 of a child has been ~~[rendered;]~~ issued;
- 5 (2) A foreign country, state, or political subdivision of
- 6 a state to which the rights under a duty of support or
- 7 support order have been assigned or which has
- 8 independent claims based on financial assistance
- 9 provided to an individual obligee~~[-or]~~ in place of
- 10 child support;
- 11 (3) An individual seeking a judgment determining parentage
- 12 of the individual's child~~[-]~~; or
- 13 (4) A person that is a creditor in a proceeding under
- 14 Article 7.

15 "Obligor" means an individual, or the estate of a  
 16 decedent~~[-]~~ that:

- 17 (1) ~~[Who owes]~~ Owes or is alleged to owe a duty of
- 18 support;
- 19 (2) ~~[Who is]~~ Is alleged but has not been adjudicated to be
- 20 a parent of a child; ~~[or]~~
- 21 (3) ~~[Who is]~~ Is liable under a support order~~[-]~~; or



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

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

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

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

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

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



1 requests from another [child] support enforcement agency or an  
2 individual who has applied for [child] support enforcement  
3 agency services[, and the child support enforcement agency of  
4 this State shall register the request in the appropriate  
5 tribunal]. The family court [shall be] is the registering  
6 tribunal for all other requests for registration.

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

15 "Responding tribunal" means the authorized tribunal in a  
16 responding state[ ~~or foreign country.~~]

17 "Spousal support order" means a support order for a spouse  
18 or former spouse of the obligor.

19 "State" means a state of the United States, the District of  
20 Columbia, Puerto Rico, the United States Virgin Islands, or any



1 territory or insular possession [~~subject to~~] under the  
2 jurisdiction of the United States. The term includes[-

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

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

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





1        (5) Request determination of the controlling child support  
2            order.

3            "Support order" means a judgment, decree, [~~or~~] order,  
4        decision, or directive, whether temporary, final, or subject to  
5        modification, issued in a state or foreign country for the  
6        benefit of a child, a spouse, or a former spouse, which provides  
7        for monetary support, health care, arrearages, retroactive  
8        support, or reimbursement[, and] for financial assistance  
9        provided to an individual obligee in place of child support.  
10       The term may include related costs and fees, interest, income  
11       withholding, automatic adjustment, reasonable attorney's fees,  
12       and other relief.

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

16            [~~§576B-102 Tribuna~~ls of State.] §576B-103 State  
17        tribunal and support enforcement agency. (a) The family court,  
18        the child support enforcement agency [~~as defined by the~~  
19        ~~registering tribunal in section 576B-101~~], established by  
20        section 576D-2, and the office of child support hearings are the  
21        tribunals of this State.



1        (b) The child support enforcement agency is the support  
2 enforcement agency of this State.

3        ~~[[§576B-103]]~~ **§576B-104 Remedies cumulative.** (a)  
4 Remedies provided by this chapter are cumulative and do not  
5 affect the availability of remedies under other law~~[-]~~ or the  
6 recognition of a foreign support order on the basis of comity.

- 7        (b) This chapter does not:
- 8        (1) Provide the exclusive method of establishing or  
9        enforcing a support order under the law of this State;  
10        or
  - 11        (2) Grant a tribunal of this State jurisdiction to render  
12        judgment or issue an order relating to child custody  
13        or visitation in a proceeding under this chapter.

14        **§576B-105 Application of chapter to resident of foreign**  
15 **country and foreign support proceeding.** (a) A tribunal of this  
16 State shall apply Articles 1 through 6 and, as applicable,  
17 Article 7, to a support proceeding involving;

- 18        (1) A foreign support order;
- 19        (2) A foreign tribunal; or
- 20        (3) An obligee, obligor, or child residing in a foreign  
21        country.





- 1 the effect of waiving any contest to personal  
2 jurisdiction;
- 3 (3) The individual resided with the child in this State;
- 4 (4) The individual resided in this State and provided  
5 prenatal expenses or support for the child;
- 6 (5) The child resides in this State as a result of the  
7 acts or directives of the individual;
- 8 (6) The individual engaged in sexual intercourse in this  
9 State and the child may have been conceived by that  
10 act of intercourse;
- 11 (7) The individual asserted parentage of the child in the  
12 office of health status monitoring maintained in this  
13 State by the department of health; or
- 14 (8) There is any other basis consistent with the  
15 constitutions of this State and the United States for  
16 the exercise of personal jurisdiction.
- 17 (b) The bases of personal jurisdiction set forth in  
18 subsection (a) or in any other law of this State may not be used  
19 to acquire personal jurisdiction for a tribunal of this State to  
20 modify a child support order of another state unless the  
21 requirements of section 576B-611 are met, or in the case of a



1 foreign support order, unless the requirements of section  
2 576B-615 are met.

3 ~~[+]§576B-202[-] Procedure when exercising jurisdiction over~~  
4 ~~nonresident. A tribunal of this State exercising personal~~  
5 ~~jurisdiction over a nonresident under section 576B-201 may apply~~  
6 ~~section 576B-316 to receive evidence from another state, and~~  
7 ~~section 576B-318 to obtain discovery through a tribunal of~~  
8 ~~another state. In all other respects, Articles 3 through 7~~  
9 ~~shall not apply and the tribunal shall apply the procedural and~~  
10 ~~substantive law of this State, including the rules on choice of~~  
11 ~~law other than those established by this chapter.] Duration of~~  
12 ~~personal jurisdiction. Personal jurisdiction acquired by a~~  
13 ~~tribunal of this State in a proceeding under this chapter or~~  
14 ~~other law of this State relating to a support order continues as~~  
15 ~~long as a tribunal of this State has continuing, exclusive~~  
16 ~~jurisdiction to modify its order or continuing jurisdiction to~~  
17 ~~enforce its order as provided by sections 576B-205, 576B-206,~~  
18 ~~and 576B-211.~~

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

20 ~~[+]§576B-203[+] Initiating and responding tribunal of~~  
21 ~~State. Under this chapter, a tribunal of this State may serve~~



1 as an initiating tribunal to forward proceedings to a tribunal  
2 of another state, and as a responding tribunal for proceedings  
3 initiated in another state~~[+]~~ or a foreign country.

4 **[+]§576B-204[+]** **Simultaneous proceedings [~~in another~~**  
5 **state].** (a) A tribunal of this State may exercise jurisdiction  
6 to establish a support order if the petition or comparable  
7 pleading is filed [~~in this State~~] after a pleading is filed in  
8 another state or a foreign country only if:

9 (1) The petition or comparable pleading in this State is  
10 filed before the expiration of the time allowed in the  
11 other state or the foreign country for filing a  
12 responsive pleading challenging the exercise of  
13 jurisdiction by the other state~~[+]~~ or the foreign  
14 country;

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

18 (3) If relevant, this State is the home state of the  
19 child.

20 (b) A tribunal of this State may not exercise jurisdiction  
21 to establish a support order if the petition or comparable



1 pleading is filed [~~in this State~~] before a petition or  
2 comparable pleading is filed in another state or a foreign  
3 country if:

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

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

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

13 [~~+~~]§576B-205[~~+~~] **Continuing, exclusive jurisdiction[~~-~~] to**

14 **modify child support order.** (a) A tribunal of this State  
15 [~~issuing~~] that has issued a child support order consistent with  
16 the law of this State has and shall exercise continuing,  
17 exclusive jurisdiction [~~over a~~] to modify its child support  
18 order[~~+~~] if the order is the controlling order and:

19 (1) [~~As long as~~] At the time of the filing of a request  
20 for modification this State [~~remains~~] is the residence



1 of the obligor, the individual obligee, or the child  
 2 for whose benefit the support order is issued; or  
 3 (2) ~~[Until all of the parties who are individuals have~~  
 4 ~~filed written consents with the tribunal of this State~~  
 5 ~~for a tribunal of another state to modify the order~~  
 6 ~~and assume continuing, exclusive jurisdiction.]~~ Even  
 7 if this State is not the residence of the obligor, the  
 8 individual obligee, or the child for whose benefit the  
 9 support order is issued, the parties consent in a  
 10 record or in open court that the tribunal of this  
 11 State may continue to exercise jurisdiction to modify  
 12 its order.

13 (b) A tribunal of this State ~~[issuing]~~ that has issued a  
 14 child support order consistent with the law of this State may  
 15 not exercise ~~[its]~~ continuing, exclusive jurisdiction to modify  
 16 the order if ~~[the order has been modified by a tribunal of~~  
 17 ~~another state pursuant to this chapter or a law substantially~~  
 18 ~~similar to this chapter.]~~ :

19 (1) All of the parties who are individuals file consent in  
 20 a record with the tribunal of this State that a  
 21 tribunal of another state that has jurisdiction over





1           at least one of the parties who is an individual or  
2           that is located in the state of residence of the child  
3           may modify the order and assume continuing, exclusive  
4           jurisdiction; or

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

6           ~~[(c) If a child support order of this State is modified by~~  
7 ~~a tribunal of another state pursuant to this chapter or a law~~  
8 ~~substantially similar to this chapter, a tribunal of this State~~  
9 ~~loses its continuing, exclusive jurisdiction with regard to~~  
10 ~~prospective enforcement of the order issued in this State, and~~  
11 ~~may only:~~

12           ~~(1) Enforce the order that was modified as to amounts~~  
13           ~~accruing before the modification;~~

14           ~~(2) Enforce nonmodifiable aspects of that order; and~~

15           ~~(3) Provide other appropriate relief for violations of~~  
16           ~~that order which occurred before the effective date of~~  
17           ~~the modification.~~

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



1        (c) If a tribunal of another state has issued a child  
2 support order pursuant to the Uniform Interstate Family Support  
3 Act or a law substantially similar to that Act that modifies a  
4 child support order of a tribunal of this State, tribunals of  
5 this State shall recognize the continuing, exclusive  
6 jurisdiction of the tribunal of the other state.

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

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

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



1        ~~{[§576B-206[} Enforcement and modification of support~~  
2 ~~order by tribunal having continuing jurisdiction.]~~ Continuing  
3 jurisdiction to enforce child support order. (a) A tribunal of  
4 this State that has issued a child support order consistent with  
5 the law of this State may serve as an initiating tribunal to  
6 request a tribunal of another state to enforce ~~[or modify a~~  
7 ~~support order issued in that state.]~~:

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

12        (2) A money judgment for arrears of support and interest  
13        on the order accrued before a determination that an  
14        order of a tribunal of another state is the  
15        controlling order.

16        (b) A tribunal of this State ~~[that has]~~ having  
17 continuing~~[, exclusive]~~ jurisdiction over a support order may  
18 act as a responding tribunal to enforce ~~[or modify]~~ the order.  
19 ~~[If a party subject to the continuing, exclusive jurisdiction of~~  
20 ~~the tribunal no longer resides in the issuing state, in~~  
21 ~~subsequent proceedings the tribunal may apply section 576B-316~~



1 ~~to receive evidence from another state and section 576B-318 to~~  
2 ~~obtain discovery through a tribunal of another state.~~

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

7 ~~PART III. RECONCILIATION OF MULTIPLE ORDERS]~~

8 §576B-207 [~~Recognition~~] Determination of controlling child  
9 support [orders.] order. (a) If a proceeding is brought under  
10 this chapter and only one tribunal has issued a child support  
11 order, the order of that tribunal controls and [~~must~~] shall be  
12 [~~se~~] recognized.

13 (b) If a proceeding is brought under this chapter, and two  
14 or more child support orders have been issued by tribunals of  
15 this State [~~or~~], another state, or a foreign country with regard  
16 to the same obligor and same child, a tribunal of this State  
17 having personal jurisdiction over both the obligor and  
18 individual obligee shall apply the following rules [~~in~~  
19 ~~determining~~] and by order shall determine which order [~~to~~  
20 ~~recognize for purposes of continuing, exclusive jurisdiction:]~~  
21 shall control and be recognized:



- 1 (1) If only one of the tribunals would have continuing,  
2 exclusive jurisdiction under this chapter, the order  
3 of that tribunal controls [~~and must be so recognized~~].
- 4 (2) If more than one of the tribunals would have  
5 continuing, exclusive jurisdiction under this  
6 chapter[~~, an~~]:
- 7 (A) An order issued by a tribunal in the current home  
8 state of the child controls [~~and must be so~~  
9 ~~recognized, but if~~]; or
- 10 (B) If an order has not been issued in the current  
11 home state of the child, the order most recently  
12 issued controls [~~and must be so recognized~~].
- 13 (3) If none of the tribunals would have continuing,  
14 exclusive jurisdiction under this chapter, the  
15 tribunal of this State [~~having jurisdiction over the~~  
16 ~~parties~~] shall issue a child support order, which  
17 controls [~~and must be so recognized~~].
- 18 (c) If two or more child support orders have been issued  
19 for the same obligor and same child [~~and if the obligor or the~~  
20 ~~individual obligee resides in this State~~], upon request of a  
21 party [~~may request~~] who is an individual or that is a support



1 enforcement agency, a tribunal of this State [to] having  
2 personal jurisdiction over both the obligor and the obligee who  
3 is an individual shall determine which order controls [and must  
4 be so recognized] under subsection (b). [The request must be  
5 accompanied by a certified copy of every support order in  
6 effect. The requesting party shall give notice of the request  
7 to each party whose rights may be affected by the  
8 determination.] The request may be filed with a registration for  
9 enforcement or registration for modification pursuant to Article  
10 6, or may be filed as a separate proceeding.

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

16 For the purposes of this subsection, service of the notice  
17 shall be by personal service or certified mail, return receipt  
18 requested. After initial service is effected, additional  
19 service upon a party shall be satisfied by regular mail to the  
20 party's last known address. In any child support enforcement  
21 proceedings subsequent to an order, upon a showing that diligent



1 effort has been made to ascertain the location of a party,  
2 notice of service of process shall be presumed to be satisfied  
3 upon delivery of written notice to the most recent residential  
4 or employer address on file with the state case registry.

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

9 ~~[(e)]~~ (f) A tribunal of this State ~~[which]~~ that determines  
10 by order ~~[the identity of]~~ which is the controlling order under  
11 subsection (b)(1) or (2) or ~~[which]~~ (c), or that issues a new  
12 controlling order under subsection (b)(3), shall state in that  
13 order ~~[the]~~:

- 14 (1) The basis upon which the tribunal made its  
15 determination[-];
- 16 (2) The amount of prospective support, if any; and  
17 (3) The total amount of consolidated arrears and accrued  
18 interest, if any, under all of the orders after all  
19 payments made are credited as provided by section  
20 576B-209.



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

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

15           ~~[§576B-208 [Multiple child]]~~ **Child support orders for**  
16 **two or more obligees.** In responding to ~~[multiple]~~ registrations  
17 or petitions for enforcement of two or more child support orders  
18 in effect at the same time with regard to the same obligor and  
19 different individual obligees, at least one of which was issued  
20 by a tribunal of another state~~[,]~~ or a foreign country, a  
21 tribunal of this State shall enforce those orders in the same





1 manner as if the [~~multiple~~] orders had been issued by a tribunal  
2 of this State.

3 **[+]§576B-209[+]** **Credit for payments.** [~~Amounts~~] A tribunal  
4 of this State shall credit amounts collected [~~and credited~~] for  
5 a particular period pursuant to [~~a support order~~] any child  
6 support order against the amounts owed for the same period under  
7 any other child support order for support of the same child  
8 issued by a tribunal of this State, another state [~~must be~~  
9 ~~credited against the amounts accruing or accrued for the same~~  
10 ~~period under a support order issued by the tribunal of this~~  
11 ~~State.~~], or a foreign country.

12 **§576B-210 Application of chapter to nonresident subject to**  
13 **personal jurisdiction.** A tribunal of this State exercising  
14 personal jurisdiction over a nonresident in a proceeding under  
15 this chapter, under other law of this State relating to a  
16 support order, or recognizing a foreign support order may  
17 receive evidence from outside this State pursuant to section  
18 576B-316, communicate with a tribunal outside this State  
19 pursuant to section 576B-317, and obtain discovery through a  
20 tribunal outside this State pursuant to section 576B-318. In  
21 all other respects, Articles 3 through 6 do not apply, and the



1 tribunal shall apply the procedural and substantive law of this  
2 State.

3 **§576B-211 Continuing, exclusive jurisdiction to modify**  
4 **spousal support order.** (a) A tribunal of this State issuing a  
5 spousal support order consistent with the law of this State has  
6 continuing, exclusive jurisdiction to modify the spousal support  
7 order throughout the existence of the support obligation.

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

12 (c) A tribunal of this State that has continuing,  
13 exclusive jurisdiction over a spousal support order may serve  
14 as:

15 (1) An initiating tribunal to request a tribunal of  
16 another state to enforce the spousal support order  
17 issued in this State; or

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

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



1            ~~[+]§576B-301[+]~~ **Proceedings under this chapter.** (a)

2 Except as otherwise provided in this chapter, this article  
3 applies to all proceedings under this chapter.

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

5            ~~(1) Establishment of an order for spousal support or child  
6 support pursuant to Article 4;~~

7            ~~(2) Enforcement of a support order and income withholding  
8 order of another state without registration pursuant  
9 to Article 5;~~

10           ~~(3) Registration of an order for spousal support or child  
11 support of another state for enforcement pursuant to  
12 Article 6;~~

13           ~~(4) Modification of an order for child support or spousal  
14 support issued by a tribunal of this State pursuant to  
15 Article 2, part II;~~

16           ~~(5) Registration of an order for child support of another  
17 state for modification pursuant to Article 6;~~

18           ~~(6) Determination of parentage pursuant to Article 7; and~~

19           ~~(7) Assertion of jurisdiction over nonresidents pursuant  
20 to Article 2, part I.~~



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

8       ~~[+]§576B-302[-]—Action]~~ **Proceeding by minor parent.** A  
 9 minor parent, or a guardian or other legal representative of a  
 10 minor parent, may maintain a proceeding on behalf of or for the  
 11 benefit of the minor's child.

12       ~~[+]§576B-303[+]~~ **Application of law of State.** Except as  
 13 otherwise provided ~~[by]~~ in this chapter, a responding tribunal  
 14 of this State~~[+]~~ shall:

15       (1) ~~[Shall apply]~~ Apply the procedural and substantive  
 16 law~~[, including the rules on choice of law,]~~ generally  
 17 applicable to similar proceedings originating in this  
 18 State and may exercise all powers and provide all  
 19 remedies available in those proceedings; and



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

4           ~~[†]§576B-304[‡]~~ **Duties of initiating tribunal.** (a) Upon  
5           the filing of a petition authorized by this chapter, an  
6           initiating tribunal of this State shall forward [~~three copies~~  
7           ~~of~~] the petition and its accompanying documents:

8           (1) To the responding tribunal or appropriate support  
9           enforcement agency in the responding state; or

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

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



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

5 **[+]§576B-305[+] Duties and powers of responding tribunal.**

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

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

- 14 (1) [~~Issue~~] Establish or enforce a support order, modify a  
15 child support order, determine the controlling child  
16 support order, or [~~render a judgment to~~] determine  
17 parentage[+] of a child;
- 18 (2) Order an obligor to comply with a child support order,  
19 specifying the amount and the manner of compliance;
- 20 (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 United States dollars under the applicable official or market  
17 exchange rate as 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.** (a)

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



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 is made to a



1           tribunal having jurisdiction to make the  
2           determination.

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

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

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

20          [~~§~~576B-308[~~§~~] **Duty of attorney general.** (a) If the  
21          attorney general determines that the support enforcement agency



1 is neglecting or refusing to provide services to an individual,  
2 the attorney general may order the agency to perform its duties  
3 under this chapter or may provide those services directly to the  
4 individual.

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

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

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

15 (b) The state information agency shall:

16 (1) Compile and maintain a current list, including  
17 addresses, of the tribunals in this State [~~which~~] that  
18 have jurisdiction under this chapter and any support  
19 enforcement agencies in this State and transmit a copy  
20 to the state information agency of every other state;



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



1            motor vehicles, driver's licenses, and social  
2            security.

3            ~~[+]§576B-311[+]~~ **Pleadings and accompanying documents.** (a)

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



1 (b) The petition [~~must~~] shall specify the relief sought.  
2 The petition and accompanying documents [~~must~~] shall conform  
3 substantially with the requirements imposed by the forms  
4 mandated by federal law for use in cases filed by a support  
5 enforcement agency.

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



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

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

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





1           [+]§576B-314[+] **Limited immunity of petitioner.** (a)  
 2 Participation by a petitioner in a proceeding under this chapter  
 3 before a responding tribunal, whether in person, by private  
 4 attorney, or through services provided by the support  
 5 enforcement agency, does not confer personal jurisdiction over  
 6 the petitioner in another proceeding.

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

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

14           [+]§576B-315[+] **Nonparentage as defense.** A party whose  
 15 parentage of a child has been previously determined by or  
 16 pursuant to law may not plead nonparentage as a defense to a  
 17 proceeding under this chapter.

18           [+]§576B-316[+] **Special rules of evidence and procedure.**

19 (a) The physical presence of [~~the petitioner~~] a nonresident  
 20 party who is an individual in a [~~responding~~] tribunal of this  
 21 State is not required for the establishment, enforcement, or



1 modification of a support order or the rendition of a judgment  
2 determining parentage[~~-~~] of a child.

3 (b) [~~A verified petition, an~~] An affidavit, a document  
4 substantially complying with federally mandated forms, [~~and~~] or  
5 a document incorporated by reference in any of them, which would  
6 not be excluded under the hearsay rule if given in person, is  
7 admissible in evidence if given under [~~oath~~] penalty of perjury  
8 by a party or witness residing [~~in another state.~~] outside this  
9 State.

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

15 (d) Copies of bills for testing for parentage[~~-~~] of a  
16 child, and for prenatal and postnatal health care of the mother  
17 and child, furnished to the adverse party at least ten days  
18 before trial, are admissible in evidence to prove the amount of  
19 the charges billed and that the charges were reasonable,  
20 necessary, and customary.



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

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

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

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



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

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

6 **[+]§576B-317[+]** **Communications between tribunals.** A  
7 tribunal of this State may communicate with a tribunal [~~of~~  
8 ~~another state~~] outside this State in [~~writing,~~] a record or by  
9 telephone, electronic mail, or other means, to obtain  
10 information concerning the laws [~~of that state~~], the legal  
11 effect of a judgment, decree, or order of that tribunal, and the  
12 status of a proceeding [~~in the other state~~]. A tribunal of this  
13 State may furnish similar information by similar means to a  
14 tribunal [~~of another state.~~] outside this State.

15 **[+]§576B-318[+]** **Assistance with discovery.** A tribunal of  
16 this State may:

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

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



1            ~~[+]~~§576B-319~~[+]~~    **Receipt and disbursement of payments.**    (a)

2    A support enforcement agency or tribunal of this State shall  
3    disburse promptly any amounts received pursuant to a support  
4    order, as directed by the order.    The agency or tribunal shall  
5    furnish to a requesting party or tribunal of another state or a  
6    foreign country a certified statement by the custodian of the  
7    record of the amounts and dates of all payments received.

8            (b)    If neither the obligor, nor the obligee who is an  
9    individual, nor the child resides in this State, upon request  
10   from the support enforcement agency of this State or another  
11   state, the support enforcement agency of this State or a  
12   tribunal of this State shall:

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

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

20           (c)    The support enforcement agency of this State  
21           receiving redirected payments from another state pursuant to a



1 law similar to subsection (b) shall furnish to a requesting  
 2 party or tribunal of the other state a certified statement by  
 3 the custodian of the record of the amount and dates of all  
 4 payments received.

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

6 **OR DETERMINATION OF PARENTAGE**

7 ~~[§576B-401]—Petition to establish]~~ **Establishment of**  
 8 **support order.** (a) If a support order entitled to recognition  
 9 under this chapter has not been issued, a responding tribunal of  
 10 this State with personal jurisdiction over the parties may issue  
 11 a support order if:

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

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

16 (b) The tribunal may issue a temporary child support order  
 17 if[÷

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

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



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

3       the tribunal determines that the order is appropriate and the  
4       individual ordered to pay is:

- 5           (1) A presumed father of the child;
- 6           (2) Petitioning to have paternity adjudicated;
- 7           (3) Identified as the father of the child through genetic  
8           testing;
- 9           (4) An alleged father who has declined to submit to  
10          genetic testing;
- 11          (5) Shown by clear and convincing evidence to be the  
12          father of the child;
- 13          (6) An acknowledged father as provided by section 584-3.5;
- 14          (7) The mother of the child; or
- 15          (8) An individual who has been ordered to pay child  
16          support in a previous proceeding and the order has not  
17          been reversed or vacated.

18       (c) Upon finding, after notice and opportunity to be  
19 heard, that an obligor owes a duty of support, the tribunal  
20 shall issue a support order directed to the obligor and may  
21 issue other orders pursuant to section 576B-305.



1        §576B-402 Proceeding to determine parentage. (a) A  
2        tribunal of this State authorized to determine parentage of a  
3        child may serve as a responding tribunal in a proceeding to  
4        determine parentage of a child brought under this chapter or a  
5        law or procedure substantially similar to this chapter.

6        (b) In a proceeding to determine parentage, a responding  
7        tribunal of this State shall apply chapter 584 and the rules of  
8        this State on choice of law.

9                **ARTICLE 5. ENFORCEMENT OF SUPPORT ORDER [~~OF ANOTHER~~**  
10                                **STATE] WITHOUT REGISTRATION**

11        **§576B-501 Employer's receipt of income withholding order**  
12        **of another state.** An income withholding order issued in another  
13        state may be sent by or on behalf of the obligee, or by the  
14        support enforcement agency, to the person [~~or entity~~] defined as  
15        the obligor's employer under sections 571-52, 571-52.2,  
16        571-52.3, 576D-14, and 576E-16, without first filing a petition  
17        or comparable pleading or registering the order with a tribunal  
18        of this State.

19                **[+]§576B-502[+] Employer's compliance with income**  
20        **withholding order of another state.** (a) Upon receipt of an





1 income withholding order, the obligor's employer shall  
2 immediately provide a copy of the order to the obligor.

3 (b) The employer shall treat an income withholding order  
4 issued in another state [~~which~~] that appears regular on its face  
5 as if it had been issued by a tribunal of this State.

6 (c) Except as otherwise provided in subsection (d) and  
7 section 576B-503, the employer shall withhold and distribute the  
8 funds as directed in the withholding order by complying with the  
9 terms of the order [~~which~~] that specify:

- 10 (1) The duration and the amount of periodic payments of  
11 current child support, stated as a sum certain;
- 12 (2) The person [~~or agency~~] designated to receive payments  
13 and the address to which the payments are to be  
14 forwarded;
- 15 (3) Medical support, whether in the form of periodic cash  
16 payment, stated as a sum certain, or ordering the  
17 obligor to provide health insurance coverage for the  
18 child under a policy available through the obligor's  
19 employment;
- 20 (4) The amount of periodic payments of fees and costs for  
21 a support enforcement agency, the issuing tribunal,



1 and the obligee's attorney, stated as sums certain;  
2 and

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

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

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

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

12 (3) The times within which the employer must implement the  
13 withholding order and forward the child support  
14 payment.

15 [~~§576B-503~~—~~Compliance~~] Employer's compliance with  
16 [multiple] two or more income withholding orders. If an  
17 obligor's employer receives [multiple] two or more income  
18 withholding orders with respect to the earnings of the same  
19 obligor, the employer satisfies the terms of the [multiple]  
20 orders if the employer complies with the law of the state of the  
21 obligor's principal place of employment to establish the



1 priorities for withholding and allocating income withheld for  
2 [~~multiple~~] two or more child support obligees.

3       [+]§576B-504[+] **Immunity from civil liability.** An  
4 employer [~~who~~] that complies with an income withholding order  
5 issued in another state in accordance with this article is not  
6 subject to civil liability to an individual or agency with  
7 regard to the employer's withholding of child support from the  
8 obligor's income [~~as to that income withholding order~~].

9       [+]§576B-505[+] **Penalties for noncompliance.** An employer  
10 [~~who~~] that wilfully fails to comply with an income withholding  
11 order issued [~~by~~] in another state and received for enforcement  
12 [~~is~~] shall be subject to the same penalties that may be imposed  
13 for noncompliance with an order issued by a tribunal of this  
14 State.

15       [+]§576B-506[+] **Contest by obligor.** (a) An obligor may  
16 contest the validity or enforcement of an income withholding  
17 order issued in another state and received directly by an  
18 employer in this State by registering the order in a tribunal of  
19 this State and filing a contest to that order as provided in  
20 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. (a)**

12 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



1 not contest administrative enforcement, the order need not be  
2 registered. If the obligor contests the validity or  
3 administrative enforcement of the order, the support enforcement  
4 agency shall register the order pursuant to this chapter.

5 **ARTICLE 6. REGISTRATION, ENFORCEMENT, AND**

6 **MODIFICATION OF SUPPORT ORDER [~~AFTER REGISTRATION~~]**

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

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

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

- 18 (1) A letter of transmittal to the [~~registering~~] tribunal  
19 requesting registration and enforcement;



- 1           (2) Two copies, including one certified copy, of [~~all~~
- 2           ~~orders~~] the order to be registered, including any
- 3           modification of [~~an~~] the order;
- 4           (3) A sworn statement by the [~~party seeking~~] person
- 5           requesting registration or a certified statement by
- 6           the custodian of the record showing the amount of any
- 7           arrearage;
- 8           (4) The name of the obligor and, if known:
- 9           (A) The obligor's address and social security number;
- 10          (B) The name and address of the obligor's employer
- 11          and any other source of income of the obligor;
- 12          and
- 13          (C) A description and the location of property of the
- 14          obligor in this State not exempt from execution;
- 15          and
- 16          (5) [~~The~~] Except as otherwise provided in section
- 17          576B-312, the name and address of the obligee and, if
- 18          applicable, the [~~agency or~~] person to whom support
- 19          payments are to be remitted.
- 20          (b) On receipt of a request for registration, the
- 21          registering tribunal shall cause the order to be filed as [a



1 ~~foreign judgment,~~ an order of a tribunal of another state or a  
2 foreign support order, together with one copy of the documents  
3 and information, regardless of their form.

4 (c) A petition or comparable pleading seeking a remedy  
5 that must be affirmatively sought under other law of this State  
6 may be filed at the same time as the request for registration or  
7 later. The pleading [~~must~~] shall specify the grounds for the  
8 remedy sought.

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

11 (1) Furnish to the tribunal a copy of every support order  
12 asserted to be in effect in addition to the documents  
13 specified in this section;

14 (2) Specify the order alleged to be the controlling order,  
15 if any; and

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

17 (e) A request for a determination of which is the  
18 controlling order may be filed separately or with a request for  
19 registration and enforcement or for registration and  
20 modification. The person requesting registration shall give



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

3 **[+]§576B-603[+] Effect of registration for enforcement.**

4 (a) A support order or income withholding order issued in  
5 another state or a foreign support order is registered when the  
6 order is filed in [a] the registering tribunal of this State.

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

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

15 **[+]§576B-604[+] Choice of law.** (a) [~~The~~] Except as  
16 otherwise provided in subsection (d), the law of the issuing  
17 state or foreign country governs [~~the~~]:

18 (1) The nature, extent, amount, and duration of current  
19 payments [~~and other obligations of support and the~~]  
20 under a registered support order;





1       (2) The computation and payment of arrearages and accrual  
2       of interest on the arrearages under the support  
3       order[-]; and

4       (3) The existence and satisfaction of other obligations  
5       under the support order.

6       (b) In a proceeding for [~~arrearages,~~] arrears under a  
7       registered support order, the statute of limitation [~~under the~~  
8       ~~laws~~] of this State, or of the issuing state[~~r~~] or foreign  
9       country, whichever is longer, applies.

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

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

21                   **PART II. CONTEST OF VALIDITY OR ENFORCEMENT**



- 1        **§576B-605 Notice of registration of order.** (a) When a  
2 support order or income withholding order issued in another  
3 state or a foreign support order is registered, the registering  
4 tribunal of this State shall notify the nonregistering party.  
5 The notice must be accompanied by a copy of the registered order  
6 and the documents and relevant information accompanying the  
7 order.
- 8        (b) [~~The~~] A notice [~~must~~] shall inform the nonregistering  
9 party:
- 10        (1) That a registered order is enforceable as of the date  
11            of registration in the same manner as an order issued  
12            by a tribunal of this State;
- 13        (2) That a hearing to contest the validity or enforcement  
14            of the registered order must be requested within  
15            twenty days after notice[~~r~~] unless the registered  
16            order is under section 576B-707;
- 17        (3) That failure to contest the validity or enforcement of  
18            the registered order in a timely manner will result in  
19            confirmation of the order and enforcement of the order  
20            and the alleged arrearages [~~and precludes further~~



1 ~~contest of that order with respect to any matter that~~  
2 ~~could have been asserted]; and~~

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

4 (c) If the registering party asserts that two or more  
5 orders are in effect, a notice shall also:

6 (1) Identify the two or more orders and the order alleged  
7 by the registering party to be the controlling order  
8 and the consolidated arrears, if any;

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

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

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

18 [~~e~~] (d) Upon registration of an income withholding order  
19 for enforcement, the support enforcement agency or the  
20 registering tribunal shall notify the obligor's employer



1 pursuant to sections 571-52, 571-52.2, 571-52.3, 576D-14, and  
2 576E-16.

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

14 **§576B-606 Procedure to contest validity or enforcement of**  
15 **registered support order.** (a) A nonregistering party seeking  
16 to contest the validity or enforcement of a registered order in  
17 this State shall request a hearing within [~~twenty days after~~  
18 ~~notice of the registration.~~] the time required by section  
19 576B-605. The nonregistering party may seek to vacate the  
20 registration, to assert any defense to an allegation of  
21 noncompliance with the registered order, or to contest the



1 remedies being sought or the amount of any alleged arrearages  
2 pursuant to section 576B-607.

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

6 (c) If a nonregistering party requests a hearing to  
7 contest the validity or enforcement of the registered support  
8 order, the registering tribunal shall schedule the matter for  
9 hearing and give notice to the parties of the date, time, and  
10 place of the hearing.

11 (d) For the purposes of this section, service of the  
12 notice of a hearing regarding the validity or enforcement of the  
13 registered order, shall be satisfied by regular mail to the  
14 party's last known address. In any child support enforcement  
15 proceedings subsequent to an order, upon a showing that diligent  
16 effort has been made to ascertain the location of a party,  
17 notice of service of process shall be presumed to be satisfied  
18 upon delivery of written notice to the most recent residential  
19 or employer address on file with the state case registry.

20 **[§576B-607] Contest of registration or enforcement.**

21 (a) A party contesting the validity or enforcement of a



1 registered support order or seeking to vacate the registration  
2 has the burden of proving one or more of the following defenses:

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

5 (2) The order was obtained by fraud;

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

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

10 (5) There is a defense under the law of this State to the  
11 remedy sought;

12 (6) Full or partial payment has been made; [~~or~~]

13 (7) The statute of limitation under section 576B-604  
14 precludes enforcement of some or all of the alleged  
15 arrears[~~or~~]; or

16 (8) The alleged controlling order is not the controlling  
17 order.

18 (b) If a party presents evidence establishing a full or  
19 partial defense under subsection (a), a tribunal may stay  
20 enforcement of [~~the~~] a registered support order, continue the  
21 proceeding to permit production of additional relevant evidence,



1 and issue other appropriate orders. An uncontested portion of  
2 the registered support order may be enforced by all remedies  
3 available under the law of this State.

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

8 **[+]§576B-608[+]** **Confirmed order.** Confirmation of a  
9 registered support order, whether by operation of law or after  
10 notice and hearing, precludes further contest of the order with  
11 respect to any matter that could have been asserted at the time  
12 of registration.

13 **PART III. REGISTRATION AND MODIFICATION**

14 **OF CHILD SUPPORT ORDER OF ANOTHER STATE**

15 **[+]§576B-609[+]** **Procedure to register child support order**  
16 **of another state for modification.** A party or support  
17 enforcement agency seeking to modify, or to modify and enforce,  
18 a child support order issued in another state shall register  
19 that order in this State in the same manner provided in [~~part I~~]  
20 sections 576B-601 through 576B-608 if the order has not been  
21 registered. A petition for modification may be filed at the



1 same time as a request for registration, or later. The pleading  
2 ~~[must]~~ shall specify the grounds for modification.

3 **[+]§576B-610[+] Effect of registration for modification.**

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

9 **[+]§576B-611[+] Modification of child support order of**  
10 **another state.** (a) ~~[After]~~ If section 576B-613 does not apply,  
11 upon petition a tribunal of this State may modify a child  
12 support order issued in another state ~~[has been]~~ that is  
13 registered in this State~~[, the responding tribunal of this State~~  
14 ~~may modify that order only if section 576B-613 does not apply~~  
15 ~~and]~~ if, after notice and hearing ~~[it]~~, the tribunal finds that:

16 (1) The following requirements are met:

17 (A) ~~[The]~~ Neither the child, nor the ~~[individual]~~  
18 obligee~~[, and]~~ who is an individual, nor the  
19 obligor ~~[do not reside]~~ resides in the issuing  
20 state;





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

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

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

19 (b) Modification of a registered child support order is  
20 subject to the same requirements, procedures, and defenses that  
21 apply to the modification of an order issued by a tribunal of



1 this State and the order may be enforced and satisfied in the  
2 same manner.

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

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

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



1        (f) Notwithstanding subsections (a) through (e) and  
2 section 576B-201(b), a tribunal of this State retains  
3 jurisdiction to modify an order issued by a tribunal of this  
4 State if:

- 5        (1) One party resides in another state; and  
6        (2) The other party resides outside the United States.

7        **[+]§576B-612[+]** **Recognition of order modified in another**  
8 **state.** [A] If a child support order issued by a tribunal of  
9 this State [~~shall recognize a modification of its earlier child~~  
10 ~~support order]~~ is modified by a tribunal of another state  
11 [~~which]~~ that assumed jurisdiction pursuant to [~~this chapter or a~~  
12 ~~law substantially similar to this chapter and, upon request,~~  
13 ~~except as otherwise provided in this chapter, shall:] the~~  
14 Uniform Interstate Family Support Act, a tribunal of this State:

- 15        (1) [~~Enforce the]~~ May enforce its order that was modified  
16        only as to [~~amounts]~~ arrears and interest accruing  
17        before the modification;  
18        [~~(2) Enforce only nonmodifiable aspects of that order;~~  
19        ~~(3) Provide other]~~ (2) May provide appropriate relief  
20        [~~only]~~ for violations of [~~that]~~ its order [~~which]~~ that



1           occurred before the effective date of the  
2           modification; and  
3       ~~[-(4) Recognize]~~ (3) Shall recognize the modifying order of  
4           the other state, upon registration, for the purpose of  
5           enforcement.

6           **[+]§576B-613[+] Jurisdiction to modify child support order**  
7 **of another state when individual parties reside in this State.**

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

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

18           **[+]§576B-614[+] Notice to issuing tribunal of**  
19 **modification.** Within thirty days after issuance of a modified  
20 child support order, the party obtaining the modification shall  
21 file a certified copy of the order with the issuing tribunal



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

9 **PART IV. REGISTRATION AND MODIFICATION**

10 **OF FOREIGN CHILD SUPPORT ORDER**

11 **§576B-615 Jurisdiction to modify child support order of**

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



1 ~~petitioner is a parent of a particular child or to determine~~  
2 ~~that a respondent is a parent of that child.~~

3 ~~(b) In a proceeding to determine parentage, a responding~~  
4 ~~tribunal of this State shall apply chapter 584 and the rules of~~  
5 ~~this State on choice of law.] Definitions. As used in this~~  
6 ~~article unless the context otherwise requires:~~

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

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

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

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

20 "Foreign central authority" means the entity designated by  
21 a foreign country described in paragraph (4) of the definition



1 of "foreign country" in section 576B-102 to perform the  
2 functions specified in the Convention.

3 "Foreign support agreement":

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

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

7 (B) Has been:

8 (i) Formally drawn up or registered as an  
9 authentic instrument by a foreign tribunal;

10 or

11 (ii) Authenticated by, or concluded, registered,  
12 or filed with a foreign tribunal; and

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

15 (2) Includes a maintenance arrangement or authentic  
16 instrument under the Convention.

17 "United States central authority" means the Secretary of  
18 the United States Department of Health and Human Services.

19 §576B-702 Applicability. This article applies only to a  
20 support proceeding under the Convention. In such a proceeding,





1 if a provision of this article is inconsistent with Articles 1  
2 through 6, this article controls.

3 **§576B-703 Relationship of support enforcement agency to**  
4 **United States central authority.** The support enforcement agency  
5 of this State is recognized as the agency designated by the  
6 United States central authority to perform specific functions  
7 under the Convention.

8 **§576B-704 Initiation by support enforcement agency of**  
9 **support proceeding under Convention.** (a) In a support  
10 proceeding under this article, the support enforcement agency of  
11 this State shall:

- 12 (1) Transmit and receive applications; and
- 13 (2) Initiate or facilitate the institution of a proceeding  
14 regarding an application in a tribunal of this State.

15 (b) The following support proceedings are available to an  
16 obligee under the Convention:

- 17 (1) Recognition or recognition and enforcement of a  
18 foreign support order;
- 19 (2) Enforcement of a support order issued or recognized in  
20 this State;



- 1        (3) Establishment of a support order if there is no  
2        existing order, including, if necessary, determination  
3        of parentage of a child;
- 4        (4) Establishment of a support order if recognition of a  
5        foreign support order is refused under section  
6        576B-708(b)(2), (4), or (9);
- 7        (5) Modification of a support order of a tribunal of this  
8        State; and
- 9        (6) Modification of a support order of a tribunal of  
10       another state or a foreign country.
- 11       (c) The following support proceedings are available under  
12 the Convention to an obligor against which there is an existing  
13 support order:
- 14       (1) Recognition of an order suspending or limiting  
15       enforcement of an existing support order of a tribunal  
16       of this State;
- 17       (2) Modification of a support order of a tribunal of this  
18       State; and
- 19       (3) Modification of a support order of a tribunal of  
20       another state or a foreign country.



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

4       §576B-705 Direct request. (a) A petitioner may file a  
5 direct request seeking establishment or modification of a  
6 support order or determination of parentage of a child. In the  
7 proceeding, the law of this State applies.

8       (b) A petitioner may file a direct request seeking  
9 recognition and enforcement of a support order or support  
10 agreement. In the proceeding, sections 576B-706 through  
11 576B-713 apply.

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

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

16       (2) An obligee or obligor that in the issuing country has  
17 benefited from free legal assistance is entitled to  
18 benefit, at least to the same extent, from any free  
19 legal assistance provided for by the law of this State  
20 under the same circumstances.



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

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

7       **§576B-706 Registration of Convention support order.** (a)  
8 Except as otherwise provided in this article, a party who is an  
9 individual or a support enforcement agency seeking recognition  
10 of a Convention support order shall register the order in this  
11 State as provided in Article 6.

12       (b) Notwithstanding sections 576B-311 and 576B-602(a), a  
13 request for registration of a Convention support order shall be  
14 accompanied by:

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

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



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

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

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

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

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

20       (d) A tribunal of this State may vacate the registration  
21       of a Convention support order without the filing of a contest



1 under section 576B-707 only if, acting on its own motion, the  
2 tribunal finds that recognition and enforcement of the order  
3 would be manifestly incompatible with public policy.

4 (e) The tribunal shall promptly notify the parties of the  
5 registration or the order vacating the registration of a  
6 Convention support order.

7 **§576B-707 Contest of registered Convention support order.**

8 (a) Except as otherwise provided in this article, sections  
9 576B-605 through 576B-608 apply to a contest of a registered  
10 Convention support order.

11 (b) A party contesting a registered Convention support  
12 order shall file a contest not later than thirty days after  
13 notice of the registration, but if the contesting party does not  
14 reside in the United States, the contest shall be filed not  
15 later than sixty days after notice of the registration.

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

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



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

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

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

6       (f) A tribunal of this State deciding a contest of a  
7 registered Convention support order shall promptly notify the  
8 parties of its decision.

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

12       **§576B-708 Recognition and enforcement of registered**

13 **Convention support order.** (a) Except as otherwise provided in  
14 subsection (b), a tribunal of this State shall recognize and  
15 enforce a registered Convention support order.

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

19       (1) Recognition and enforcement of the order is manifestly  
20 incompatible with public policy, including the failure  
21 of the issuing tribunal to observe minimum standards



- 1           of due process, which include notice and an
- 2           opportunity to be heard;
- 3           (2) The issuing tribunal lacked personal jurisdiction
- 4           consistent with section 576B-201;
- 5           (3) The order is not enforceable in the issuing country;
- 6           (4) The order was obtained by fraud in connection with a
- 7           matter of procedure;
- 8           (5) A record transmitted in accordance with section
- 9           576B-706 lacks authenticity or integrity;
- 10          (6) A proceeding between the same parties and having the
- 11          same purpose is pending before a tribunal of this
- 12          State and that proceeding was the first to be filed;
- 13          (7) The order is incompatible with a more recent support
- 14          order involving the same parties and having the same
- 15          purpose if the more recent support order is entitled
- 16          to recognition and enforcement under this chapter in
- 17          this State;
- 18          (8) Payment, to the extent alleged arrears have been paid
- 19          in whole or in part;





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

4       (A) If the law of that country provides for prior  
5       notice of proceedings, the respondent did not  
6       have proper notice of the proceedings and an  
7       opportunity to be heard; or

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

13       (10) The order was made in violation of section 576B-711.

14       (c) If a tribunal of this State does not recognize a  
15       Convention support order under subsection (b)(2), (4), or (9):

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

19       (2) The support enforcement agency shall take all  
20       appropriate measures to request a child support order



1 for the obligee if the application for recognition and  
2 enforcement was received under section 576B-704.

3 **§576B-709 Partial enforcement.** If a tribunal of this  
4 State does not recognize and enforce a Convention support order  
5 in its entirety, it shall enforce any severable part of the  
6 order. An application or direct request may seek recognition  
7 and partial enforcement of a Convention support order.

8 **§576B-710 Foreign support agreement.** (a) Except as  
9 otherwise provided in subsections (c) and (d), a tribunal of  
10 this State shall recognize and enforce a foreign support  
11 agreement registered in this State.

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

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

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

19 (c) A tribunal of this State may vacate the registration  
20 of a foreign support agreement only if, acting on its own



1 motion, the tribunal finds that recognition and enforcement  
2 would be manifestly incompatible with public policy.

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

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

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

9 (3) The agreement is incompatible with a support order  
10 involving the same parties and having the same purpose  
11 in this State, another state, or a foreign country if  
12 the support order is entitled to recognition and  
13 enforcement under this chapter in this State; or

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

16 (e) A proceeding for recognition and enforcement of a  
17 foreign support agreement shall be suspended during the pendency  
18 of a challenge to or appeal of the agreement before a tribunal  
19 of another state or a foreign country.

20 **§576B-711 Modification of Convention child support order.**

21 (a) A tribunal of this State may not modify a Convention child



1 support order if the obligee remains a resident of the foreign  
2 country where the support order was issued unless:

3 (1) The obligee submits to the jurisdiction of a tribunal  
4 of this State, either expressly or by defending on the  
5 merits of the case without objecting to the  
6 jurisdiction at the first available opportunity; or  
7 (2) The foreign tribunal lacks or refuses to exercise  
8 jurisdiction to modify its support order or issue a  
9 new support order.

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

13 **§576B-712 Personal information; limit on use.** Personal  
14 information gathered or transmitted under this article may be  
15 used only for the purposes for which it was gathered or  
16 transmitted.

17 **§576B-713 Record in original language; English**  
18 **translation.** A record filed with a tribunal of this State under  
19 this article shall be in the original language and, if not in  
20 English, shall be accompanied by an English translation.

21 **ARTICLE 8. INTERSTATE RENDITION**



1           [+]§576B-801[+]   **Grounds for rendition.**   (a) For purposes  
2 of this article, "governor" includes an individual performing  
3 the functions of governor or the executive authority of a state  
4 covered by this chapter.

5           (b) The governor of this State may:

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

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

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

19           [+]§576B-802[+]   **Conditions of rendition.**   (a) Before  
20 making a demand that the governor of another state surrender an  
21 individual charged criminally in this State with having failed



1 to provide for the support of an obligee, the governor of this  
2 State may require a prosecutor of this State to demonstrate that  
3 at least sixty days previously the obligee had initiated  
4 proceedings for support pursuant to this chapter or that the  
5 proceeding would be of no avail.

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

19 (c) If a proceeding for support has been initiated and the  
20 individual whose rendition is demanded prevails, the governor  
21 may decline to honor the demand. If the petitioner prevails and



1 the individual whose rendition is demanded is subject to a  
2 support order, the governor may decline to honor the demand if  
3 the individual is complying with the support order.

4 **ARTICLE 9. MISCELLANEOUS PROVISIONS**

5 ~~[+]§576B-901[+]~~ **Uniformity of application and**  
6 **construction.** ~~[This chapter shall be applied and construed to~~  
7 ~~effectuate its general purpose to make uniform]~~ In applying and  
8 construing this uniform act, consideration shall be given to the  
9 need to promote uniformity of the law with respect to [the] its  
10 subject [of this chapter] matter among states [enacting] that  
11 enact it.

12 ~~[+]§576B-902[+]~~ ~~**Short title.** This chapter may be cited as~~  
13 ~~the Uniform Interstate Family Support Act.]~~ **Transitional**  
14 **provision.** This chapter applies to proceedings begun on or  
15 after the effective date of this chapter to establish a support  
16 order or determine parentage of a child or to register,  
17 recognize, enforce, or modify a prior support order,  
18 determination, or agreement, whenever issued or entered."

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

21 SECTION 3. This Act shall take effect on July 1, 2015.



**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. (SD1)

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