

5685--B

Cal. No. 1230

2015-2016 Regular Sessions

I N S E N A T E

May 27, 2015

Introduced by Sen. BONACIC -- (at request of the Office of Temporary and Disability Assistance) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to the effective date of adjustments to the combined parental income amount; to amend the family court act, in relation to adopting the 2008 changes to the uniform interstate family support act; and to repeal article 5-B of the family court act relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of subdivision 2 of section 111-i of the
2 social services law, as amended by chapter 466 of the laws of 2014, is
3 amended to read as follows:
4 (b) The combined parental income amount to be reported in the child
5 support standards chart and utilized in calculating orders of child
6 support in accordance with subparagraph two of paragraph (c) of subdivi-
7 sion one of section four hundred thirteen of the family court act and
8 subparagraph two of paragraph (c) of subdivision one-b of section two
9 hundred forty of the domestic relations law as of January thirty-first,
10 two thousand fourteen shall be one hundred forty-one thousand dollars;
11 provided, however, beginning [January thirty-first] MARCH FIRST, two
12 thousand sixteen and every two years thereafter, the combined parental
13 income amount shall increase by the sum of the average annual percentage
14 changes in the consumer price index for all urban consumers (CPI-U) as
15 published by the United States department of labor bureau of labor
16 statistics for the prior two years multiplied by the current combined

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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parental income amount and then rounded to the nearest one thousand dollars.

S 2. Article 5-B of the family court act is REPEALED and a new article 5-B is added to read as follows:

ARTICLE 5-B

UNIFORM INTERSTATE FAMILY SUPPORT ACT

PART 1. GENERAL PROVISIONS.

2. JURISDICTION.

3. CIVIL PROVISIONS OF GENERAL APPLICATION.

4. ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE.

5. ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION.

6. REGISTRATION, ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER.

7. SUPPORT PROCEEDING UNDER CONVENTION.

8. INTERSTATE RENDITION.

9. MISCELLANEOUS PROVISIONS.

PART 1

GENERAL PROVISIONS

SECTION 580-101. SHORT TITLE.

580-102. DEFINITIONS.

580-103. STATE TRIBUNAL AND SUPPORT ENFORCEMENT AGENCY.

580-104. REMEDIES CUMULATIVE.

580-105. APPLICATION OF ARTICLE TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN SUPPORT PROCEEDING.

S 580-101. SHORT TITLE. THIS ARTICLE MAY BE CITED AS THE "UNIFORM INTERSTATE FAMILY SUPPORT ACT" OR "UIFSA".

S 580-102. DEFINITIONS. IN THIS ARTICLE:

(1) "CHILD" MEANS AN INDIVIDUAL, WHETHER OVER OR UNDER THE AGE OF MAJORITY, WHO IS OR IS ALLEGED TO BE OWED A DUTY OF SUPPORT BY THE INDIVIDUAL'S PARENT OR WHO IS OR IS ALLEGED TO BE THE BENEFICIARY OF A SUPPORT ORDER DIRECTED TO THE PARENT.

(2) "CHILD SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A CHILD, INCLUDING A CHILD WHO HAS ATTAINED THE AGE OF MAJORITY UNDER THE LAW OF THE ISSUING STATE OR FOREIGN COUNTRY.

(3) "CONVENTION" MEANS THE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE, CONCLUDED AT THE HAGUE ON NOVEMBER TWENTY-THIRD, TWO THOUSAND SEVEN.

(4) "DUTY OF SUPPORT" MEANS AN OBLIGATION IMPOSED OR IMPOSABLE BY LAW TO PROVIDE SUPPORT FOR A CHILD, SPOUSE, OR FORMER SPOUSE, INCLUDING AN UNSATISFIED OBLIGATION TO PROVIDE SUPPORT.

(5) "FOREIGN COUNTRY" MEANS A COUNTRY, INCLUDING A POLITICAL SUBDIVISION THEREOF, OTHER THAN THE UNITED STATES, THAT AUTHORIZES THE ISSUANCE OF SUPPORT ORDERS AND:

(I) WHICH HAS BEEN DECLARED UNDER THE LAW OF THE UNITED STATES TO BE A FOREIGN RECIPROCATING COUNTRY;

(II) WHICH HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD SUPPORT WITH THIS STATE AS PROVIDED IN SECTION 580-308 OF THIS ARTICLE;

(III) WHICH HAS ENACTED A LAW OR ESTABLISHED PROCEDURES FOR THE ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS WHICH ARE SUBSTANTIALLY SIMILAR TO THE PROCEDURES UNDER THIS ARTICLE; OR

(IV) IN WHICH THE CONVENTION IS IN FORCE WITH RESPECT TO THE UNITED STATES.

(6) "FOREIGN SUPPORT ORDER" MEANS A SUPPORT ORDER OF A FOREIGN TRIBUNAL.

(7) "FOREIGN TRIBUNAL" MEANS A COURT, ADMINISTRATIVE AGENCY OR QUASI-JUDICIAL ENTITY OF A FOREIGN COUNTRY WHICH IS AUTHORIZED TO ESTABLISH,

1 ENFORCE OR MODIFY SUPPORT ORDERS, OR TO DETERMINE PARENTAGE OF A CHILD.
2 THE TERM INCLUDES A COMPETENT AUTHORITY UNDER THE CONVENTION.

3 (8) "HOME STATE" MEANS THE STATE OR FOREIGN COUNTRY IN WHICH A CHILD
4 LIVED WITH A PARENT OR A PERSON ACTING AS PARENT FOR AT LEAST SIX
5 CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE TIME OF FILING OF A PETI-
6 TION OR COMPARABLE PLEADING FOR SUPPORT AND, IF A CHILD IS LESS THAN SIX
7 MONTHS OLD, THE STATE OR FOREIGN COUNTRY IN WHICH THE CHILD LIVED FROM
8 BIRTH WITH ANY OF THEM. A PERIOD OF TEMPORARY ABSENCE OF ANY OF THEM IS
9 COUNTED AS PART OF THE SIX-MONTH OR OTHER PERIOD.

10 (9) "INCOME" INCLUDES EARNINGS OR OTHER PERIODIC ENTITLEMENTS TO MONEY
11 FROM ANY SOURCE AND ANY OTHER PROPERTY SUBJECT TO WITHHOLDING FOR
12 SUPPORT AS DEFINED BY SECTION FIVE THOUSAND TWO HUNDRED FORTY-ONE OF THE
13 CIVIL PRACTICE LAW AND RULES.

14 (10) "INCOME WITHHOLDING ORDER" MEANS AN ORDER OR OTHER LEGAL PROCESS
15 DIRECTED TO AN OBLIGOR'S EMPLOYER, AN INCOME PAYOR AS DEFINED BY SECTION
16 FIVE THOUSAND TWO HUNDRED FORTY-ONE OR FIVE THOUSAND TWO HUNDRED FORTY-
17 TWO OF THE CIVIL PRACTICE LAW AND RULES, OR OTHER DEBTOR TO WITHHOLD
18 SUPPORT FROM THE INCOME OF THE OBLIGOR.

19 (11) "INITIATING TRIBUNAL" MEANS THE TRIBUNAL OF A STATE OR FOREIGN
20 COUNTRY FROM WHICH A PETITION OR COMPARABLE PLEADING IS FORWARDED OR IN
21 WHICH A PETITION OR COMPARABLE PLEADING IS FILED FOR FORWARDING TO
22 ANOTHER STATE OR FOREIGN COUNTRY.

23 (12) "ISSUING FOREIGN COUNTRY" MEANS THE FOREIGN COUNTRY IN WHICH A
24 TRIBUNAL ISSUES A SUPPORT ORDER OR A JUDGMENT DETERMINING PARENTAGE OF A
25 CHILD.

26 (13) "ISSUING STATE" MEANS THE STATE IN WHICH A TRIBUNAL ISSUES A
27 SUPPORT ORDER OR A JUDGMENT DETERMINING PARENTAGE OF A CHILD.

28 (14) "ISSUING TRIBUNAL" MEANS THE TRIBUNAL OF A STATE OR FOREIGN COUN-
29 TRY THAT ISSUES A SUPPORT ORDER OR A JUDGMENT DETERMINING PARENTAGE OF A
30 CHILD.

31 (15) "LAW" INCLUDES DECISIONAL AND STATUTORY LAW AND RULES AND REGU-
32 LATIONS HAVING THE FORCE OF LAW.

33 (16) "OBLIGEE" MEANS:

34 (I) AN INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OR IS ALLEGED TO BE
35 OWED OR IN WHOSE FAVOR A SUPPORT ORDER OR A JUDGMENT DETERMINING PARENT-
36 AGE OF A CHILD HAS BEEN ISSUED;

37 (II) A FOREIGN COUNTRY, STATE OR POLITICAL SUBDIVISION OF A STATE TO
38 WHICH THE RIGHTS UNDER A DUTY OF SUPPORT OR SUPPORT ORDER HAVE BEEN
39 ASSIGNED OR WHICH HAS INDEPENDENT CLAIMS BASED ON FINANCIAL ASSISTANCE
40 PROVIDED TO AN INDIVIDUAL OBLIGEE IN PLACE OF CHILD SUPPORT;

41 (III) AN INDIVIDUAL SEEKING A JUDGMENT DETERMINING PARENTAGE OF THE
42 INDIVIDUAL'S CHILD; OR

43 (IV) A PERSON THAT IS A CREDITOR IN A PROCEEDING UNDER PART SEVEN OF
44 THIS ARTICLE.

45 (17) "OBLIGOR" MEANS AN INDIVIDUAL, OR THE ESTATE OF A DECEDENT THAT:

46 (I) OWES OR IS ALLEGED TO OWE A DUTY OF SUPPORT;

47 (II) IS ALLEGED BUT HAS NOT BEEN ADJUDICATED TO BE A PARENT OF A
48 CHILD;

49 (III) IS LIABLE UNDER A SUPPORT ORDER; OR

50 (IV) IS A DEBTOR IN A PROCEEDING UNDER PART SEVEN OF THIS ARTICLE.

51 (18) "OUTSIDE THIS STATE" MEANS A LOCATION IN ANOTHER STATE OR A COUN-
52 TRY OTHER THAN THE UNITED STATES, WHETHER OR NOT THE COUNTRY IS A
53 FOREIGN COUNTRY.

54 (19) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,
55 ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION,
56 JOINT VENTURE, PUBLIC CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVI-

SION, AGENCY OR INSTRUMENTALITY, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

(20) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

(21) "REGISTER" MEANS TO FILE IN A TRIBUNAL OF THIS STATE A SUPPORT ORDER OR JUDGMENT DETERMINING PARENTAGE OF A CHILD ISSUED IN ANOTHER STATE OR A FOREIGN COUNTRY.

(22) "REGISTERING TRIBUNAL" MEANS A TRIBUNAL IN WHICH A SUPPORT ORDER OR JUDGMENT DETERMINING PARENTAGE OF A CHILD IS REGISTERED.

(23) "RESPONDING STATE" MEANS A STATE IN WHICH A PETITION OR COMPARABLE PLEADING FOR SUPPORT OR TO DETERMINE PARENTAGE OF A CHILD IS FILED OR TO WHICH A PETITION OR COMPARABLE PLEADING IS FORWARDED FOR FILING FROM ANOTHER STATE OR A FOREIGN COUNTRY.

(24) "RESPONDING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN A RESPONDING STATE OR FOREIGN COUNTRY.

(25) "SPOUSAL-SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A SPOUSE OR FORMER SPOUSE OF THE OBLIGOR.

(26) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION UNDER THE JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES AN INDIAN NATION OR TRIBE.

(27) "SUPPORT ENFORCEMENT AGENCY" MEANS A PUBLIC OFFICIAL, GOVERNMENTAL ENTITY OR PRIVATE AGENCY AUTHORIZED TO:

(I) SEEK ENFORCEMENT OF SUPPORT ORDERS OR LAWS RELATING TO THE DUTY OF SUPPORT;

(II) SEEK ESTABLISHMENT OR MODIFICATION OF CHILD SUPPORT;

(III) REQUEST DETERMINATION OF PARENTAGE OF A CHILD;

(IV) ATTEMPT TO LOCATE OBLIGORS OR THEIR ASSETS; OR

(V) REQUEST DETERMINATION OF THE CONTROLLING CHILD SUPPORT ORDER.

(28) "SUPPORT ORDER" MEANS A JUDGMENT, DECREE, ORDER, DECISION OR DIRECTIVE, WHETHER TEMPORARY, FINAL OR SUBJECT TO MODIFICATION, ISSUED IN A STATE OR FOREIGN COUNTRY FOR THE BENEFIT OF A CHILD, A SPOUSE OR A FORMER SPOUSE, WHICH PROVIDES FOR MONETARY SUPPORT, HEALTH CARE, ARREARAGES, RETROACTIVE SUPPORT OR REIMBURSEMENT FOR FINANCIAL ASSISTANCE PROVIDED TO AN INDIVIDUAL OBLIGEE IN PLACE OF CHILD SUPPORT. THE TERM MAY INCLUDE RELATED COSTS AND FEES, INTEREST, INCOME WITHHOLDING, AUTOMATIC ADJUSTMENT, REASONABLE ATTORNEY'S FEES AND OTHER RELIEF.

(29) "TRIBUNAL" MEANS A COURT, ADMINISTRATIVE AGENCY, OR QUASI-JUDICIAL ENTITY AUTHORIZED TO ESTABLISH, ENFORCE, OR MODIFY SUPPORT ORDERS OR TO DETERMINE PARENTAGE OF A CHILD.

S 580-103. STATE TRIBUNAL AND STATE SUPPORT ENFORCEMENT AGENCIES. (A) THE FAMILY COURT IS THE TRIBUNAL OF THIS STATE.

(B) THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE AND/OR A SOCIAL SERVICES DISTRICT AS DEFINED IN SUBDIVISION SEVEN OF SECTION TWO OF THE SOCIAL SERVICES LAW ARE THE SUPPORT ENFORCEMENT AGENCIES OF THIS STATE.

S 580-104. REMEDIES CUMULATIVE. (A) REMEDIES PROVIDED BY THIS ARTICLE ARE CUMULATIVE AND DO NOT AFFECT THE AVAILABILITY OF REMEDIES UNDER OTHER LAW OR THE RECOGNITION OF A FOREIGN SUPPORT ORDER ON THE BASIS OF COMITY.

(B) THIS ARTICLE DOES NOT:

(1) PROVIDE THE EXCLUSIVE METHOD OF ESTABLISHING OR ENFORCING A SUPPORT ORDER UNDER THE LAW OF THIS STATE; OR

(2) GRANT A TRIBUNAL OF THIS STATE JURISDICTION TO RENDER JUDGMENT OR ISSUE AN ORDER RELATING TO CHILD CUSTODY OR VISITATION IN A PROCEEDING UNDER THIS ARTICLE.

1 S 580-105. APPLICATION OF THE ARTICLE TO A RESIDENT OF A FOREIGN COUN-
2 TRY AND FOREIGN SUPPORT PROCEEDINGS. (A) A TRIBUNAL OF THIS STATE SHALL
3 APPLY PARTS ONE THROUGH SIX OF THIS ARTICLE AND, AS APPLICABLE, PART
4 SEVEN OF THIS ARTICLE, TO A SUPPORT PROCEEDING INVOLVING:

5 (1) A FOREIGN SUPPORT ORDER;

6 (2) A FOREIGN TRIBUNAL; OR

7 (3) AN OBLIGEE, OBLIGOR, OR CHILD RESIDING IN A FOREIGN COUNTRY.

8 (B) A TRIBUNAL OF THIS STATE THAT IS REQUESTED TO RECOGNIZE AND
9 ENFORCE A SUPPORT ORDER ON THE BASIS OF COMITY MAY APPLY THE PROCEDURAL
10 AND SUBSTANTIVE PROVISIONS OF PARTS ONE THROUGH SIX OF THIS ARTICLE.

11 (C) PART SEVEN OF THIS ARTICLE APPLIES ONLY TO A SUPPORT PROCEEDING
12 UNDER THE CONVENTION. IN SUCH A PROCEEDING, IF A PROVISION OF PART
13 SEVEN OF THIS ARTICLE IS INCONSISTENT WITH PARTS ONE THROUGH SIX OF THIS
14 ARTICLE, PART SEVEN OF THIS ARTICLE CONTROLS.

15 PART 2

16 JURISDICTION

17 SECTION 580-201. BASES FOR JURISDICTION OVER NONRESIDENT.

18 580-202. DURATION OF PERSONAL JURISDICTION.

19 580-203. INITIATING AND RESPONDING TRIBUNAL OF STATE.

20 580-204. SIMULTANEOUS PROCEEDINGS.

21 580-205. CONTINUING EXCLUSIVE JURISDICTION TO MODIFY CHILD
22 SUPPORT ORDER.

23 580-206. CONTINUING JURISDICTION TO ENFORCE CHILD SUPPORT ORDER.

24 580-207. DETERMINATION OF CONTROLLING CHILD SUPPORT ORDER.

25 580-208. CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEEES.

26 580-209. CREDIT FOR PAYMENTS.

27 580-210. APPLICATION OF ARTICLE TO NONRESIDENT SUBJECT TO
28 PERSONAL JURISDICTION.

29 580-211. CONTINUING EXCLUSIVE JURISDICTION TO MODIFY
30 SPOUSAL-SUPPORT ORDER.

31 S 580-201. BASES FOR JURISDICTION OVER NONRESIDENT. (A) IN A PROCEED-
32 ING TO ESTABLISH OR ENFORCE A SUPPORT ORDER OR TO DETERMINE PARENTAGE OF
33 A CHILD, A TRIBUNAL OF THIS STATE MAY EXERCISE PERSONAL JURISDICTION
34 OVER A NONRESIDENT INDIVIDUAL OR THE INDIVIDUAL'S GUARDIAN OR CONSERVA-
35 TOR IF:

36 (1) THE INDIVIDUAL IS PERSONALLY SERVED WITH A SUMMONS AND PETITION
37 WITHIN THIS STATE;

38 (2) THE INDIVIDUAL SUBMITS TO THE JURISDICTION OF THIS STATE BY
39 CONSENT, BY ENTERING A GENERAL APPEARANCE, OR BY FILING A RESPONSIVE
40 DOCUMENT OR OTHER ACTION HAVING THE EFFECT OF WAIVING ANY CONTEST TO
41 PERSONAL JURISDICTION;

42 (3) THE INDIVIDUAL RESIDED WITH THE CHILD IN THIS STATE;

43 (4) THE INDIVIDUAL RESIDED IN THIS STATE AND PROVIDED PRENATAL
44 EXPENSES OR SUPPORT FOR THE CHILD;

45 (5) THE CHILD RESIDES IN THIS STATE AS A RESULT OF THE ACTS OR DIREC-
46 TIVES OF THE INDIVIDUAL;

47 (6) THE INDIVIDUAL ENGAGED IN SEXUAL INTERCOURSE IN THIS STATE AND THE
48 CHILD MAY HAVE BEEN CONCEIVED BY THAT ACT OF INTERCOURSE;

49 (7) THE INDIVIDUAL ASSERTED PARENTAGE OF A CHILD IN THE PUTATIVE
50 FATHER REGISTRY MAINTAINED IN THIS STATE BY THE OFFICE OF CHILDREN AND
51 FAMILY SERVICES; OR

52 (8) THERE IS ANY OTHER BASIS CONSISTENT WITH THE CONSTITUTIONS OF THIS
53 STATE AND THE UNITED STATES FOR THE EXERCISE OF PERSONAL JURISDICTION.

54 (B) THE BASES OF PERSONAL JURISDICTION SET FORTH IN SUBDIVISION (A) OF
55 THIS SECTION OR IN ANY OTHER LAW OF THIS STATE MAY NOT BE USED TO
56 ACQUIRE PERSONAL JURISDICTION FOR A TRIBUNAL OF THIS STATE TO MODIFY A

1 CHILD SUPPORT ORDER OF ANOTHER STATE UNLESS THE REQUIREMENTS OF SECTION
2 580-611 OF THIS ARTICLE ARE MET, OR, IN THE CASE OF A FOREIGN SUPPORT
3 ORDER, UNLESS THE REQUIREMENTS OF SECTION 580-615 OF THIS ARTICLE ARE
4 MET.

5 S 580-202. DURATION OF PERSONAL JURISDICTION. PERSONAL JURISDICTION
6 ACQUIRED BY A TRIBUNAL OF THIS STATE IN A PROCEEDING UNDER THIS ARTICLE
7 OR OTHER LAW OF THIS STATE RELATING TO A SUPPORT ORDER CONTINUES AS LONG
8 AS A TRIBUNAL OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION TO
9 MODIFY ITS ORDER OR CONTINUING JURISDICTION TO ENFORCE ITS ORDER AS
10 PROVIDED BY SECTIONS 580-205, 580-206 AND 580-211 OF THIS PART.

11 S 580-203. INITIATING AND RESPONDING TRIBUNAL OF STATE. UNDER THIS
12 ARTICLE, A TRIBUNAL OF THIS STATE MAY SERVE AS AN INITIATING TRIBUNAL TO
13 FORWARD PROCEEDINGS TO A TRIBUNAL OF ANOTHER STATE, AND AS A RESPONDING
14 TRIBUNAL FOR PROCEEDINGS INITIATED IN ANOTHER STATE OR A FOREIGN COUN-
15 TRY.

16 S 580-204. SIMULTANEOUS PROCEEDINGS. (A) A TRIBUNAL OF THIS STATE MAY
17 EXERCISE JURISDICTION TO ESTABLISH A SUPPORT ORDER IF THE PETITION OR
18 COMPARABLE PLEADING IS FILED AFTER A PLEADING IS FILED IN ANOTHER STATE
19 OR A FOREIGN COUNTRY ONLY IF:

20 (1) THE PETITION OR COMPARABLE PLEADING IN THIS STATE IS FILED BEFORE
21 THE EXPIRATION OF THE TIME ALLOWED IN THE OTHER STATE OR THE FOREIGN
22 COUNTRY FOR FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF
23 JURISDICTION BY THE OTHER STATE OR THE FOREIGN COUNTRY;

24 (2) THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF JURISDIC-
25 TION IN THE OTHER STATE OR THE FOREIGN COUNTRY; AND

26 (3) IF RELEVANT, THIS STATE IS THE HOME STATE OF THE CHILD.

27 (B) A TRIBUNAL OF THIS STATE MAY NOT EXERCISE JURISDICTION TO ESTAB-
28 LISH A SUPPORT ORDER IF THE PETITION OR COMPARABLE PLEADING IS FILED
29 BEFORE A PETITION OR COMPARABLE PLEADING IS FILED IN ANOTHER STATE OR A
30 FOREIGN COUNTRY IF:

31 (1) THE PETITION OR COMPARABLE PLEADING IN THE OTHER STATE OR FOREIGN
32 COUNTRY IS FILED BEFORE THE EXPIRATION OF THE TIME ALLOWED IN THIS STATE
33 FOR FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF JURISDIC-
34 TION BY THIS STATE;

35 (2) THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF JURISDIC-
36 TION IN THIS STATE; AND

37 (3) IF RELEVANT, THE OTHER STATE OR FOREIGN COUNTRY IS THE HOME STATE
38 OF THE CHILD.

39 S 580-205. CONTINUING EXCLUSIVE JURISDICTION TO MODIFY CHILD SUPPORT
40 ORDER. (A) A TRIBUNAL OF THIS STATE THAT HAS ISSUED A CHILD SUPPORT
41 ORDER CONSISTENT WITH THE LAW OF THIS STATE HAS AND SHALL EXERCISE
42 CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY ITS CHILD SUPPORT ORDER IF
43 THE ORDER IS THE CONTROLLING ORDER AND:

44 (1) AT THE TIME OF THE FILING OF A REQUEST FOR MODIFICATION THIS STATE
45 IS THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL OBLIGEE OR THE CHILD FOR
46 WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED; OR

47 (2) EVEN IF THIS STATE IS NOT THE RESIDENCE OF THE OBLIGOR, THE INDI-
48 VIDUAL OBLIGEE OR THE CHILD FOR WHOSE BENEFIT THE SUPPORT ORDER IS
49 ISSUED, THE PARTIES CONSENT IN A RECORD OR IN OPEN COURT THAT THE TRIBU-
50 NAL OF THIS STATE MAY CONTINUE TO EXERCISE JURISDICTION TO MODIFY ITS
51 ORDER.

52 (B) A TRIBUNAL OF THIS STATE THAT HAS ISSUED A CHILD SUPPORT ORDER
53 CONSISTENT WITH THE LAW OF THIS STATE MAY NOT EXERCISE CONTINUING,
54 EXCLUSIVE JURISDICTION TO MODIFY THE ORDER IF:

55 (1) ALL OF THE PARTIES WHO ARE INDIVIDUALS FILE CONSENT IN A RECORD
56 WITH THE TRIBUNAL OF THIS STATE THAT A TRIBUNAL OF ANOTHER STATE THAT

1 HAS JURISDICTION OVER AT LEAST ONE OF THE PARTIES WHO IS AN INDIVIDUAL
2 OR THAT IS LOCATED IN THE STATE OF RESIDENCE OF THE CHILD MAY MODIFY THE
3 ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION; OR

4 (2) ITS ORDER IS NOT THE CONTROLLING ORDER.

5 (C) IF A TRIBUNAL OF ANOTHER STATE HAS ISSUED A CHILD SUPPORT ORDER
6 PURSUANT TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT OR A LAW SUBSTAN-
7 Tially SIMILAR TO THAT ACT WHICH MODIFIES A CHILD SUPPORT ORDER OF A
8 TRIBUNAL OF THIS STATE, TRIBUNALS OF THIS STATE SHALL RECOGNIZE THE
9 CONTINUING, EXCLUSIVE JURISDICTION OF THE TRIBUNAL OF THE OTHER STATE.

10 (D) A TRIBUNAL OF THIS STATE THAT LACKS CONTINUING, EXCLUSIVE JURIS-
11 DICTION TO MODIFY A CHILD SUPPORT ORDER MAY SERVE AS AN INITIATING
12 TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO MODIFY A SUPPORT
13 ORDER ISSUED IN THAT STATE.

14 (E) A TEMPORARY SUPPORT ORDER ISSUED EX PARTE OR PENDING RESOLUTION OF
15 A JURISDICTIONAL CONFLICT DOES NOT CREATE CONTINUING, EXCLUSIVE JURIS-
16 DICTION IN THE ISSUING TRIBUNAL.

17 S 580-206. CONTINUING JURISDICTION TO ENFORCE CHILD SUPPORT ORDER.

18 (A) A TRIBUNAL OF THIS STATE THAT HAS ISSUED A CHILD SUPPORT ORDER
19 CONSISTENT WITH THE LAW OF THIS STATE MAY SERVE AS AN INITIATING TRIBU-
20 NAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO ENFORCE:

21 (1) THE ORDER IF THE ORDER IS THE CONTROLLING ORDER AND HAS NOT BEEN
22 MODIFIED BY A TRIBUNAL OF ANOTHER STATE THAT ASSUMED JURISDICTION PURSU-
23 ANT TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; OR

24 (2) A MONEY JUDGMENT FOR ARREARS OF SUPPORT AND INTEREST ON THE ORDER
25 ACCRUED BEFORE A DETERMINATION THAT AN ORDER OF A TRIBUNAL OF ANOTHER
26 STATE IS THE CONTROLLING ORDER.

27 (B) A TRIBUNAL OF THIS STATE HAVING CONTINUING JURISDICTION OVER A
28 SUPPORT ORDER MAY ACT AS A RESPONDING TRIBUNAL TO ENFORCE THE ORDER.

29 S 580-207. DETERMINATION OF CONTROLLING CHILD SUPPORT ORDER. (A) IF A
30 PROCEEDING IS BROUGHT UNDER THIS ARTICLE AND ONLY ONE TRIBUNAL HAS
31 ISSUED A CHILD SUPPORT ORDER, THE ORDER OF THAT TRIBUNAL CONTROLS AND
32 MUST BE RECOGNIZED.

33 (B) IF A PROCEEDING IS BROUGHT UNDER THIS ARTICLE, AND TWO OR MORE
34 CHILD SUPPORT ORDERS HAVE BEEN ISSUED BY TRIBUNALS OF THIS STATE, ANOTH-
35 ER STATE OR A FOREIGN COUNTRY WITH REGARD TO THE SAME OBLIGOR AND SAME
36 CHILD, A TRIBUNAL OF THIS STATE HAVING PERSONAL JURISDICTION OVER BOTH
37 THE OBLIGOR AND INDIVIDUAL OBLIGEE SHALL APPLY THE FOLLOWING RULES AND
38 BY ORDER SHALL DETERMINE WHICH ORDER CONTROLS AND MUST BE RECOGNIZED:

39 (1) IF ONLY ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE
40 JURISDICTION UNDER THIS ARTICLE, THE ORDER OF THAT TRIBUNAL CONTROLS.

41 (2) IF MORE THAN ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE
42 JURISDICTION UNDER THIS ARTICLE:

43 (I) AN ORDER ISSUED BY A TRIBUNAL IN THE CURRENT HOME STATE OF THE
44 CHILD CONTROLS; OR

45 (II) IF AN ORDER HAS NOT BEEN ISSUED IN THE CURRENT HOME STATE OF THE
46 CHILD, THE ORDER MOST RECENTLY ISSUED CONTROLS.

47 (3) IF NONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURIS-
48 DICTION UNDER THIS ARTICLE, THE TRIBUNAL OF THIS STATE SHALL ISSUE A
49 CHILD SUPPORT ORDER, WHICH CONTROLS.

50 (C) IF TWO OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED FOR THE SAME
51 OBLIGOR AND SAME CHILD, UPON REQUEST OF A PARTY WHO IS AN INDIVIDUAL OR
52 THAT IS A SUPPORT ENFORCEMENT AGENCY, A TRIBUNAL OF THIS STATE HAVING
53 PERSONAL JURISDICTION OVER BOTH THE OBLIGOR AND THE OBLIGEE WHO IS AN
54 INDIVIDUAL SHALL DETERMINE WHICH ORDER CONTROLS UNDER SUBDIVISION (B) OF
55 THIS SECTION. THE REQUEST MAY BE FILED WITH A REGISTRATION FOR ENFORCE-

MENT OR REGISTRATION FOR MODIFICATION PURSUANT TO PART SIX OF THIS ARTICLE, OR MAY BE FILED AS A SEPARATE PROCEEDING.

(D) A REQUEST TO DETERMINE WHICH IS THE CONTROLLING ORDER MUST BE ACCOMPANIED BY A COPY OF EVERY CHILD SUPPORT ORDER IN EFFECT AND THE APPLICABLE RECORD OF PAYMENTS. THE REQUESTING PARTY SHALL GIVE NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE DETERMINATION.

(E) THE TRIBUNAL THAT ISSUED THE CONTROLLING ORDER UNDER SUBDIVISION (A), (B) OR (C) OF THIS SECTION HAS CONTINUING JURISDICTION TO THE EXTENT PROVIDED IN SECTION 580-205 OR 580-206 OF THIS PART.

(F) A TRIBUNAL OF THIS STATE THAT DETERMINES BY ORDER WHICH IS THE CONTROLLING ORDER UNDER PARAGRAPH ONE OR TWO OF SUBDIVISION (B) OR SUBDIVISION (C) OF THIS SECTION, OR THAT ISSUES A NEW CONTROLLING ORDER UNDER PARAGRAPH THREE OF SUBDIVISION (B) OF THIS SECTION, SHALL STATE IN THAT ORDER:

(1) THE BASIS UPON WHICH THE TRIBUNAL MADE ITS DETERMINATION;

(2) THE AMOUNT OF PROSPECTIVE SUPPORT, IF ANY; AND

(3) THE TOTAL AMOUNT OF CONSOLIDATED ARREARS AND ACCRUED INTEREST, IF ANY, UNDER ALL OF THE ORDERS AFTER ALL PAYMENTS MADE ARE CREDITED AS PROVIDED BY SECTION 580-209 OF THIS PART.

(G) WITHIN THIRTY DAYS AFTER ISSUANCE OF AN ORDER DETERMINING WHICH IS THE CONTROLLING ORDER, THE PARTY OBTAINING THE ORDER SHALL FILE A CERTIFIED COPY OF IT IN EACH TRIBUNAL THAT ISSUED OR REGISTERED AN EARLIER ORDER OF CHILD SUPPORT. A PARTY OR SUPPORT ENFORCEMENT AGENCY OBTAINING THE ORDER THAT FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE ARISES. THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE CONTROLLING ORDER.

(H) AN ORDER THAT HAS BEEN DETERMINED TO BE THE CONTROLLING ORDER, OR A JUDGMENT FOR CONSOLIDATED ARREARS OF SUPPORT AND INTEREST, IF ANY, MADE PURSUANT TO THIS SECTION MUST BE RECOGNIZED IN PROCEEDINGS UNDER THIS ARTICLE.

S 580-208. CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGES. IN RESPONDING TO REGISTRATIONS OR PETITIONS FOR ENFORCEMENT OF TWO OR MORE CHILD SUPPORT ORDERS IN EFFECT AT THE SAME TIME WITH REGARD TO THE SAME OBLIGOR AND DIFFERENT INDIVIDUAL OBLIGES, AT LEAST ONE OF WHICH WAS ISSUED BY A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY, A TRIBUNAL OF THIS STATE SHALL ENFORCE THOSE ORDERS IN THE SAME MANNER AS IF THE ORDERS HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE.

S 580-209. CREDIT FOR PAYMENTS. A TRIBUNAL OF THIS STATE SHALL CREDIT AMOUNTS COLLECTED FOR A PARTICULAR PERIOD PURSUANT TO ANY CHILD SUPPORT ORDER AGAINST THE AMOUNTS OWED FOR THE SAME PERIOD UNDER ANY OTHER CHILD SUPPORT ORDER FOR SUPPORT OF THE SAME CHILD ISSUED BY A TRIBUNAL OF THIS STATE, ANOTHER STATE, OR A FOREIGN COUNTRY.

S 580-210. APPLICATION OF ARTICLE TO NONRESIDENT SUBJECT TO PERSONAL JURISDICTION. A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER A NONRESIDENT IN A PROCEEDING UNDER THIS ARTICLE, UNDER OTHER LAW OF THIS STATE RELATING TO A SUPPORT ORDER, OR RECOGNIZING A FOREIGN SUPPORT ORDER MAY RECEIVE EVIDENCE FROM OUTSIDE THIS STATE PURSUANT TO SECTION 580-316 OF THIS ARTICLE, COMMUNICATE WITH A TRIBUNAL OUTSIDE THIS STATE PURSUANT TO SECTION 580-317 OF THIS ARTICLE AND OBTAIN DISCOVERY THROUGH A TRIBUNAL OUTSIDE THIS STATE PURSUANT TO SECTION 580-318 OF THIS ARTICLE. IN ALL OTHER RESPECTS, PARTS THREE THROUGH SIX OF THIS ARTICLE DO NOT APPLY, AND THE TRIBUNAL SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE.

1 S 580-211. CONTINUING EXCLUSIVE JURISDICTION TO MODIFY SPOUSAL-SUPPORT
2 ORDER. (A) A TRIBUNAL OF THIS STATE ISSUING A SPOUSAL-SUPPORT ORDER
3 CONSISTENT WITH THE LAW OF THIS STATE HAS CONTINUING, EXCLUSIVE JURIS-
4 DICTION TO MODIFY THE SPOUSAL-SUPPORT ORDER THROUGHOUT THE EXISTENCE OF
5 THE SUPPORT OBLIGATION.

6 (B) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A SPOUSAL-SUPPORT ORDER
7 ISSUED BY A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY HAVING
8 CONTINUING, EXCLUSIVE JURISDICTION OVER THAT ORDER UNDER THE LAW OF THAT
9 STATE OR FOREIGN COUNTRY.

10 (C) A TRIBUNAL OF THIS STATE THAT HAS CONTINUING, EXCLUSIVE JURISDIC-
11 TION OVER A SPOUSAL-SUPPORT ORDER MAY SERVE AS:

12 (1) AN INITIATING TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO
13 ENFORCE THE SPOUSAL-SUPPORT ORDER ISSUED IN THIS STATE; OR

14 (2) A RESPONDING TRIBUNAL TO ENFORCE OR MODIFY ITS OWN SPOUSAL-SUPPORT
15 ORDER.

16 PART 3

17 CIVIL PROVISIONS OF GENERAL APPLICATION

18 SECTION 580-301. PROCEEDINGS UNDER ARTICLE.

19 580-302. ACTION BY MINOR PARENT.

20 580-303. APPLICATION OF LAW OF STATE.

21 580-304. DUTIES OF INITIATING TRIBUNAL.

22 580-305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.

23 580-306. INAPPROPRIATE TRIBUNAL.

24 580-307. DUTIES OF SUPPORT ENFORCEMENT AGENCY.

25 580-308. DUTY OF CERTAIN STATE OFFICIALS.

26 580-309. PRIVATE COUNSEL.

27 580-310. DUTIES OF STATE INFORMATION AGENCY.

28 580-311. PLEADINGS AND ACCOMPANYING DOCUMENTS.

29 580-312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUM-
30 STANCES.

31 580-313. COSTS AND FEES.

32 580-314. LIMITED IMMUNITY OF PETITIONER.

33 580-315. NONPARENTAGE AS A DEFENSE.

34 580-316. SPECIAL RULES OF EVIDENCE AND PROCEDURE.

35 580-317. COMMUNICATIONS BETWEEN TRIBUNALS.

36 580-318. ASSISTANCE WITH DISCOVERY.

37 580-319. RECEIPT AND DISBURSEMENT OF PAYMENTS.

38 S 580-301. PROCEEDINGS UNDER ARTICLE. (A) EXCEPT AS OTHERWISE PROVIDED
39 IN THIS ARTICLE, THIS PART APPLIES TO ALL PROCEEDINGS UNDER THIS ARTI-
40 CLE.

41 (B) AN INDIVIDUAL PETITIONER OR A SUPPORT ENFORCEMENT AGENCY MAY
42 INITIATE A PROCEEDING AUTHORIZED UNDER THIS ARTICLE BY FILING A PETITION
43 IN AN INITIATING TRIBUNAL FOR FORWARDING TO A RESPONDING TRIBUNAL OR BY
44 FILING A PETITION OR A COMPARABLE PLEADING DIRECTLY IN A TRIBUNAL OF
45 ANOTHER STATE OR A FOREIGN COUNTRY WHICH HAS OR CAN OBTAIN PERSONAL
46 JURISDICTION OVER THE RESPONDENT.

47 S 580-302. PROCEEDING BY A MINOR PARENT. A MINOR PARENT, OR A GUARDI-
48 AN OR OTHER LEGAL REPRESENTATIVE OF A MINOR PARENT, MAY MAINTAIN A
49 PROCEEDING ON BEHALF OF OR FOR THE BENEFIT OF THE MINOR'S CHILD.

50 S 580-303. APPLICATION OF LAW OF STATE. EXCEPT AS OTHERWISE PROVIDED
51 IN THIS ARTICLE, A RESPONDING TRIBUNAL OF THIS STATE SHALL:

52 1. APPLY THE PROCEDURAL AND SUBSTANTIVE LAW GENERALLY APPLICABLE TO
53 SIMILAR PROCEEDINGS ORIGINATING IN THIS STATE AND MAY EXERCISE ALL
54 POWERS AND PROVIDE ALL REMEDIES AVAILABLE IN THOSE PROCEEDINGS; AND

55 2. DETERMINE THE DUTY OF SUPPORT AND THE AMOUNT PAYABLE IN ACCORDANCE
56 WITH THE LAW AND SUPPORT GUIDELINES OF THIS STATE.

1 S 580-304. DUTIES OF INITIATING TRIBUNAL. (A) UPON THE FILING OF A
2 PETITION AUTHORIZED BY THIS ARTICLE, AN INITIATING TRIBUNAL OF THIS
3 STATE SHALL FORWARD THE PETITION AND ITS ACCOMPANYING DOCUMENTS:

4 (1) TO THE RESPONDING TRIBUNAL OR APPROPRIATE SUPPORT ENFORCEMENT
5 AGENCY IN THE RESPONDING STATE; OR

6 (2) IF THE IDENTITY OF THE RESPONDING TRIBUNAL IS UNKNOWN, TO THE
7 STATE INFORMATION AGENCY OF THE RESPONDING STATE WITH A REQUEST THAT
8 THEY BE FORWARDED TO THE APPROPRIATE TRIBUNAL AND THAT RECEIPT BE
9 ACKNOWLEDGED.

10 (B) IF REQUESTED BY THE RESPONDING TRIBUNAL, A TRIBUNAL OF THIS STATE
11 SHALL ISSUE A CERTIFICATE OR OTHER DOCUMENT AND MAKE FINDINGS REQUIRED
12 BY THE LAW OF THE RESPONDING STATE. IF THE RESPONDING TRIBUNAL IS IN A
13 FOREIGN COUNTRY, UPON REQUEST THE TRIBUNAL OF THIS STATE SHALL SPECIFY
14 THE AMOUNT OF SUPPORT SOUGHT, CONVERT THAT AMOUNT INTO THE EQUIVALENT
15 AMOUNT IN THE FOREIGN CURRENCY UNDER APPLICABLE OFFICIAL OR MARKET
16 EXCHANGE RATE AS PUBLICLY REPORTED, AND PROVIDE ANY OTHER DOCUMENTS
17 NECESSARY TO SATISFY THE REQUIREMENTS OF THE RESPONDING FOREIGN TRIBU-
18 NAL.

19 S 580-305. DUTIES AND POWERS OF RESPONDING TRIBUNAL. (A) WHEN A
20 RESPONDING TRIBUNAL OF THIS STATE RECEIVES A PETITION OR COMPARABLE
21 PLEADING FROM AN INITIATING TRIBUNAL OR DIRECTLY PURSUANT TO SUBDIVISION
22 (B) OF SECTION 580-301 OF THIS PART, IT SHALL CAUSE THE PETITION OR
23 PLEADING TO BE FILED AND NOTIFY THE PETITIONER WHERE AND WHEN IT WAS
24 FILED.

25 (B) A RESPONDING TRIBUNAL OF THIS STATE, TO THE EXTENT NOT PROHIBITED
26 BY OTHER LAW, MAY DO ONE OR MORE OF THE FOLLOWING:

27 (1) ESTABLISH OR ENFORCE A SUPPORT ORDER, MODIFY A CHILD SUPPORT
28 ORDER, DETERMINE THE CONTROLLING CHILD SUPPORT ORDER OR DETERMINE
29 PARENTAGE OF A CHILD;

30 (2) ORDER AN OBLIGOR TO COMPLY WITH A SUPPORT ORDER, SPECIFYING THE
31 AMOUNT AND THE MANNER OF COMPLIANCE;

32 (3) ORDER INCOME WITHHOLDING;

33 (4) DETERMINE THE AMOUNT OF ANY ARREARAGES, AND SPECIFY A METHOD OF
34 PAYMENT;

35 (5) ENFORCE ORDERS BY CIVIL OR CRIMINAL CONTEMPT, OR BOTH;

36 (6) SET ASIDE PROPERTY FOR SATISFACTION OF THE SUPPORT ORDER;

37 (7) PLACE LIENS AND ORDER EXECUTION ON THE OBLIGOR'S PROPERTY;

38 (8) ORDER AN OBLIGOR TO KEEP THE TRIBUNAL INFORMED OF THE OBLIGOR'S
39 CURRENT RESIDENTIAL ADDRESS, ELECTRONIC-MAIL ADDRESS, TELEPHONE NUMBER,
40 EMPLOYER, ADDRESS OF EMPLOYMENT AND TELEPHONE NUMBER AT THE PLACE OF
41 EMPLOYMENT;

42 (9) ISSUE A WARRANT FOR AN OBLIGOR WHO HAS FAILED AFTER PROPER NOTICE
43 TO APPEAR AT A HEARING ORDERED BY THE TRIBUNAL AND ENTER THE WARRANT IN
44 ANY LOCAL AND STATE COMPUTER SYSTEMS FOR CRIMINAL WARRANTS;

45 (10) ORDER THE OBLIGOR TO SEEK APPROPRIATE EMPLOYMENT BY SPECIFIED
46 METHODS;

47 (11) AWARD REASONABLE ATTORNEY'S FEES AND OTHER FEES AND COSTS; AND

48 (12) GRANT ANY OTHER AVAILABLE REMEDY.

49 (C) A RESPONDING TRIBUNAL OF THIS STATE SHALL INCLUDE IN A SUPPORT
50 ORDER ISSUED UNDER THIS ARTICLE, OR IN THE DOCUMENTS ACCOMPANYING THE
51 ORDER, THE CALCULATIONS ON WHICH THE SUPPORT ORDER IS BASED.

52 (D) A RESPONDING TRIBUNAL OF THIS STATE MAY NOT CONDITION THE PAYMENT
53 OF A SUPPORT ORDER ISSUED UNDER THIS ARTICLE UPON COMPLIANCE BY A PARTY
54 WITH PROVISIONS FOR VISITATION.

1 (E) IF A RESPONDING TRIBUNAL OF THIS STATE ISSUES AN ORDER UNDER THIS
2 ARTICLE, THE TRIBUNAL SHALL SEND A COPY OF THE ORDER TO THE PETITIONER
3 AND THE RESPONDENT AND TO THE INITIATING TRIBUNAL, IF ANY.

4 (F) IF REQUESTED TO ENFORCE A SUPPORT ORDER, ARREARS, OR JUDGMENT OR
5 MODIFY A SUPPORT ORDER STATED IN A FOREIGN CURRENCY, A RESPONDING TRIBU-
6 NAL OF THIS STATE SHALL CONVERT THE AMOUNT STATED IN THE FOREIGN CURREN-
7 CY TO THE EQUIVALENT AMOUNT IN DOLLARS UNDER THE APPLICABLE OFFICIAL OR
8 MARKET EXCHANGE RATE AS PUBLICLY REPORTED.

9 S 580-306. INAPPROPRIATE TRIBUNAL. IF A PETITION OR COMPARABLE PLEAD-
10 ING IS RECEIVED BY AN INAPPROPRIATE TRIBUNAL OF THIS STATE, THE TRIBUNAL
11 SHALL FORWARD THE PLEADING AND ACCOMPANYING DOCUMENTS TO AN APPROPRIATE
12 TRIBUNAL OF THIS STATE OR ANOTHER STATE AND NOTIFY THE PETITIONER WHERE
13 AND WHEN THE PLEADING WAS SENT.

14 S 580-307. DUTIES OF SUPPORT ENFORCEMENT AGENCY. (A) A SUPPORT
15 ENFORCEMENT AGENCY OF THIS STATE, UPON REQUEST, SHALL PROVIDE SERVICES
16 TO A PETITIONER IN A PROCEEDING UNDER THIS ARTICLE.

17 (B) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT IS PROVIDING
18 SERVICES TO THE PETITIONER SHALL:

19 (1) TAKE ALL STEPS NECESSARY TO ENABLE AN APPROPRIATE TRIBUNAL OF THIS
20 STATE, ANOTHER STATE OR A FOREIGN COUNTRY TO OBTAIN JURISDICTION OVER
21 THE RESPONDENT;

22 (2) REQUEST AN APPROPRIATE TRIBUNAL TO SET A DATE, TIME AND PLACE FOR
23 A HEARING;

24 (3) MAKE A REASONABLE EFFORT TO OBTAIN ALL RELEVANT INFORMATION,
25 INCLUDING INFORMATION AS TO INCOME AND PROPERTY OF THE PARTIES;

26 (4) WITHIN TEN DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND LEGAL HOLI-
27 DAYS, AFTER RECEIPT OF NOTICE IN A RECORD FROM AN INITIATING, RESPONDING
28 OR REGISTERING TRIBUNAL, SEND A COPY OF THE NOTICE TO THE PETITIONER;

29 (5) WITHIN TEN DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND LEGAL HOLI-
30 DAYS, AFTER RECEIPT OF COMMUNICATION IN A RECORD FROM THE RESPONDENT OR
31 THE RESPONDENT'S ATTORNEY, SEND A COPY OF THE COMMUNICATION TO THE PETI-
32 TIONER; AND

33 (6) NOTIFY THE PETITIONER IF JURISDICTION OVER THE RESPONDENT CANNOT
34 BE OBTAINED.

35 (C) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS REGISTRA-
36 TION OF A CHILD SUPPORT ORDER IN THIS STATE FOR ENFORCEMENT OR FOR
37 MODIFICATION SHALL MAKE REASONABLE EFFORTS:

38 (1) TO ENSURE THAT THE ORDER TO BE REGISTERED IS THE CONTROLLING
39 ORDER; OR

40 (2) IF TWO OR MORE CHILD SUPPORT ORDERS EXIST AND THE IDENTITY OF THE
41 CONTROLLING ORDER HAS NOT BEEN DETERMINED, TO ENSURE THAT A REQUEST FOR
42 SUCH A DETERMINATION IS MADE IN A TRIBUNAL HAVING JURISDICTION TO DO SO.

43 (D) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS REGISTRA-
44 TION AND ENFORCEMENT OF A SUPPORT ORDER, ARREARS OR JUDGMENT STATED IN A
45 FOREIGN CURRENCY SHALL CONVERT THE AMOUNTS STATED IN THE FOREIGN CURREN-
46 CY INTO THE EQUIVALENT AMOUNTS IN DOLLARS UNDER THE APPLICABLE OFFICIAL
47 OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED.

48 (E) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE SHALL ISSUE OR REQUEST
49 A TRIBUNAL OF THIS STATE TO ISSUE A CHILD SUPPORT ORDER AND AN INCOME
50 WITHHOLDING ORDER THAT REDIRECT PAYMENT OF CURRENT SUPPORT, ARREARS, AND
51 INTEREST IF REQUESTED TO DO SO BY A SUPPORT ENFORCEMENT AGENCY OF ANOTH-
52 ER STATE PURSUANT TO SECTION 580-319 OF THIS PART.

53 (F) THIS ARTICLE DOES NOT CREATE OR NEGATE A RELATIONSHIP OF ATTORNEY
54 AND CLIENT OR OTHER FIDUCIARY RELATIONSHIP BETWEEN A SUPPORT ENFORCEMENT
55 AGENCY OR THE ATTORNEY FOR THE AGENCY AND THE INDIVIDUAL BEING ASSISTED
56 BY THE AGENCY.

1 S 580-308. DUTY OF CERTAIN STATE OFFICIALS. (A) IF THE ATTORNEY
2 GENERAL DETERMINES THAT THE SUPPORT ENFORCEMENT AGENCY IS NEGLECTING OR
3 REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL, THE ATTORNEY GENERAL MAY
4 ORDER THE AGENCY TO PERFORM ITS DUTIES UNDER THIS ARTICLE OR MAY PROVIDE
5 THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.

6 (B) THE COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE MAY DETER-
7 MINE THAT A FOREIGN COUNTRY HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR
8 CHILD SUPPORT WITH THIS STATE AND TAKE APPROPRIATE ACTION FOR NOTIFICA-
9 TION OF THE DETERMINATION.

10 S 580-309. PRIVATE COUNSEL. AN INDIVIDUAL MAY EMPLOY PRIVATE COUNSEL
11 TO REPRESENT THE INDIVIDUAL IN PROCEEDINGS AUTHORIZED BY THIS ARTICLE.

12 S 580-310. DUTIES OF STATE INFORMATION AGENCY. (A) THE OFFICE OF
13 TEMPORARY AND DISABILITY ASSISTANCE IS THE STATE INFORMATION AGENCY
14 UNDER THIS ARTICLE.

15 (B) THE STATE INFORMATION AGENCY SHALL:

16 (1) COMPILE AND MAINTAIN A CURRENT LIST, INCLUDING ADDRESSES, OF THE
17 TRIBUNALS IN THIS STATE WHICH HAVE JURISDICTION UNDER THIS ARTICLE AND
18 ANY SUPPORT ENFORCEMENT AGENCIES IN THIS STATE AND TRANSMIT A COPY TO
19 THE STATE INFORMATION AGENCY OF EVERY OTHER STATE;

20 (2) MAINTAIN A REGISTER OF NAMES AND ADDRESSES OF TRIBUNALS AND
21 SUPPORT ENFORCEMENT AGENCIES RECEIVED FROM OTHER STATES;

22 (3) FORWARD TO THE APPROPRIATE TRIBUNAL IN THE COUNTY IN THIS STATE IN
23 WHICH THE OBLIGEE WHO IS AN INDIVIDUAL OR THE OBLIGOR RESIDES, OR IN
24 WHICH THE OBLIGOR'S PROPERTY IS BELIEVED TO BE LOCATED, ALL DOCUMENTS
25 CONCERNING A PROCEEDING UNDER THIS ARTICLE RECEIVED FROM ANOTHER STATE
26 OR A FOREIGN COUNTRY; AND

27 (4) OBTAIN INFORMATION CONCERNING THE LOCATION OF THE OBLIGOR AND THE
28 OBLIGOR'S PROPERTY WITHIN THIS STATE NOT EXEMPT FROM EXECUTION, BY SUCH
29 MEANS AS POSTAL VERIFICATION AND FEDERAL OR STATE LOCATOR SERVICES,
30 EXAMINATION OF TELEPHONE DIRECTORIES, REQUESTS FOR THE OBLIGOR'S ADDRESS
31 FROM EMPLOYERS AND EXAMINATION OF GOVERNMENTAL RECORDS, INCLUDING, TO
32 THE EXTENT NOT PROHIBITED BY OTHER LAW, THOSE RELATING TO REAL PROPERTY,
33 VITAL STATISTICS, LAW ENFORCEMENT, TAXATION, MOTOR VEHICLES, DRIVER'S
34 LICENSES AND SOCIAL SECURITY.

35 S 580-311. PLEADINGS AND ACCOMPANYING DOCUMENTS. (A) IN A PROCEEDING
36 UNDER THIS ARTICLE, A PETITIONER SEEKING TO ESTABLISH A SUPPORT ORDER,
37 TO DETERMINE PARENTAGE OF A CHILD OR TO REGISTER AND MODIFY A SUPPORT
38 ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY MUST FILE A
39 PETITION. UNLESS OTHERWISE ORDERED UNDER SECTION 580-312 OF THIS PART,
40 THE PETITION OR ACCOMPANYING DOCUMENTS MUST PROVIDE, SO FAR AS KNOWN,
41 THE NAME, RESIDENTIAL ADDRESS AND SOCIAL SECURITY NUMBERS OF THE OBLIGOR
42 AND THE OBLIGEE OR THE PARENT AND ALLEGED PARENT, AND THE NAME, SEX,
43 RESIDENTIAL ADDRESS, SOCIAL SECURITY NUMBER AND DATE OF BIRTH OF EACH
44 CHILD FOR WHOSE BENEFIT SUPPORT IS SOUGHT OR WHOSE PARENTAGE IS TO BE
45 DETERMINED. UNLESS FILED AT THE TIME OF REGISTRATION, THE PETITION MUST
46 BE ACCOMPANIED BY A COPY OF ANY SUPPORT ORDER KNOWN TO HAVE BEEN ISSUED
47 BY ANOTHER TRIBUNAL. THE PETITION MAY INCLUDE ANY OTHER INFORMATION THAT
48 MAY ASSIST IN LOCATING OR IDENTIFYING THE RESPONDENT.

49 (B) THE PETITION MUST SPECIFY THE RELIEF SOUGHT. THE PETITION AND
50 ACCOMPANYING DOCUMENTS MUST CONFORM SUBSTANTIALLY WITH THE REQUIREMENTS
51 IMPOSED BY THE FORMS MANDATED BY FEDERAL LAW FOR USE IN CASES FILED BY A
52 SUPPORT ENFORCEMENT AGENCY.

53 S 580-312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES.
54 IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER OATH THAT THE
55 HEALTH, SAFETY OR LIBERTY OF A PARTY OR CHILD WOULD BE JEOPARDIZED BY
56 DISCLOSURE OF SPECIFIC IDENTIFYING INFORMATION, THAT INFORMATION MUST BE

1 SEALED AND MAY NOT BE DISCLOSED TO THE OTHER PARTY OR THE PUBLIC. AFTER
2 A HEARING IN WHICH A TRIBUNAL TAKES INTO CONSIDERATION THE HEALTH, SAFE-
3 TY OR LIBERTY OF THE PARTY OR CHILD, THE TRIBUNAL MAY ORDER DISCLOSURE
4 OF INFORMATION THAT THE TRIBUNAL DETERMINES TO BE IN THE INTEREST OF
5 JUSTICE.

6 S 580-313. COSTS AND FEES. (A) THE PETITIONER MAY NOT BE REQUIRED TO
7 PAY A FILING FEE OR OTHER COSTS.

8 (B) IF AN OBLIGEE PREVAILS, A RESPONDING TRIBUNAL OF THIS STATE MAY
9 ASSESS AGAINST AN OBLIGOR FILING FEES, REASONABLE ATTORNEY'S FEES, OTHER
10 COSTS, AND NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED BY
11 THE OBLIGEE AND THE OBLIGEE'S WITNESSES. THE TRIBUNAL MAY NOT ASSESS
12 FEES, COSTS OR EXPENSES AGAINST THE OBLIGEE OR THE SUPPORT ENFORCEMENT
13 AGENCY OF EITHER THE INITIATING OR RESPONDING STATE OR FOREIGN COUNTRY,
14 EXCEPT AS PROVIDED BY OTHER LAW. ATTORNEY'S FEES MAY BE TAXED AS COSTS,
15 AND MAY BE ORDERED PAID DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE
16 ORDER IN THE ATTORNEY'S OWN NAME. PAYMENT OF SUPPORT OWED TO THE OBLIGEE
17 HAS PRIORITY OVER FEES, COSTS, AND EXPENSES.

18 (C) THE TRIBUNAL SHALL ORDER THE PAYMENT OF COSTS AND REASONABLE
19 ATTORNEY'S FEES IF IT DETERMINES THAT A HEARING WAS REQUESTED PRIMARILY
20 FOR DELAY. IN A PROCEEDING UNDER PART SIX OF THIS ARTICLE, A HEARING IS
21 PRESUMED TO HAVE BEEN REQUESTED PRIMARILY FOR DELAY IF A REGISTERED
22 SUPPORT ORDER IS CONFIRMED OR ENFORCED WITHOUT CHANGE.

23 S 580-314. LIMITED IMMUNITY OF PETITIONER. (A) PARTICIPATION BY A
24 PETITIONER IN A PROCEEDING UNDER THIS ARTICLE BEFORE A RESPONDING TRIBU-
25 NAL, WHETHER IN PERSON, BY PRIVATE ATTORNEY OR THROUGH SERVICES PROVIDED
26 BY THE SUPPORT ENFORCEMENT AGENCY, DOES NOT CONFER PERSONAL JURISDICTION
27 OVER THE PETITIONER IN ANOTHER PROCEEDING.

28 (B) A PETITIONER IS NOT AMENABLE TO SERVICE OF CIVIL PROCESS WHILE
29 PHYSICALLY PRESENT IN THIS STATE TO PARTICIPATE IN A PROCEEDING UNDER
30 THIS ARTICLE.

31 (C) THE IMMUNITY GRANTED BY THIS SECTION DOES NOT EXTEND TO CIVIL
32 LITIGATION BASED ON ACTS UNRELATED TO A PROCEEDING UNDER THIS ARTICLE
33 COMMITTED BY A PARTY WHILE PHYSICALLY PRESENT IN THIS STATE TO PARTIC-
34 IPATE IN THE PROCEEDING.

35 S 580-315. NONPARENTAGE AS DEFENSE. A PARTY WHOSE PARENTAGE OF A
36 CHILD HAS BEEN PREVIOUSLY DETERMINED BY OR PURSUANT TO LAW MAY NOT PLEAD
37 NONPARENTAGE AS A DEFENSE TO A PROCEEDING UNDER THIS ARTICLE.

38 S 580-316. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (A) THE PHYSICAL
39 PRESENCE OF A NONRESIDENT PARTY WHO IS AN INDIVIDUAL IN A TRIBUNAL OF
40 THIS STATE IS NOT REQUIRED FOR THE ESTABLISHMENT, ENFORCEMENT OR MODIFI-
41 CATION OF A SUPPORT ORDER, OR THE RENDITION OF A JUDGMENT DETERMINING
42 PARENTAGE OF A CHILD.

43 (B) AN AFFIDAVIT, A DOCUMENT SUBSTANTIALLY COMPLYING WITH FEDERALLY
44 MANDATED FORMS OR A DOCUMENT INCORPORATED BY REFERENCE IN ANY OF THEM,
45 WHICH WOULD NOT BE EXCLUDED UNDER THE HEARSAY RULE IF GIVEN IN PERSON,
46 IS ADMISSIBLE IN EVIDENCE IF GIVEN UNDER PENALTY OF PERJURY BY A PARTY
47 OR WITNESS RESIDING OUTSIDE THIS STATE.

48 (C) A COPY OF THE RECORD OF CHILD SUPPORT PAYMENTS CERTIFIED AS A TRUE
49 COPY OF THE ORIGINAL BY THE CUSTODIAN OF THE RECORD MAY BE FORWARDED TO
50 A RESPONDING TRIBUNAL. THE COPY IS EVIDENCE OF FACTS ASSERTED IN IT, AND
51 IS ADMISSIBLE TO SHOW WHETHER PAYMENTS WERE MADE.

52 (D) COPIES OF BILLS FOR TESTING FOR PARENTAGE OF A CHILD, AND FOR
53 PRENATAL AND POSTNATAL HEALTH CARE OF THE MOTHER AND CHILD, FURNISHED TO
54 THE ADVERSE PARTY AT LEAST TEN DAYS BEFORE TRIAL, ARE ADMISSIBLE IN
55 EVIDENCE TO PROVE THE AMOUNT OF THE CHARGES BILLED AND THAT THE CHARGES
56 WERE REASONABLE, NECESSARY AND CUSTOMARY.

(E) DOCUMENTARY EVIDENCE TRANSMITTED FROM OUTSIDE THIS STATE TO A TRIBUNAL OF THIS STATE BY TELEPHONE, TELECOPIER OR OTHER ELECTRONIC MEANS THAT DO NOT PROVIDE AN ORIGINAL RECORD MAY NOT BE EXCLUDED FROM EVIDENCE ON AN OBJECTION BASED ON THE MEANS OF TRANSMISSION.

(F) IN A PROCEEDING UNDER THIS ARTICLE, A TRIBUNAL OF THIS STATE SHALL PERMIT A PARTY OR WITNESS RESIDING OUTSIDE THIS STATE TO BE DEPOSED OR TO TESTIFY UNDER PENALTY OF PERJURY BY TELEPHONE, AUDIOVISUAL MEANS OR OTHER ELECTRONIC MEANS AT A DESIGNATED TRIBUNAL OR OTHER LOCATION. A TRIBUNAL OF THIS STATE SHALL COOPERATE WITH OTHER TRIBUNALS IN DESIGNATING AN APPROPRIATE LOCATION FOR THE DEPOSITION OR TESTIMONY.

(G) IF A PARTY CALLED TO TESTIFY AT A CIVIL HEARING REFUSES TO ANSWER ON THE GROUND THAT THE TESTIMONY MAY BE SELF-INCRIMINATING, THE TRIER OF FACT MAY DRAW AN ADVERSE INFERENCE FROM THE REFUSAL.

(H) A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SPOUSES DOES NOT APPLY IN A PROCEEDING UNDER THIS ARTICLE.

(I) THE DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF HUSBAND AND WIFE OR PARENT AND CHILD DOES NOT APPLY IN A PROCEEDING UNDER THIS ARTICLE.

(J) A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY, CERTIFIED AS A TRUE COPY, IS ADMISSIBLE TO ESTABLISH PARENTAGE OF THE CHILD.

S 580-317. COMMUNICATIONS BETWEEN TRIBUNALS. A TRIBUNAL OF THIS STATE MAY COMMUNICATE WITH A TRIBUNAL OUTSIDE THIS STATE IN A RECORD OR BY TELEPHONE, ELECTRONIC MAIL OR OTHER MEANS, TO OBTAIN INFORMATION CONCERNING THE LAWS, THE LEGAL EFFECT OF A JUDGMENT, DECREE OR ORDER OF THAT TRIBUNAL, AND THE STATUS OF A PROCEEDING. A TRIBUNAL OF THIS STATE MAY FURNISH SIMILAR INFORMATION BY SIMILAR MEANS TO A TRIBUNAL OUTSIDE THIS STATE.

S 580-318. ASSISTANCE WITH DISCOVERY. A TRIBUNAL OF THIS STATE MAY:

1. REQUEST A TRIBUNAL OUTSIDE THIS STATE TO ASSIST IN OBTAINING DISCOVERY; AND

2. UPON REQUEST, COMPEL A PERSON OVER WHICH IT HAS JURISDICTION TO RESPOND TO A DISCOVERY ORDER ISSUED BY A TRIBUNAL OUTSIDE THIS STATE.

S 580-319. RECEIPT AND DISBURSEMENT OF PAYMENTS. (A) A SUPPORT ENFORCEMENT AGENCY OR TRIBUNAL OF THIS STATE SHALL DISBURSE PROMPTLY ANY AMOUNTS RECEIVED PURSUANT TO A SUPPORT ORDER, AS DIRECTED BY THE ORDER. THE AGENCY OR TRIBUNAL SHALL FURNISH TO A REQUESTING PARTY OR TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORD OF THE AMOUNTS AND DATES OF ALL PAYMENTS RECEIVED.

(B) IF NEITHER THE OBLIGOR, NOR THE OBLIGEE WHO IS AN INDIVIDUAL, NOR THE CHILD RESIDES IN THIS STATE, UPON REQUEST FROM A SUPPORT ENFORCEMENT AGENCY OF THIS STATE OR ANOTHER STATE, A SUPPORT ENFORCEMENT AGENCY OR A TRIBUNAL OF THIS STATE SHALL:

(1) DIRECT THAT THE SUPPORT PAYMENT BE MADE TO THE SUPPORT ENFORCEMENT AGENCY IN THE STATE IN WHICH THE OBLIGEE IS RECEIVING SERVICES; AND

(2) ISSUE AND SEND TO THE OBLIGOR'S EMPLOYER A CONFORMING INCOME WITHHOLDING ORDER OR AN ADMINISTRATIVE NOTICE OF CHANGE OF PAYEE, REFLECTING THE REDIRECTED PAYMENTS.

(C) A SUPPORT ENFORCEMENT AGENCY OF THIS STATE RECEIVING REDIRECTED PAYMENTS FROM ANOTHER STATE PURSUANT TO A LAW SIMILAR TO SUBDIVISION (B) OF THIS SECTION SHALL FURNISH TO A REQUESTING PARTY OR TRIBUNAL OF THE OTHER STATE A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORD OF THE AMOUNT AND DATES OF ALL PAYMENTS RECEIVED.

PART 4

ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE

1 SECTION 580-401. ESTABLISHMENT OF SUPPORT ORDER.

2 580-402. PROCEEDING TO DETERMINE PARENTAGE.

3 S 580-401. ESTABLISHMENT OF SUPPORT ORDER. (A) IF A SUPPORT ORDER
4 ENTITLED TO RECOGNITION UNDER THIS ARTICLE HAS NOT BEEN ISSUED, A
5 RESPONDING TRIBUNAL OF THIS STATE WITH PERSONAL JURISDICTION OVER THE
6 PARTIES MAY ISSUE A SUPPORT ORDER IF:

7 (1) THE INDIVIDUAL SEEKING THE ORDER RESIDES OUTSIDE THIS STATE; OR

8 (2) THE SUPPORT ENFORCEMENT AGENCY SEEKING THE ORDER IS LOCATED
9 OUTSIDE THIS STATE.

10 (B) THE TRIBUNAL MAY ISSUE A TEMPORARY CHILD SUPPORT ORDER IF THE
11 TRIBUNAL DETERMINES THAT SUCH AN ORDER IS APPROPRIATE AND THE INDIVIDUAL
12 ORDERED TO PAY IS:

13 (1) A PRESUMED FATHER OF THE CHILD;

14 (2) PETITIONING TO HAVE HIS PATERNITY ADJUDICATED;

15 (3) IDENTIFIED AS THE FATHER OF THE CHILD THROUGH GENETIC TESTING;

16 (4) AN ALLEGED FATHER WHO HAS DECLINED TO SUBMIT TO GENETIC TESTING;

17 (5) SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE THE FATHER OF THE
18 CHILD;

19 (6) AN ACKNOWLEDGED FATHER AS PROVIDED BY APPLICABLE STATE LAW;

20 (7) THE MOTHER OF THE CHILD; OR

21 (8) AN INDIVIDUAL WHO HAS BEEN ORDERED TO PAY CHILD SUPPORT IN A
22 PREVIOUS PROCEEDING AND THE ORDER HAS NOT BEEN REVERSED OR VACATED.

23 (C) UPON FINDING, AFTER NOTICE AND OPPORTUNITY TO BE HEARD, THAT AN
24 OBLIGOR OWES A DUTY OF SUPPORT, THE TRIBUNAL SHALL ISSUE A SUPPORT ORDER
25 DIRECTED TO THE OBLIGOR AND MAY ISSUE OTHER ORDERS PURSUANT TO SECTION
26 580-305 OF THIS ARTICLE.

27 S 580-402. PROCEEDING TO DETERMINE PARENTAGE. A TRIBUNAL OF THIS
28 STATE AUTHORIZED TO DETERMINE PARENTAGE OF A CHILD MAY SERVE AS A
29 RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE PARENTAGE OF A CHILD
30 BROUGHT UNDER THIS ARTICLE OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR
31 TO THIS ARTICLE.

32 PART 5

33 ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

34 SECTION 580-501. EMPLOYER'S RECEIPT OF INCOME WITHHOLDING ORDER OF
35 ANOTHER STATE.

36 580-502. EMPLOYER'S COMPLIANCE WITH INCOME WITHHOLDING ORDER OF
37 ANOTHER STATE.

38 580-503. COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS.

39 580-504. IMMUNITY FROM CIVIL LIABILITY.

40 580-505. PENALTIES FOR NONCOMPLIANCE.

41 580-506. CONTEST BY OBLIGOR.

42 580-507. ADMINISTRATIVE ENFORCEMENT OF ORDERS.

43 S 580-501. EMPLOYER'S RECEIPT OF INCOME WITHHOLDING ORDER OF ANOTHER
44 STATE. AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE MAY BE SENT
45 BY OR ON BEHALF OF THE OBLIGEE, OR BY THE SUPPORT ENFORCEMENT AGENCY, TO
46 THE PERSON DEFINED AS THE OBLIGOR'S EMPLOYER OR INCOME PAYOR UNDER
47 SECTION FIVE THOUSAND TWO HUNDRED FORTY-ONE OF THE CIVIL PRACTICE LAW
48 AND RULES OR OTHER DEBTOR (FOR PURPOSES OF THIS PART AND SECTION 580-605
49 OF THIS ARTICLE, EMPLOYER SHALL ALSO INCLUDE INCOME PAYOR OR OTHER
50 DEBTOR) WITHOUT FIRST FILING A PETITION OR COMPARABLE PLEADING OR REGIS-
51 TERING THE ORDER WITH A TRIBUNAL OF THIS STATE.

52 S 580-502. EMPLOYER'S COMPLIANCE WITH INCOME WITHHOLDING ORDER OF
53 ANOTHER STATE. (A) UPON RECEIPT OF AN INCOME WITHHOLDING ORDER, THE
54 OBLIGOR'S EMPLOYER SHALL IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE
55 OBLIGOR.

(B) THE EMPLOYER SHALL TREAT AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE WHICH APPEARS REGULAR ON ITS FACE AS IF IT HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE.

(C) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (D) OF THIS SECTION AND SECTION 580-503 OF THIS PART, THE EMPLOYER SHALL WITHHOLD AND DISTRIBUTE THE FUNDS AS DIRECTED IN THE WITHHOLDING ORDER BY COMPLYING WITH TERMS OF THE ORDER WHICH SPECIFY:

(1) THE DURATION AND AMOUNT OF PERIODIC PAYMENTS OF CURRENT CHILD SUPPORT, STATED AS A SUM CERTAIN;

(2) THE PERSON DESIGNATED TO RECEIVE PAYMENTS AND THE ADDRESS TO WHICH THE PAYMENTS ARE TO BE FORWARDED;

(3) MEDICAL SUPPORT, WHETHER IN THE FORM OF PERIODIC CASH PAYMENT, STATED AS A SUM CERTAIN, OR ORDERING THE OBLIGOR TO PROVIDE HEALTH INSURANCE COVERAGE FOR THE CHILD UNDER A POLICY AVAILABLE THROUGH THE OBLIGOR'S EMPLOYMENT;

(4) THE AMOUNT OF PERIODIC PAYMENTS OF FEES AND COSTS FOR A SUPPORT ENFORCEMENT AGENCY, THE ISSUING TRIBUNAL AND THE OBLIGEE'S ATTORNEY, STATED AS SUMS CERTAIN; AND

(5) THE AMOUNT OF PERIODIC PAYMENTS OF ARREARAGES AND INTEREST ON ARREARAGES, STATED AS SUMS CERTAIN.

(D) AN EMPLOYER SHALL COMPLY WITH THE LAW OF THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT FOR WITHHOLDING FROM INCOME WITH RESPECT TO:

(1) THE EMPLOYER'S FEE FOR PROCESSING AN INCOME WITHHOLDING ORDER;

(2) THE MAXIMUM AMOUNT PERMITTED TO BE WITHHELD FROM THE OBLIGOR'S INCOME; AND

(3) THE TIMES WITHIN WHICH THE EMPLOYER MUST IMPLEMENT THE WITHHOLDING ORDER AND FORWARD THE CHILD SUPPORT PAYMENT.

S 580-503. COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. IF AN OBLIGOR'S EMPLOYER RECEIVES TWO OR MORE INCOME WITHHOLDING ORDERS WITH RESPECT TO THE EARNINGS OF THE SAME OBLIGOR, THE EMPLOYER SATISFIES THE TERMS OF THE ORDERS IF THE EMPLOYER COMPLIES WITH THE LAW OF THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR TWO OR MORE CHILD SUPPORT OBLIGEEES.

S 580-504. IMMUNITY FROM CIVIL LIABILITY. AN EMPLOYER THAT COMPLIES WITH AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE IN ACCORDANCE WITH THIS PART IS NOT SUBJECT TO CIVIL LIABILITY TO AN INDIVIDUAL OR AGENCY WITH REGARD TO THE EMPLOYER'S WITHHOLDING OF CHILD SUPPORT FROM THE OBLIGOR'S INCOME.

S 580-505. PENALTIES FOR NONCOMPLIANCE. AN EMPLOYER THAT WILLFULLY FAILS TO COMPLY WITH AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE AND RECEIVED FOR ENFORCEMENT IS SUBJECT TO THE SAME PENALTIES THAT MAY BE IMPOSED FOR NONCOMPLIANCE WITH AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.

S 580-506. CONTEST BY OBLIGOR. (A) AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCEMENT OF AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE AND RECEIVED DIRECTLY BY AN EMPLOYER IN THIS STATE BY REGISTERING THE ORDER IN A TRIBUNAL OF THIS STATE AND FILING A CONTEST TO THAT ORDER AS PROVIDED IN PART SIX OF THIS ARTICLE, OR OTHERWISE CONTESTING THE ORDER IN THE SAME MANNER AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE.

(B) THE OBLIGOR SHALL GIVE NOTICE OF THE CONTEST TO:

(1) A SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO THE OBLIGEE;

(2) EACH EMPLOYER THAT HAS DIRECTLY RECEIVED AN INCOME WITHHOLDING ORDER RELATING TO THE OBLIGOR; AND

(3) THE PERSON DESIGNATED TO RECEIVE PAYMENTS IN THE INCOME WITHHOLDING ORDER OR, IF NO PERSON IS DESIGNATED, TO THE OBLIGEE.

S 580-507. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (A) A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO ENFORCE A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER, OR BOTH, ISSUED IN ANOTHER STATE OR A FOREIGN SUPPORT ORDER MAY SEND THE DOCUMENTS REQUIRED FOR REGISTERING THE ORDER TO A SUPPORT ENFORCEMENT AGENCY OF THIS STATE.

(B) UPON RECEIPT OF THE DOCUMENTS, THE SUPPORT ENFORCEMENT AGENCY, WITHOUT INITIALLY SEEKING TO REGISTER THE ORDER, SHALL CONSIDER AND, IF APPROPRIATE, USE ANY ADMINISTRATIVE PROCEDURE AUTHORIZED BY THE LAW OF THIS STATE TO ENFORCE A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER, OR BOTH. IF THE OBLIGOR DOES NOT CONTEST ADMINISTRATIVE ENFORCEMENT, THE ORDER NEED NOT BE REGISTERED. IF THE OBLIGOR CONTESTS THE VALIDITY OR ADMINISTRATIVE ENFORCEMENT OF THE ORDER, THE SUPPORT ENFORCEMENT AGENCY SHALL REGISTER THE ORDER PURSUANT TO THIS ARTICLE.

PART 6

REGISTRATION, ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER
SUBPART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.

B. CONTEST OF VALIDITY OR ENFORCEMENT.

C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE.

D. REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER.

SUBPART A

REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

SECTION 580-601. REGISTRATION OF ORDER FOR ENFORCEMENT.

580-602. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT.

580-603. EFFECT OF REGISTRATION FOR ENFORCEMENT.

580-604. CHOICE OF LAW.

S 580-601. REGISTRATION OF ORDER FOR ENFORCEMENT. A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE OR A FOREIGN SUPPORT ORDER MAY BE REGISTERED IN THIS STATE FOR ENFORCEMENT.

S 580-602. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT. (A) EXCEPT AS OTHERWISE PROVIDED IN SECTION 580-706 OF THIS ARTICLE, A SUPPORT ORDER OR INCOME WITHHOLDING ORDER OF ANOTHER STATE OR A FOREIGN SUPPORT ORDER MAY BE REGISTERED IN THIS STATE BY SENDING THE FOLLOWING RECORDS TO THE APPROPRIATE TRIBUNAL IN THIS STATE:

(1) A LETTER OF TRANSMITTAL TO THE TRIBUNAL REQUESTING REGISTRATION AND ENFORCEMENT;

(2) TWO COPIES, INCLUDING ONE CERTIFIED COPY, OF THE ORDER TO BE REGISTERED, INCLUDING ANY MODIFICATION OF THE ORDER;

(3) A SWORN STATEMENT BY THE PERSON REQUESTING REGISTRATION OR A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORDS SHOWING THE AMOUNT OF ANY ARREARAGE;

(4) THE NAME OF THE OBLIGOR AND, IF KNOWN:

(I) THE OBLIGOR'S ADDRESS AND SOCIAL SECURITY NUMBER;

(II) THE NAME AND ADDRESS OF THE OBLIGOR'S EMPLOYER AND ANY OTHER SOURCE OF INCOME OF THE OBLIGOR; AND

(III) A DESCRIPTION AND THE LOCATION OF PROPERTY OF THE OBLIGOR IN THIS STATE NOT EXEMPT FROM EXECUTION; AND

(5) EXCEPT AS OTHERWISE PROVIDED IN SECTION 580-312 OF THIS ARTICLE, THE NAME AND ADDRESS OF THE OBLIGEE AND, IF APPLICABLE, THE PERSON TO WHOM SUPPORT PAYMENTS ARE TO BE REMITTED.

(B) ON RECEIPT OF A REQUEST FOR REGISTRATION, THE REGISTERING TRIBUNAL SHALL CAUSE THE ORDER TO BE FILED AS AN ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN SUPPORT ORDER, TOGETHER WITH ONE COPY OF THE DOCUMENTS AND INFORMATION, REGARDLESS OF THEIR FORM.

(C) A PETITION OR COMPARABLE PLEADING SEEKING A REMEDY THAT MUST BE AFFIRMATIVELY SOUGHT UNDER OTHER LAW OF THIS STATE MAY BE FILED AT THE SAME TIME AS THE REQUEST FOR REGISTRATION OR LATER. THE PLEADING MUST SPECIFY THE GROUNDS FOR THE REMEDY SOUGHT.

(D) IF TWO OR MORE ORDERS ARE IN EFFECT, THE PERSON REQUESTING REGISTRATION SHALL:

(1) FURNISH TO THE TRIBUNAL A COPY OF EVERY SUPPORT ORDER ASSERTED TO BE IN EFFECT IN ADDITION TO THE DOCUMENTS SPECIFIED IN THIS SECTION;

(2) SPECIFY THE ORDER ALLEGED TO BE THE CONTROLLING ORDER, IF ANY; AND

(3) SPECIFY THE AMOUNT OF CONSOLIDATED ARREARS, IF ANY.

(E) A REQUEST FOR A DETERMINATION OF WHICH IS THE CONTROLLING ORDER MAY BE FILED SEPARATELY OR WITH A REQUEST FOR REGISTRATION AND ENFORCEMENT OR FOR REGISTRATION AND MODIFICATION. THE PERSON REQUESTING REGISTRATION SHALL GIVE NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE DETERMINATION.

S 580-603. EFFECT OF REGISTRATION FOR ENFORCEMENT. (A) A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE OR A FOREIGN SUPPORT ORDER IS REGISTERED WHEN THE ORDER IS FILED IN THE REGISTERING TRIBUNAL OF THIS STATE.

(B) A REGISTERED SUPPORT ORDER ISSUED IN ANOTHER STATE OR A FOREIGN COUNTRY IS ENFORCEABLE IN THE SAME MANNER AND IS SUBJECT TO THE SAME PROCEDURES AS AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE, BUT MAY NOT MODIFY, A REGISTERED SUPPORT ORDER IF THE ISSUING TRIBUNAL HAD JURISDICTION.

S 580-604. CHOICE OF LAW. (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (D) OF THIS SECTION, THE LAW OF THE ISSUING STATE OR FOREIGN COUNTRY GOVERNS:

(1) THE NATURE, EXTENT, AMOUNT AND DURATION OF CURRENT PAYMENTS UNDER A REGISTERED SUPPORT ORDER;

(2) THE COMPUTATION AND PAYMENT OF ARREARAGES AND ACCRUAL OF INTEREST ON THE ARREARAGES UNDER THE SUPPORT ORDER; AND

(3) THE EXISTENCE AND SATISFACTION OF OTHER OBLIGATIONS UNDER THE SUPPORT ORDER.

(B) IN A PROCEEDING FOR ARREARS UNDER A REGISTERED SUPPORT ORDER, THE STATUTE OF LIMITATION OF THIS STATE OR OF THE ISSUING STATE OR FOREIGN COUNTRY, WHICHEVER IS LONGER, APPLIES.

(C) A RESPONDING TRIBUNAL OF THIS STATE SHALL APPLY THE PROCEDURES AND REMEDIES OF THIS STATE TO ENFORCE CURRENT SUPPORT AND COLLECT ARREARS AND INTEREST DUE ON A SUPPORT ORDER OF ANOTHER STATE OR A FOREIGN COUNTRY REGISTERED IN THIS STATE.

(D) AFTER A TRIBUNAL OF THIS STATE OR ANOTHER STATE DETERMINES WHICH IS THE CONTROLLING ORDER AND ISSUES AN ORDER CONSOLIDATING ARREARS, IF ANY, A TRIBUNAL OF THIS STATE SHALL PROSPECTIVELY APPLY THE LAW OF THE STATE OR FOREIGN COUNTRY ISSUING THE CONTROLLING ORDER, INCLUDING ITS LAW ON INTEREST ON ARREARS, ON CURRENT AND FUTURE SUPPORT, AND ON CONSOLIDATED ARREARS.

SUBPART B

CONTEST OF VALIDITY OR ENFORCEMENT

SECTION 580-605. NOTICE OF REGISTRATION OF ORDER.

580-606. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED SUPPORT ORDER.

580-607. CONTEST OF REGISTRATION OR ENFORCEMENT.

580-608. CONFIRMED ORDER.

S 580-605. NOTICE OF REGISTRATION OF ORDER. (A) WHEN A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE OR A FOREIGN SUPPORT

ORDER IS REGISTERED, THE REGISTERING TRIBUNAL OF THIS STATE SHALL NOTIFY THE NONREGISTERING PARTY. THE NOTICE MUST BE ACCOMPANIED BY A COPY OF THE REGISTERED ORDER AND THE DOCUMENTS AND RELEVANT INFORMATION ACCOMPANYING THE ORDER.

(B) A NOTICE MUST INFORM THE NONREGISTERING PARTY:

(1) THAT A REGISTERED SUPPORT ORDER IS ENFORCEABLE AS OF THE DATE OF REGISTRATION IN THE SAME MANNER AS AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE;

(2) THAT A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER MUST BE REQUESTED WITHIN TWENTY DAYS AFTER NOTICE UNLESS THE REGISTERED ORDER IS UNDER SECTION 580-707 OF THIS ARTICLE;

(3) THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER IN A TIMELY MANNER WILL RESULT IN CONFIRMATION OF THE ORDER AND ENFORCEMENT OF THE ORDER AND THE ALLEGED ARREARAGES; AND

(4) OF THE AMOUNT OF ANY ALLEGED ARREARAGES.

(C) IF THE REGISTERING PARTY ASSERTS THAT TWO OR MORE ORDERS ARE IN EFFECT, A NOTICE MUST ALSO:

(1) IDENTIFY THE TWO OR MORE ORDERS AND THE ORDER ALLEGED BY THE REGISTERING PARTY TO BE THE CONTROLLING ORDER AND THE CONSOLIDATED ARREARS, IF ANY;

(2) NOTIFY THE NONREGISTERING PARTY OF THE RIGHT TO A DETERMINATION OF WHICH IS THE CONTROLLING ORDER;

(3) STATE THAT THE PROCEDURES PROVIDED IN SUBDIVISION (B) OF THIS SECTION APPLY TO THE DETERMINATION OF WHICH IS THE CONTROLLING ORDER; AND

(4) STATE THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE ORDER ALLEGED TO BE THE CONTROLLING ORDER IN A TIMELY MANNER MAY RESULT IN CONFIRMATION THAT THE ORDER IS THE CONTROLLING ORDER.

(D) UPON REGISTRATION OF AN INCOME WITHHOLDING ORDER FOR ENFORCEMENT, THE SUPPORT ENFORCEMENT AGENCY OR THE REGISTERING TRIBUNAL SHALL NOTIFY THE OBLIGOR'S EMPLOYER PURSUANT TO SECTION FIVE THOUSAND TWO HUNDRED FORTY-ONE OR FIVE THOUSAND TWO HUNDRED FORTY-TWO OF THE CIVIL PRACTICE LAW AND RULES.

S 580-606. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED SUPPORT ORDER. (A) A NONREGISTERING PARTY SEEKING TO CONTEST THE VALIDITY OR ENFORCEMENT OF A REGISTERED SUPPORT ORDER IN THIS STATE SHALL REQUEST A HEARING WITHIN THE TIME REQUIRED BY SECTION 580-605 OF THIS SUBPART. THE NONREGISTERING PARTY MAY SEEK TO VACATE THE REGISTRATION, TO ASSERT ANY DEFENSE TO AN ALLEGATION OF NONCOMPLIANCE WITH THE REGISTERED ORDER, OR TO CONTEST THE REMEDIES BEING SOUGHT OR THE AMOUNT OF ANY ALLEGED ARREARAGES PURSUANT TO SECTION 580-607 OF THIS SUBPART.

(B) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED SUPPORT ORDER IN A TIMELY MANNER, THE ORDER IS CONFIRMED BY OPERATION OF LAW.

(C) IF A NONREGISTERING PARTY REQUESTS A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED SUPPORT ORDER, THE REGISTERING TRIBUNAL SHALL SCHEDULE THE MATTER FOR HEARING AND GIVE NOTICE TO THE PARTIES OF THE DATE, TIME, AND PLACE OF THE HEARING.

S 580-607. CONTEST OF REGISTRATION OR ENFORCEMENT. (A) A PARTY CONTESTING THE VALIDITY OR ENFORCEMENT OF A REGISTERED SUPPORT ORDER OR SEEKING TO VACATE THE REGISTRATION HAS THE BURDEN OF PROVING ONE OR MORE OF THE FOLLOWING DEFENSES:

(1) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION OVER THE CONTESTING PARTY;

(2) THE ORDER WAS OBTAINED BY FRAUD;

(3) THE ORDER HAS BEEN VACATED, SUSPENDED, OR MODIFIED BY A LATER ORDER;

(4) THE ISSUING TRIBUNAL HAS STAYED THE ORDER PENDING APPEAL;

(5) THERE IS A DEFENSE UNDER THE LAW OF THIS STATE TO THE REMEDY SOUGHT;

(6) FULL OR PARTIAL PAYMENT HAS BEEN MADE;

(7) THE STATUTE OF LIMITATION UNDER SECTION 580-604 OF THIS PART PRECLUDES ENFORCEMENT OF SOME OR ALL OF THE ALLEGED ARREARAGES; OR

(8) THE ALLEGED CONTROLLING ORDER IS NOT THE CONTROLLING ORDER.

(B) IF A PARTY PRESENTS EVIDENCE ESTABLISHING A FULL OR PARTIAL DEFENSE UNDER SUBDIVISION (A) OF THIS SECTION, A TRIBUNAL MAY STAY ENFORCEMENT OF A REGISTERED SUPPORT ORDER, CONTINUE THE PROCEEDING TO PERMIT PRODUCTION OF ADDITIONAL RELEVANT EVIDENCE, AND ISSUE OTHER APPROPRIATE ORDERS. AN UNCONTESTED PORTION OF THE REGISTERED SUPPORT ORDER MAY BE ENFORCED BY ALL REMEDIES AVAILABLE UNDER THE LAW OF THIS STATE.

(C) IF THE CONTESTING PARTY DOES NOT ESTABLISH A DEFENSE UNDER SUBDIVISION (A) OF THIS SECTION TO THE VALIDITY OR ENFORCEMENT OF A REGISTERED SUPPORT ORDER, THE REGISTERING TRIBUNAL SHALL ISSUE AN ORDER CONFIRMING THE ORDER.

S 580-608. CONFIRMED ORDER. CONFIRMATION OF A REGISTERED SUPPORT ORDER, WHETHER BY OPERATION OF LAW OR AFTER NOTICE AND HEARING, PRECLUDES FURTHER CONTEST OF THE ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED AT THE TIME OF REGISTRATION.

SUBPART C

REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE

SECTION 580-609. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION.

580-610. EFFECT OF REGISTRATION FOR MODIFICATION.

580-611. MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE.

580-612. RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE.

580-613. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE.

580-614. NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.

S 580-609. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF ANOTHER STATE FOR MODIFICATION. A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY AND ENFORCE A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE SHALL REGISTER THAT ORDER IN THIS STATE IN THE SAME MANNER PROVIDED IN SECTIONS 580-601 THROUGH 580-608 OF THIS PART IF THE ORDER HAS NOT BEEN REGISTERED. A PETITION FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR REGISTRATION, OR LATER. THE PLEADING MUST SPECIFY THE GROUNDS FOR MODIFICATION.

S 580-610. EFFECT OF REGISTRATION FOR MODIFICATION. A TRIBUNAL OF THIS STATE MAY ENFORCE A CHILD SUPPORT ORDER OF ANOTHER STATE REGISTERED FOR PURPOSES OF MODIFICATION, IN THE SAME MANNER AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE, BUT THE REGISTERED SUPPORT ORDER MAY BE MODIFIED ONLY IF THE REQUIREMENTS OF SECTION 580-611 OR 580-613 OF THIS SUBPART HAVE BEEN MET.

S 580-611. MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE. (A) IF SECTION 580-613 OF THIS SUBPART DOES NOT APPLY, UPON PETITION A TRIBUNAL OF THIS STATE MAY MODIFY A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE WHICH IS REGISTERED IN THIS STATE IF, AFTER NOTICE AND HEARING, THE TRIBUNAL FINDS THAT:

(1) THE FOLLOWING REQUIREMENTS ARE MET:

1 (I) NEITHER THE CHILD, NOR THE OBLIGEE WHO IS AN INDIVIDUAL, NOR THE
2 OBLIGOR RESIDES IN THE ISSUING STATE;

3 (II) A PETITIONER WHO IS A NONRESIDENT OF THIS STATE SEEKS MODIFICA-
4 TION; AND

5 (III) THE RESPONDENT IS SUBJECT TO THE PERSONAL JURISDICTION OF THE
6 TRIBUNAL OF THIS STATE; OR

7 (2) THIS STATE IS THE RESIDENCE OF THE CHILD, OR A PARTY WHO IS AN
8 INDIVIDUAL IS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL OF
9 THIS STATE, AND ALL OF THE PARTIES WHO ARE INDIVIDUALS HAVE FILED
10 CONSENTS IN A RECORD IN THE ISSUING TRIBUNAL FOR A TRIBUNAL OF THIS
11 STATE TO MODIFY THE SUPPORT ORDER AND ASSUME CONTINUING, EXCLUSIVE
12 JURISDICTION.

13 (B) MODIFICATION OF A REGISTERED CHILD SUPPORT ORDER IS SUBJECT TO THE
14 SAME REQUIREMENTS, PROCEDURES, AND DEFENSES THAT APPLY TO THE MODIFICA-
15 TION OF AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE AND THE ORDER MAY BE
16 ENFORCED AND SATISFIED IN THE SAME MANNER.

17 (C) A TRIBUNAL OF THIS STATE MAY NOT MODIFY ANY ASPECT OF A CHILD
18 SUPPORT ORDER THAT MAY NOT BE MODIFIED UNDER THE LAW OF THE ISSUING
19 STATE, INCLUDING THE DURATION OF THE OBLIGATION OF SUPPORT. IF TWO OR
20 MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT ORDERS FOR THE SAME OBLIGOR AND
21 SAME CHILD, THE ORDER THAT CONTROLS AND MUST BE SO RECOGNIZED UNDER
22 SECTION 580-207 OF THIS ARTICLE ESTABLISHES THE ASPECTS OF THE SUPPORT
23 ORDER WHICH ARE NONMODIFIABLE.

24 (D) IN A PROCEEDING TO MODIFY A CHILD SUPPORT ORDER, THE LAW OF THE
25 STATE THAT IS DETERMINED TO HAVE ISSUED THE INITIAL CONTROLLING ORDER
26 GOVERNS THE DURATION OF THE OBLIGATION OF SUPPORT. THE OBLIGOR'S
27 FULFILLMENT OF THE DUTY OF SUPPORT ESTABLISHED BY THAT ORDER PRECLUDES
28 IMPOSITION OF A FURTHER OBLIGATION OF SUPPORT BY A TRIBUNAL OF THIS
29 STATE.

30 (E) ON THE ISSUANCE OF AN ORDER BY A TRIBUNAL OF THIS STATE MODIFYING
31 A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE, THE TRIBUNAL OF THIS
32 STATE BECOMES THE TRIBUNAL HAVING CONTINUING, EXCLUSIVE JURISDICTION.

33 (F) NOTWITHSTANDING SUBDIVISIONS (A) THROUGH (E) OF THIS SECTION AND
34 SUBDIVISION (B) OF SECTION 580-201 OF THIS ARTICLE, A TRIBUNAL OF THIS
35 STATE RETAINS JURISDICTION TO MODIFY AN ORDER ISSUED BY A TRIBUNAL OF
36 THIS STATE IF:

37 (1) ONE PARTY RESIDES IN ANOTHER STATE; AND

38 (2) THE OTHER PARTY RESIDES OUTSIDE THE UNITED STATES.

39 S 580-612. RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE. IF A CHILD
40 SUPPORT ORDER ISSUED BY A TRIBUNAL OF THIS STATE IS MODIFIED BY A TRIBU-
41 NAL OF ANOTHER STATE WHICH ASSUMED JURISDICTION PURSUANT TO THE UNIFORM
42 INTERSTATE FAMILY SUPPORT ACT, A TRIBUNAL OF THIS STATE:

43 (A) MAY ENFORCE ITS ORDER THAT WAS MODIFIED ONLY AS TO ARREARS AND
44 INTEREST ACCRUING BEFORE THE MODIFICATION;

45 (B) MAY PROVIDE APPROPRIATE RELIEF FOR VIOLATIONS OF ITS ORDER WHICH
46 OCCURRED BEFORE THE EFFECTIVE DATE OF THE MODIFICATION; AND

47 (C) SHALL RECOGNIZE THE MODIFYING ORDER OF THE OTHER STATE, UPON
48 REGISTRATION, FOR THE PURPOSE OF ENFORCEMENT.

49 S 580-613. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE
50 WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE. (A) IF ALL OF THE PARTIES
51 WHO ARE INDIVIDUALS RESIDE IN THIS STATE AND THE CHILD DOES NOT RESIDE
52 IN THE ISSUING STATE, A TRIBUNAL OF THIS STATE HAS JURISDICTION TO
53 ENFORCE AND TO MODIFY THE ISSUING STATE'S CHILD SUPPORT ORDER IN A
54 PROCEEDING TO REGISTER THAT ORDER.

55 (B) A TRIBUNAL OF THIS STATE EXERCISING JURISDICTION UNDER THIS
56 SECTION SHALL APPLY THE PROVISIONS OF PARTS ONE AND TWO OF THIS ARTICLE,

THIS PART AND THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE TO THE PROCEEDING FOR ENFORCEMENT OR MODIFICATION. PARTS THREE, FOUR, FIVE, SEVEN AND EIGHT OF THIS ARTICLE DO NOT APPLY.

S 580-614. NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. WITHIN THIRTY DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT ORDER, THE PARTY OBTAINING THE MODIFICATION SHALL FILE A CERTIFIED COPY OF THE ORDER WITH THE ISSUING TRIBUNAL THAT HAD CONTINUING, EXCLUSIVE JURISDICTION OVER THE EARLIER ORDER, AND IN EACH TRIBUNAL IN WHICH THE PARTY KNOWS THE EARLIER ORDER HAS BEEN REGISTERED. A PARTY WHO OBTAINS THE ORDER AND FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE ARISES. THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE MODIFIED ORDER OF THE NEW TRIBUNAL HAVING CONTINUING, EXCLUSIVE JURISDICTION.

SUBPART D

REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER
SECTION 580-615. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF FOREIGN COUNTRY.

580-616. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF FOREIGN COUNTRY FOR MODIFICATION.

S 580-615. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF FOREIGN COUNTRY. (A) EXCEPT AS OTHERWISE PROVIDED IN SECTION 580-711 OF THIS ARTICLE, IF A FOREIGN COUNTRY LACKS OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS CHILD SUPPORT ORDER PURSUANT TO ITS LAWS, A TRIBUNAL OF THIS STATE MAY ASSUME JURISDICTION TO MODIFY THE CHILD SUPPORT ORDER AND BIND ALL INDIVIDUALS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL WHETHER THE CONSENT TO MODIFICATION OF A CHILD SUPPORT ORDER OTHERWISE REQUIRED OF THE INDIVIDUAL PURSUANT TO SECTION 580-611 OF THIS PART HAS BEEN GIVEN OR WHETHER THE INDIVIDUAL SEEKING MODIFICATION IS A RESIDENT OF THIS STATE OR OF THE FOREIGN COUNTRY.

(B) AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE MODIFYING A FOREIGN CHILD SUPPORT ORDER PURSUANT TO THIS SECTION IS THE CONTROLLING ORDER.

S 580-616. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF FOREIGN COUNTRY FOR MODIFICATION. A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY AND ENFORCE, A FOREIGN CHILD SUPPORT ORDER NOT UNDER THE CONVENTION MAY REGISTER THAT ORDER IN THIS STATE UNDER SECTIONS 580-601 THROUGH 580-608 OF THIS PART IF THE ORDER HAS NOT BEEN REGISTERED. A PETITION FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR REGISTRATION, OR AT ANOTHER TIME. THE PETITION MUST SPECIFY THE GROUNDS FOR MODIFICATION.

PART 7

SUPPORT PROCEEDINGS UNDER CONVENTION
SECTION 580-701. DEFINITIONS.

580-702. APPLICABILITY.

580-703. RELATIONSHIP OF OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO UNITED STATES CENTRAL AUTHORITY.

580-704. INITIATION BY STATE SUPPORT ENFORCEMENT AGENCIES OF SUPPORT PROCEEDING UNDER CONVENTION.

580-705. DIRECT REQUEST.

580-706. REGISTRATION OF CONVENTION SUPPORT ORDER.

580-707. CONTEST OF REGISTERED CONVENTION SUPPORT ORDER.

580-708. RECOGNITION AND ENFORCEMENT OF REGISTERED CONVENTION SUPPORT ORDER.

580-709. PARTIAL ENFORCEMENT.

580-710. FOREIGN SUPPORT AGREEMENT.

580-711. MODIFICATION OF CONVENTION CHILD SUPPORT ORDER.

580-712. PERSONAL INFORMATION; LIMIT ON USE.

580-713. RECORD IN ORIGINAL LANGUAGE; ENGLISH TRANSLATION.

S 580-701. DEFINITIONS. IN THIS PART:

1. "APPLICATION" MEANS A REQUEST UNDER THE CONVENTION BY AN OBLIGEE OR OBLIGOR, OR ON BEHALF OF A CHILD, MADE THROUGH A CENTRAL AUTHORITY FOR ASSISTANCE FROM ANOTHER CENTRAL AUTHORITY.

2. "CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY THE UNITED STATES OR A FOREIGN COUNTRY DESCRIBED IN PARAGRAPH (IV) OF SUBDIVISION FIVE OF SECTION 580-102 OF THIS ARTICLE TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.

3. "CONVENTION SUPPORT ORDER" MEANS A SUPPORT ORDER OF A TRIBUNAL OF A FOREIGN COUNTRY DESCRIBED IN PARAGRAPH (IV) OF SUBDIVISION FIVE OF SECTION 580-102 OF THIS ARTICLE.

4. "DIRECT REQUEST" MEANS A PETITION FILED BY AN INDIVIDUAL IN A TRIBUNAL OF THIS STATE IN A PROCEEDING INVOLVING AN OBLIGEE, OBLIGOR OR CHILD RESIDING OUTSIDE THE UNITED STATES.

5. "FOREIGN CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY A FOREIGN COUNTRY DESCRIBED IN PARAGRAPH (IV) OF SUBDIVISION FIVE OF SECTION 580-102 OF THIS ARTICLE TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.

6. "FOREIGN SUPPORT AGREEMENT":

(I) MEANS AN AGREEMENT FOR SUPPORT IN A RECORD THAT:

(A) IS ENFORCEABLE AS A SUPPORT ORDER IN THE COUNTRY OF ORIGIN;

(B) HAS BEEN:

(A) FORMALLY DRAWN UP OR REGISTERED AS AN AUTHENTIC INSTRUMENT BY A FOREIGN TRIBUNAL; OR

(B) AUTHENTICATED BY, OR CONCLUDED, REGISTERED OR FILED WITH A FOREIGN TRIBUNAL; AND

(C) MAY BE REVIEWED AND MODIFIED BY A FOREIGN TRIBUNAL; AND

(II) INCLUDES A MAINTENANCE ARRANGEMENT OR AUTHENTIC INSTRUMENT UNDER THE CONVENTION.

7. "UNITED STATES CENTRAL AUTHORITY" MEANS THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

S 580-702. APPLICABILITY. THIS PART APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE CONVENTION. IN SUCH A PROCEEDING, IF A PROVISION OF THIS PART IS INCONSISTENT WITH PARTS ONE THROUGH SIX OF THIS ARTICLE, THIS PART CONTROLS.

S 580-703. RELATIONSHIP OF OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO UNITED STATES CENTRAL AUTHORITY. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE IS RECOGNIZED AS THE AGENCY DESIGNATED BY THE UNITED STATES CENTRAL AUTHORITY TO PERFORM SPECIFIC FUNCTIONS UNDER THE CONVENTION; PROVIDED, HOWEVER, THAT A SOCIAL SERVICES DISTRICT OF THIS STATE MAY PERFORM ANY FUNCTION AUTHORIZED UNDER STATE LAW.

S 580-704. INITIATION BY STATE SUPPORT ENFORCEMENT AGENCIES OF SUPPORT PROCEEDING UNDER CONVENTION. (A) IN A SUPPORT PROCEEDING UNDER THIS PART, THE SUPPORT ENFORCEMENT AGENCIES OF THIS STATE SHALL:

(1) TRANSMIT AND RECEIVE APPLICATIONS; AND

(2) INITIATE OR FACILITATE THE INSTITUTION OF A PROCEEDING REGARDING AN APPLICATION IN A TRIBUNAL OF THIS STATE.

(B) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE TO AN OBLIGEE UNDER THE CONVENTION:

(1) RECOGNITION OR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER;

(2) ENFORCEMENT OF A SUPPORT ORDER ISSUED OR RECOGNIZED IN THIS STATE;

(3) ESTABLISHMENT OF A SUPPORT ORDER IF THERE IS NO EXISTING ORDER, INCLUDING, IF NECESSARY, DETERMINATION OF PARENTAGE OF A CHILD;

1 (4) ESTABLISHMENT OF A SUPPORT ORDER IF RECOGNITION OF A FOREIGN
2 SUPPORT ORDER IS REFUSED UNDER PARAGRAPH TWO, FOUR OR NINE OF SUBDIVI-
3 SION (B) OF SECTION 580-708 OF THIS PART;

4 (5) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE; AND

5 (6) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR
6 A FOREIGN COUNTRY.

7 (C) THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE UNDER THE CONVEN-
8 TION TO AN OBLIGOR AGAINST WHICH THERE IS AN EXISTING SUPPORT ORDER:

9 (1) RECOGNITION OF AN ORDER SUSPENDING OR LIMITING ENFORCEMENT OF AN
10 EXISTING SUPPORT ORDER OF A TRIBUNAL OF THIS STATE;

11 (2) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE; AND

12 (3) MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR
13 A FOREIGN COUNTRY.

14 (D) A TRIBUNAL OF THIS STATE MAY NOT REQUIRE SECURITY, BOND OR DEPOS-
15 IT, HOWEVER DESCRIBED, TO GUARANTEE THE PAYMENT OF COSTS AND EXPENSES IN
16 PROCEEDINGS UNDER THE CONVENTION.

17 S 580-705. DIRECT REQUEST. (A) A PETITIONER MAY FILE A DIRECT REQUEST
18 SEEKING ESTABLISHMENT OR MODIFICATION OF A SUPPORT ORDER OR DETERMI-
19 NATION OF PARENTAGE OF A CHILD. IN THE PROCEEDING, THE LAW OF THIS STATE
20 APPLIES.

21 (B) A PETITIONER MAY FILE A DIRECT REQUEST SEEKING RECOGNITION AND
22 ENFORCEMENT OF A SUPPORT ORDER OR SUPPORT AGREEMENT. IN THE PROCEEDING,
23 SECTIONS 580-706 THROUGH 580-713 OF THIS PART APPLY.

24 (C) IN A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A CONVEN-
25 TION SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT:

26 (1) A SECURITY, BOND OR DEPOSIT IS NOT REQUIRED TO GUARANTEE THE
27 PAYMENT OF COSTS AND EXPENSES; AND

28 (2) AN OBLIGEE OR OBLIGOR THAT IN THE ISSUING COUNTRY HAS BENEFITED
29 FROM FREE LEGAL ASSISTANCE IS ENTITLED TO BENEFIT, AT LEAST TO THE SAME
30 EXTENT, FROM ANY FREE LEGAL ASSISTANCE PROVIDED FOR BY THE LAW OF THIS
31 STATE UNDER THE SAME CIRCUMSTANCES.

32 (D) A PETITIONER FILING A DIRECT REQUEST IS NOT ENTITLED TO ASSISTANCE
33 FROM THE STATE CHILD SUPPORT AGENCIES.

34 (E) THIS PART DOES NOT PREVENT THE APPLICATION OF LAWS OF THIS STATE
35 THAT PROVIDE SIMPLIFIED, MORE EXPEDITIOUS RULES REGARDING A DIRECT
36 REQUEST FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER OR
37 FOREIGN SUPPORT AGREEMENT.

38 S 580-706. REGISTRATION OF CONVENTION SUPPORT ORDER. (A) EXCEPT AS
39 OTHERWISE PROVIDED IN THIS PART, A PARTY WHO IS AN INDIVIDUAL OR A
40 SUPPORT ENFORCEMENT AGENCY SEEKING RECOGNITION OF A CONVENTION SUPPORT
41 ORDER SHALL REGISTER THE ORDER IN THIS STATE AS PROVIDED IN PART SIX OF
42 THIS ARTICLE.

43 (B) NOTWITHSTANDING SECTION 580-311 AND SUBDIVISION (A) OF SECTION
44 580-602 OF THIS ARTICLE, A REQUEST FOR REGISTRATION OF A CONVENTION
45 SUPPORT ORDER MUST BE ACCOMPANIED BY:

46 (1) A COMPLETE TEXT OF THE SUPPORT ORDER OR AN ABSTRACT OR EXTRACT OF
47 THE SUPPORT ORDER DRAWN UP BY THE ISSUING FOREIGN TRIBUNAL, WHICH MAY BE
48 IN THE FORM RECOMMENDED BY THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL
49 LAW;

50 (2) A RECORD STATING THAT THE SUPPORT ORDER IS ENFORCEABLE IN THE
51 ISSUING COUNTRY;

52 (3) IF THE RESPONDENT DID NOT APPEAR AND WAS NOT REPRESENTED IN THE
53 PROCEEDINGS IN THE ISSUING COUNTRY, A RECORD ATTESTING, AS APPROPRIATE,
54 EITHER THAT THE RESPONDENT HAD PROPER NOTICE OF THE PROCEEDINGS AND AN
55 OPPORTUNITY TO BE HEARD OR THAT THE RESPONDENT HAD PROPER NOTICE OF THE

1 SUPPORT ORDER AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON
2 FACT OR LAW BEFORE A TRIBUNAL;

3 (4) A RECORD SHOWING THE AMOUNT OF ARREARS, IF ANY, AND THE DATE THE
4 AMOUNT WAS CALCULATED;

5 (5) A RECORD SHOWING A REQUIREMENT FOR AUTOMATIC ADJUSTMENT OF THE
6 AMOUNT OF SUPPORT, IF ANY, AND THE INFORMATION NECESSARY TO MAKE THE
7 APPROPRIATE CALCULATIONS; AND

8 (6) IF NECESSARY, A RECORD SHOWING THE EXTENT TO WHICH THE APPLICANT
9 RECEIVED FREE LEGAL ASSISTANCE IN THE ISSUING COUNTRY.

10 (C) A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER MAY SEEK
11 RECOGNITION AND PARTIAL ENFORCEMENT OF THE ORDER.

12 (D) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A CONVEN-
13 TION SUPPORT ORDER WITHOUT THE FILING OF A CONTEST UNDER SECTION 580-707
14 OF THIS PART ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS THAT
15 RECOGNITION AND ENFORCEMENT OF THE ORDER WOULD BE MANIFESTLY INCOMPAT-
16 IBLE WITH PUBLIC POLICY.

17 (E) THE TRIBUNAL SHALL PROMPTLY NOTIFY THE PARTIES OF THE REGISTRATION
18 OR THE ORDER VACATING THE REGISTRATION OF A CONVENTION SUPPORT ORDER.

19 S 580-707. CONTEST OF REGISTERED CONVENTION SUPPORT ORDER. (A) EXCEPT
20 AS OTHERWISE PROVIDED IN THIS PART, SECTIONS 580-605 THROUGH 580-608 OF
21 THIS ARTICLE APPLY TO A CONTEST OF A REGISTERED CONVENTION SUPPORT
22 ORDER.

23 (B) A PARTY CONTESTING A REGISTERED CONVENTION SUPPORT ORDER SHALL
24 FILE A CONTEST NOT LATER THAN THIRTY DAYS AFTER NOTICE OF THE REGISTRA-
25 TION, BUT IF THE CONTESTING PARTY DOES NOT RESIDE IN THE UNITED STATES,
26 THE CONTEST MUST BE FILED NOT LATER THAN SIXTY DAYS AFTER NOTICE OF THE
27 REGISTRATION.

28 (C) IF THE NONREGISTERING PARTY FAILS TO CONTEST THE REGISTERED
29 CONVENTION SUPPORT ORDER BY THE TIME SPECIFIED IN SUBDIVISION (B) OF
30 THIS SECTION, THE ORDER IS ENFORCEABLE.

31 (D) A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER MAY BE BASED
32 ONLY ON GROUNDS SET FORTH IN SECTION 580-708 OF THIS PART. THE CONTEST-
33 ING PARTY BEARS THE BURDEN OF PROOF.

34 (E) IN A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER, A TRIBUNAL
35 OF THIS STATE:

36 (1) IS BOUND BY THE FINDINGS OF FACT ON WHICH THE FOREIGN TRIBUNAL
37 BASED ITS JURISDICTION; AND

38 (2) MAY NOT REVIEW THE MERITS OF THE ORDER.

39 (F) A TRIBUNAL OF THIS STATE DECIDING A CONTEST OF A REGISTERED
40 CONVENTION SUPPORT ORDER SHALL PROMPTLY NOTIFY THE PARTIES OF ITS DECIS-
41 SION.

42 (G) A CHALLENGE OR APPEAL, IF ANY, DOES NOT STAY THE ENFORCEMENT OF A
43 CONVENTION SUPPORT ORDER UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES.

44 S 580-708. RECOGNITION AND ENFORCEMENT OF REGISTERED CONVENTION
45 SUPPORT ORDER. (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B) OF
46 THIS SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A
47 REGISTERED CONVENTION SUPPORT ORDER.

48 (B) THE FOLLOWING GROUNDS ARE THE ONLY GROUNDS ON WHICH A TRIBUNAL OF
49 THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF A REGISTERED
50 CONVENTION SUPPORT ORDER:

51 (1) RECOGNITION AND ENFORCEMENT OF THE ORDER IS MANIFESTLY INCOMPAT-
52 IBLE WITH PUBLIC POLICY, INCLUDING THE FAILURE OF THE ISSUING TRIBUNAL
53 TO OBSERVE MINIMUM STANDARDS OF DUE PROCESS, WHICH INCLUDE NOTICE AND AN
54 OPPORTUNITY TO BE HEARD;

55 (2) THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION CONSISTENT WITH
56 SECTION 580-201 OF THIS ARTICLE;

1 (3) THE ORDER IS NOT ENFORCEABLE IN THE ISSUING COUNTRY;

2 (4) THE ORDER WAS OBTAINED BY FRAUD IN CONNECTION WITH A MATTER OF
3 PROCEDURE;

4 (5) A RECORD TRANSMITTED IN ACCORDANCE WITH SECTION 580-706 OF THIS
5 PART LACKS AUTHENTICITY OR INTEGRITY;

6 (6) A PROCEEDING BETWEEN THE SAME PARTIES AND HAVING THE SAME PURPOSE
7 IS PENDING BEFORE A TRIBUNAL OF THIS STATE AND THAT PROCEEDING WAS THE
8 FIRST TO BE FILED;

9 (7) THE ORDER IS INCOMPATIBLE WITH A MORE RECENT SUPPORT ORDER INVOLV-
10 ING THE SAME PARTIES AND HAVING THE SAME PURPOSE IF THE MORE RECENT
11 SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS
12 ARTICLE IN THIS STATE;

13 (8) PAYMENT, TO THE EXTENT ALLEGED ARREARS HAVE BEEN PAID IN WHOLE OR
14 IN PART;

15 (9) IN A CASE IN WHICH THE RESPONDENT NEITHER APPEARED NOR WAS REPRES-
16 ENTED IN THE PROCEEDING IN THE ISSUING FOREIGN COUNTRY:

17 (I) IF THE LAW OF THAT COUNTRY PROVIDES FOR PRIOR NOTICE OF
18 PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE
19 PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD; OR

20 (II) IF THE LAW OF THAT COUNTRY DOES NOT PROVIDE FOR PRIOR NOTICE OF
21 THE PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE ORDER
22 AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT OR LAW
23 BEFORE A TRIBUNAL; OR

24 (10) THE ORDER WAS MADE IN VIOLATION OF SECTION 580-711 OF THIS PART.

25 (C) IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE A CONVENTION
26 SUPPORT ORDER UNDER PARAGRAPH TWO, FOUR OR NINE OF SUBDIVISION (B) OF
27 THIS SECTION:

28 (1) THE TRIBUNAL MAY NOT DISMISS THE PROCEEDING WITHOUT ALLOWING A
29 REASONABLE TIME FOR A PARTY TO REQUEST THE ESTABLISHMENT OF A NEW
30 CONVENTION SUPPORT ORDER; AND

31 (2) THE STATE CHILD SUPPORT AGENCY SHALL TAKE ALL APPROPRIATE MEASURES
32 TO REQUEST A CHILD SUPPORT ORDER FOR THE OBLIGEE IF THE APPLICATION FOR
33 RECOGNITION AND ENFORCEMENT WAS RECEIVED UNDER SECTION 580-704 OF THIS
34 PART.

35 S 580-709. PARTIAL ENFORCEMENT. IF A TRIBUNAL OF THIS STATE DOES NOT
36 RECOGNIZE AND ENFORCE A CONVENTION SUPPORT ORDER IN ITS ENTIRETY, IT
37 SHALL ENFORCE ANY SEVERABLE PART OF THE ORDER. AN APPLICATION OR DIRECT
38 REQUEST MAY SEEK RECOGNITION AND PARTIAL ENFORCEMENT OF A CONVENTION
39 SUPPORT ORDER.

40 S 580-710. FOREIGN SUPPORT AGREEMENT. (A) EXCEPT AS OTHERWISE
41 PROVIDED IN SUBDIVISIONS (C) AND (D) OF THIS SECTION, A TRIBUNAL OF THIS
42 STATE SHALL RECOGNIZE AND ENFORCE A FOREIGN SUPPORT AGREEMENT REGISTERED
43 IN THIS STATE.

44 (B) AN APPLICATION OR DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT
45 OF A FOREIGN SUPPORT AGREEMENT MUST BE ACCOMPANIED BY:

46 (1) A COMPLETE TEXT OF THE FOREIGN SUPPORT AGREEMENT; AND

47 (2) A RECORD STATING THAT THE FOREIGN SUPPORT AGREEMENT IS ENFORCEABLE
48 AS AN ORDER OF SUPPORT IN THE ISSUING COUNTRY.

49 (C) A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A FOREIGN
50 SUPPORT AGREEMENT ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS
51 THAT RECOGNITION AND ENFORCEMENT WOULD BE MANIFESTLY INCOMPATIBLE WITH
52 PUBLIC POLICY.

53 (D) IN A CONTEST OF A FOREIGN SUPPORT AGREEMENT, A TRIBUNAL OF THIS
54 STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IF IT
55 FINDS:

(1) RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IS MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY;

(2) THE AGREEMENT WAS OBTAINED BY FRAUD OR FALSIFICATION;

(3) THE AGREEMENT IS INCOMPATIBLE WITH A SUPPORT ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IN THIS STATE, ANOTHER STATE, OR A FOREIGN COUNTRY IF THE SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS ARTICLE IN THIS STATE; OR

(4) THE RECORD SUBMITTED UNDER SUBDIVISION (B) OF THIS SECTION LACKS AUTHENTICITY OR INTEGRITY.

(E) A PROCEEDING FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT AGREEMENT MUST BE SUSPENDED DURING THE PENDENCY OF A CHALLENGE TO OR APPEAL OF THE AGREEMENT BEFORE A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

S 580-711. MODIFICATION OF CONVENTION CHILD SUPPORT ORDER. (A) A TRIBUNAL OF THIS STATE MAY NOT MODIFY A CONVENTION CHILD SUPPORT ORDER IF THE OBLIGEE REMAINS A RESIDENT OF THE FOREIGN COUNTRY WHERE THE SUPPORT ORDER WAS ISSUED UNLESS:

(1) THE OBLIGEE SUBMITS TO THE JURISDICTION OF A TRIBUNAL OF THIS STATE, EITHER EXPRESSLY OR BY DEFENDING ON THE MERITS OF THE CASE WITHOUT OBJECTING TO THE JURISDICTION AT THE FIRST AVAILABLE OPPORTUNITY; OR

(2) THE FOREIGN TRIBUNAL LACKS OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS SUPPORT ORDER OR ISSUE A NEW SUPPORT ORDER.

(B) IF A TRIBUNAL OF THIS STATE DOES NOT MODIFY A CONVENTION CHILD SUPPORT ORDER BECAUSE THE ORDER IS NOT RECOGNIZED IN THIS STATE, SUBDIVISION (C) OF SECTION 580-708 OF THIS PART APPLIES.

S 580-712. PERSONAL INFORMATION; LIMIT ON USE. PERSONAL INFORMATION GATHERED OR TRANSMITTED UNDER THIS PART MAY BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS GATHERED OR TRANSMITTED.

S 580-713. RECORD IN ORIGINAL LANGUAGE; ENGLISH TRANSLATION. A RECORD FILED WITH A TRIBUNAL OF THIS STATE UNDER THIS PART MUST BE IN THE ORIGINAL LANGUAGE AND, IF NOT IN ENGLISH, MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION.

PART 8

INTERSTATE RENDITION

SECTION 580-801. GROUNDS FOR RENDITION.

580-802. CONDITIONS OF RENDITION.

S 580-801. GROUNDS FOR RENDITION. (A) FOR PURPOSES OF THIS PART, "GOVERNOR" INCLUDES AN INDIVIDUAL PERFORMING THE FUNCTIONS OF GOVERNOR OR THE EXECUTIVE AUTHORITY OF A STATE COVERED BY THIS ARTICLE.

(B) THE GOVERNOR OF THIS STATE MAY:

(1) DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER AN INDIVIDUAL FOUND IN THE OTHER STATE WHO IS CHARGED CRIMINALLY IN THIS STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE; OR

(2) ON THE DEMAND OF THE GOVERNOR OF ANOTHER STATE, SURRENDER AN INDIVIDUAL FOUND IN THIS STATE WHO IS CHARGED CRIMINALLY IN THE OTHER STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE.

(C) A PROVISION FOR EXTRADITION OF INDIVIDUALS NOT INCONSISTENT WITH THIS ARTICLE APPLIES TO THE DEMAND EVEN IF THE INDIVIDUAL WHOSE SURRENDER IS DEMANDED WAS NOT IN THE DEMANDING STATE WHEN THE CRIME WAS ALLEGEDLY COMMITTED AND HAS NOT FLED THEREFROM.

S 580-802. CONDITIONS OF RENDITION. (A) BEFORE MAKING A DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER AN INDIVIDUAL CHARGED CRIMINALLY IN THIS STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE, THE GOVERNOR OF THIS STATE MAY REQUIRE A PROSECUTOR OF THIS STATE TO DEMONSTRATE THAT AT LEAST SIXTY DAYS PREVIOUSLY THE OBLIGEE HAD

1 INITIATED PROCEEDINGS FOR SUPPORT PURSUANT TO THIS ARTICLE OR THAT THE
2 PROCEEDING WOULD BE OF NO AVAIL.

3 (B) IF, UNDER THIS ARTICLE OR A LAW SUBSTANTIALLY SIMILAR TO THIS
4 ARTICLE, THE GOVERNOR OF ANOTHER STATE MAKES A DEMAND THAT THE GOVERNOR
5 OF THIS STATE SURRENDER AN INDIVIDUAL CHARGED CRIMINALLY IN THAT STATE
6 WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF A CHILD OR OTHER INDI-
7 VIDUAL TO WHOM A DUTY OF SUPPORT IS OWED, THE GOVERNOR MAY REQUIRE A
8 PROSECUTOR TO INVESTIGATE THE DEMAND AND REPORT WHETHER A PROCEEDING FOR
9 SUPPORT HAS BEEN INITIATED OR WOULD BE EFFECTIVE. IF IT APPEARS THAT A
10 PROCEEDING WOULD BE EFFECTIVE BUT HAS NOT BEEN INITIATED, THE GOVERNOR
11 MAY DELAY HONORING THE DEMAND FOR A REASONABLE TIME TO PERMIT THE INITI-
12 ATION OF A PROCEEDING.

13 (C) IF A PROCEEDING FOR SUPPORT HAS BEEN INITIATED AND THE INDIVIDUAL
14 WHOSE RENDITION IS DEMANDED PREVAILS, THE GOVERNOR MAY DECLINE TO HONOR
15 THE DEMAND. IF THE PETITIONER PREVAILS AND THE INDIVIDUAL WHOSE RENDI-
16 TION IS DEMANDED IS SUBJECT TO A SUPPORT ORDER, THE GOVERNOR MAY DECLINE
17 TO HONOR THE DEMAND IF THE INDIVIDUAL IS COMPLYING WITH THE SUPPORT
18 ORDER.

19 PART 9

20 MISCELLANEOUS PROVISIONS

21 SECTION 580-901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

22 580-902. SEVERABILITY.

23 580-903. EFFECTIVE DATE.

24 S 580-901. UNIFORMITY OF APPLICATION AND CONSTRUCTION. IN APPLYING
25 AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE GIVEN TO THE NEED
26 TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER
27 AMONG STATES THAT ENACT IT.

28 S 580-902. SEVERABILITY. IF ANY PROVISION OF THIS ARTICLE OR ITS
29 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDI-
30 TY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE
31 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION,
32 AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE SEVERABLE.

33 S 580-903. EFFECTIVE DATE. THIS ARTICLE SHALL TAKE EFFECT ON JANUARY
34 FIRST, TWO THOUSAND SIXTEEN; PROVIDED, HOWEVER, THAT IF IT SHALL BECOME
35 A LAW AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, IT SHALL BE DEEMED TO
36 HAVE BEEN IN FULL FORCE AND EFFECT ON AND AFTER JANUARY FIRST, TWO THOU-
37 SAND SIXTEEN; AND PROVIDED FURTHER, THAT THE PROVISIONS OF THIS ARTICLE
38 SHALL APPLY TO ANY ACTION OR PROCEEDING FILED OR ORDER ISSUED ON OR
39 BEFORE THE EFFECTIVE DATE OF THIS ARTICLE.

40 S 3. Section one of this act shall take effect on the ninetieth day
41 after it shall have become a law; and section two of this act shall take
42 effect consistent with section 580-903 of article 5-B of the family
43 court act, as added by section two of this act.