

**SB**

**115**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/25/95

FURTHER:

DATE TURNED INTO OFFICE: 5-2-95

The Finance Committee considered **SENATE BILL NO. 115**

Establish involving Procedure 79 and 82; efd. **SB 115 UNIFORM INTERSTATE FAMILY SUPPORT ACT** Percentage of Civil

and recommends:

- be replaced with CS SB 115 (FIN)
- adopt previous CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by Senate Finance Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Ben King</i>	✓	<i>Steve Rios</i>	✓		
		<i>Paul E. Bell</i>	✓		
		<i>Walter Gentry</i>	✓		
		<i>Paul F. Shuff</i>	✓		
Co-Chair:		<i>Rick Halford</i>	✓		
Co-Chair:					

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

<p><i>New CS Forthcoming</i></p>			
--------------------------------------	--	--	--

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal

#1	DOL	3/3/85	0
#2	DOR	3/3/95	0
#3	DC-RA	3/3/95	0
#4	DH-SS	3/3/95	0

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

SENATE FINANCE COMMITTEE  
LETTER OF INTENT  
TO ACCOMPANY CSSB 115 (FIN)

*Sen. Rieger  
for your  
review &  
approval.  
OK JR*

IT IS THE INTENT OF THE LEGISLATURE THAT THE CHILD SUPPORT ENFORCEMENT DIVISION ORGANIZE ITS PERSONNEL IN A WAY WHICH WILL ENSURE THAT THE PERSONNEL WHO DEAL WITH OBLIGORS WHO ARE NOT DELINQUENT OR IN ARREARS ARE NOT THE SAME PERSONNEL WHO DEAL WITH OBLIGORS WHO ARE DELINQUENT OR IN ARREARS.

To CSSB 115

By Rieger

Letter of Intent

It is the intent of the legislature that the CSED division organize its personnel in a way which will ensure that the personnel who deal with obligors who are not delinquent or in arrears are not the same personnel who deal with obligors who are delinquent or in arrears.

SENATE FINANCE  
COMMITTEE

Amendment Number: AM-1  
Bill Number: CS SB 115 (FIN) Working Draft  
Sponsor: Rieger Date: 5/2/95  
Logged In By: [Signature]

FISCAL NOTES

SB 115 - UNIFORM INTERSTATE FAMILY SUPPORT ACT

<u>No.</u>	<u>Dept.</u>	<u>Date</u>	<u>Amount</u>
1.	DOLaw	3/03/95	0
2.	DOR	3/03/95	0 170.0 rev.
3.	DC&RA	3/03/95	0
4.	DH&SS (AFDC) Shows GF/PR of 170.0 for offset of 170.0 GF Match.	3/03/95	0

SFC, 4/25/95

FISCAL NOTE

No. 4

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL N: Bill Version: SB 115  
(S) Publish Date: 3/7/95

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
Title: Uniform Interstate Family Support Act BRU: Assistance Payments  
Component: AFDC  
Sponsor: Rules  
Requestor: Governor COMPONENT SERIAL NO. 220

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGES IN REVENUES	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

**FUND SOURCE**

(Thousands of Dollars)

	FY96	FY97	FY98	FY99	FY00	FY01
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	(170.0)	(340.0)	(340.0)	(340.0)	(340.0)	(340.0)
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	170.0	340.0	340.0	340.0	340.0	340.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of any current year (FY95) cost: \$ NONE

**ANALYSIS:** (Attach a separate page if necessary)

The Child Support Enforcement Division projects increased collections on behalf of AFDC children to result from this legislation. This analysis is based on CSED's projections in their fiscal note on this legislation.

Fifty percent of child support collected on behalf of AFDC children is retained by the state. These revenues are transferred as GF Program Receipts to the AFDC component of the Assistance Payments BRU. These GF Program Receipts are used in place of GF Match funds.

Prepared by: Jim Nordlund, Director for Ralph, acting dir  
Division: Division of Public Assistance  
Approved by Com: Karen Perdue  
Agency: Department of Health & Social Services

Phone: 465-2680  
Date: 3/3/95  
Date: \_\_\_\_\_

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information call the Governor's Legislative Office

# FISCAL NOTE

No. 3  
Bill Version: SB 115  
(S) Publish Date: 3/7/95

Revision Date: 3/3/95 Dept. Affected: Community & Regional Affairs  
Title: An Act relating to the establishment, modification, and enforcement of support orders... BRU: none  
Component: none  
Sponsor: Governor  
Requestor: Governor COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

REVENUE FUND SOURCE: \_\_\_\_\_

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact on DCRA from this bill.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
Division: Division of Administrative Services Date: 3/3/95  
Approved by Commissioner: *Mike Scriven* Date: 3/3/95  
Agency: Community & Regional Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 2  
Bill Version: SB 115  
(S) Publish Date: 3/7/95

Revision Date: \_\_\_\_\_  
Title: Uniform Interstate Support Act (UIFSA)

Department Affected: Revenue  
BRU: Child Support Enforcement Division  
Component: Child Support Enforcement Division

Sponsor: Rules  
Requestor: Governor

COMPONENT SERIAL NO. 111

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

<b>CHANGE IN REVENUES ( )</b>	170.0	340.0	340.0	340.0	340.0	340.0
-------------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

UIFSA applies to those actions relating to establishment, modification, and enforcement of support orders and the determining of parentage in situations where the parties reside in more than one state. The passage of this bill will improve service to case parties involved in interstate enforcement of child support orders by clarifying which state has jurisdiction. It authorizes the movement to a one order system for child support obligations that is honored by all states which pass UIFSA. UIFSA reduces agency response time in some areas in an effort to provide support collections sooner. AFDC collections will be increased by \$680,000 per year of which the state retains 50% or \$340,000. Since the effective date of the legislation in January, 1996 it would provide only \$170,000 for that fiscal year.

Prepared by: Glenda Straube  
Division: Child Support Enforcement

Phone: 269-6801  
Date: March 3, 1995

Approved by Commissioner: Deborah Vogt  
Agency: Department of Revenue

Date: March 3, 1995

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

No. 1

Bill Version: SB 115

BII (S) Publish Date: 3/7/95

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "...establishment, modification, and enforcement BRU: Legal Services  
of support orders ... in situations involving more than one state..." Component: Operations  
 Sponsor: Rules by Request of the Governor  
 Requester: Office of the Governor/OMB COMPONENT SERIAL NO. 0093

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:**

(Attach a separate page if necessary)

This bill repeals the Uniform Reciprocal Enforcement of Support Act (URESAs), under AS 25.25, and replaces it with a new uniform Act known as the Uniform Interstate Family Support Act (UIFSA). First adopted by the National Conference of Commissioners on Uniform State Laws in 1992, the new Act has already been enacted by 21 states, and it may be introduced in as many as eight states this year, including Alaska.

The Uniform Interstate Family Support Act was drafted to update USERA. UIFSA, like USERA, applies to those actions relating to the establishment, modification, and enforcement of support orders and the determination of parentage in situations in which the parties reside in more than one state.

A major feature of UIFSA is that it does not require reciprocity of laws between states in order to take action under its provisions. The new Act also contains its own long-arm jurisdiction provision providing the home state of a supported family the maximum possible opportunity to secure personal jurisdiction over an absent parent.

The bill promotes, to the extent possible, the premise of continuing exclusive jurisdiction over support orders. Under the law as it exists under URESA, multiple orders for child support often result. UIFSA seeks

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 3/3/95  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/3/95  
 Agency: Department of Law

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

ANALYSIS CONTINUATION:

to limit the existence of multiple support orders by limiting the circumstances under which subsequent support orders may be entered in states other than the initiating state.

The bill also recognizes the growing use of administrative procedures in addition to or in place of judicial proceedings in the establishment of paternity and the establishment and enforcement of support orders.

The Uniform Interstate Family Support Act has been endorsed by the United States Commission on Interstate Child Support, the American Bar Association, and the Conference of Chief Justices.

The Department of Law is substantially involved in child support matters on behalf of the Child Support Enforcement Division, and the department provides all of the legal assistance required by the division. It is anticipated the department will have to provide additional legal advice and guidance to the division in implementing the provisions of UIFSA at the early stage. However, because the new Act provides several new efficiencies, this additional work will be easily offset by those efficiencies. Consequently, no fiscal impact is expected for the Department of Law.

*Adopted 5/1/95*

9-GS0042G  
Lauterbach  
4/30/95

*Phoned Legal  
10:55 am*

**SENATE FINANCE  
COMMITTEE**

Amendment Number: CS-2  
Bill Number: SB 115  
Sponsor: He. Ford Date: 5/1/95  
Logged In By: [Signature]

**CS FOR SENATE BILL NO. 115(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

Offered:  
Referred:

Sponsor(s): **SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act repealing the Uniform Reciprocal Enforcement of Support Act; enacting  
2 the Uniform Interstate Family Support Act; relating to administrative  
3 establishment and disestablishment of paternity and establishing paternity by  
4 affidavit; relating to child support enforcement; amending Alaska Rules of Civil  
5 Procedure 79, 82, and 90.3(h)(2); and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 \* Section 1. AS 18.50.160(d) is repealed and reenacted to read:

8 (d) If the mother was married at conception, during the pregnancy, or at birth,  
9 the name of the husband shall be entered on the certificate as the father of the child  
10 unless

- 11 (1) paternity has been lawfully determined otherwise by a tribunal, in  
12 which case the name of the father, if determined by a tribunal, shall be entered; or  
13 (2) both the mother and the mother's husband execute affidavits

1 attesting that the husband is not the father and that another man is the father, and the  
2 mother and the other man execute affidavits attesting that the other man is the father,  
3 so long as the affidavits meet the requirements of (g) of this section.

4 \* Sec. 2. AS 18.50.160(e) is repealed and reenacted to read:

5 (e) If the mother was not married at conception, during the pregnancy, or at  
6 birth, the name of the father may not be entered on the certificate of birth, unless

7 (1) paternity has been lawfully determined by a tribunal, in which case  
8 the name of the father, if determined by the tribunal, shall be entered;

9 (2) both the mother and the man to be named as the father have  
10 executed affidavits attesting that that man is the father, so long as the affidavits meet  
11 the requirements of (g) of this section; or

12 (3) as otherwise specified by statute.

13 \* Sec. 3. AS 18.50.160 is amended by adding new subsections to read:

14 (g) An affidavit under (d) or (e) of this section must meet the following  
15 requirements:

16 (1) the affidavit must be executed by all required individuals; an  
17 affidavit may be executed jointly, individually, or in combination of jointly and  
18 individually; and

19 (2) if an affidavit is executed by more than one individual, the  
20 signature of each individual must be individually notarized.

21 (h) In this section, unless the context requires otherwise, "tribunal" means a  
22 court, administrative agency, or quasi-judicial entity authorized by law to determine  
23 parentage.

24 \* Sec. 4. AS 25.25 is amended by adding new sections to read:

25 ARTICLE 1. GENERAL PROVISIONS.

26 Sec. 25.25.101. DEFINITIONS. In this chapter,

27 (1) "child" means an individual, whether over or under the age of  
28 majority, who is or is alleged to be owed a duty of support by the individual's parent  
29 or who is or is alleged to be the beneficiary of a support order directed to the parent;

30 (2) "child support order" means a support order for a child, including  
31 a child who has attained the age of majority under the law of the issuing state;

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

4 (4) "home state" means the state in which a child lived with a parent  
5 or a person acting as a parent for at least six consecutive months immediately  
6 preceding the time of filing of a complaint or comparable pleading for support and, if  
7 a child is less than six months old, the state in which the child lived from birth with  
8 a parent or person acting as a parent; a period of temporary absence of a parent or  
9 person acting as a parent is counted as part of the six-month or other period;

10 (5) "income" includes earnings or other periodic entitlements to money  
11 from any source and any other property subject to withholding for support under the  
12 law of this state;

13 (6) "income withholding order" means an order or other legal process  
14 directed to an obligor, an obligor's employer, an obligor's future employer, or another  
15 person, political subdivision, or department of the state, under AS 25.27 to withhold  
16 support from the income of the obligor under AS 25.27;

17 (7) "initiating state" means a state in which a proceeding under this  
18 chapter or a law substantially similar to this chapter, the former provisions of this  
19 chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform  
20 Reciprocal Enforcement of Support Act is filed for forwarding to a responding state;

21 (8) "initiating tribunal" means the authorized tribunal in an initiating  
22 state;

23 (9) "issuing state" means the state in which a tribunal issues a support  
24 order or renders a judgment determining parentage;

25 (10) "issuing tribunal" means the tribunal that issues a support order  
26 or renders a judgment determining parentage;

27 (11) "law" includes decisional and statutory law and rules and  
28 regulations having the force of law;

29 (12) "obligee" means

30 (A) an individual to whom a duty of support is or is alleged to  
31 be owed or in whose favor a support order has been issued or a judgment

- 1 determining parentage has been rendered;
- 2 (B) a state or political subdivision to which the rights under a
- 3 duty of support or support order have been assigned or that has independent
- 4 claims based on financial assistance provided to an individual obligee; or
- 5 (C) an individual seeking a judgment determining parentage of
- 6 the individual's child;
- 7 (13) "obligor" means an individual or the estate of a decedent who
- 8 (A) owes or is alleged to owe a duty of support;
- 9 (B) is alleged but has not been adjudicated to be a parent of a
- 10 child; or
- 11 (C) is liable under a support order;
- 12 (14) "register" means to file a support order or judgment determining
- 13 parentage with a registering tribunal;
- 14 (15) "registering tribunal" means the tribunal in which a support order
- 15 or judgment determining parentage is registered;
- 16 (16) "responding state" means a state to which a proceeding is
- 17 forwarded under this chapter or a law substantially similar to this chapter, the former
- 18 provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the
- 19 Revised Uniform Reciprocal Enforcement of Support Act;
- 20 (17) "responding tribunal" means the authorized tribunal in a
- 21 responding state;
- 22 (18) "spousal support order" means a support order for a spouse or
- 23 former spouse of the obligor;
- 24 (19) "state" means a state of the United States, the District of
- 25 Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession
- 26 subject to the jurisdiction of the United States; the term "state" includes a foreign
- 27 jurisdiction that has established procedures for issuance and enforcement of support
- 28 orders that are substantially similar to the procedures under this chapter;
- 29 (20) "support enforcement agency" means a public official or agency
- 30 authorized to seek
- 31 (A) enforcement of support orders or laws relating to the duty

1 of support;

2 (B) establishment or modification of child support orders;

3 (C) determination of parentage; or

4 (D) the location of obligors or their assets;

5 (21) "support order" means a judgment, decree, or order, whether  
6 temporary, final, or subject to modification, for the benefit of a child, a spouse, or a  
7 former spouse, that provides for monetary support, health care, arrearages, or  
8 reimbursement, and may include related costs and fees, interest, income withholding,  
9 attorney fees, and other relief;

10 (22) "tribunal" means a court, administrative agency, or quasi-judicial  
11 entity authorized to establish, enforce, or modify support orders or to determine  
12 parentage.

13 Sec. 25.25.102. TRIBUNALS OF THIS STATE. The superior court and the  
14 child support enforcement agency are the tribunals of this state.

15 Sec. 25.25.103. REMEDIES CUMULATIVE. Remedies provided by this  
16 chapter are cumulative and do not affect the availability of remedies under other law.

17 \* Sec. 5. AS 25.25 is amended by adding new sections to read:

18 ARTICLE 2. JURISDICTION.

19 Sec. 25.25.201. BASES FOR JURISDICTION OVER NONRESIDENT. In  
20 a proceeding to establish, enforce, or modify a support order or to determine parentage,  
21 a tribunal of this state may exercise personal jurisdiction over a nonresident individual  
22 or the individual's guardian or conservator if

23 (1) the individual is personally served with a citation, summons, or  
24 notice within this state;

25 (2) the individual submits to the jurisdiction of this state by consent,  
26 by entering a general appearance, or by filing a responsive document having the effect  
27 of waiving any contest to personal jurisdiction;

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

29 (4) the individual resided in this state and provided prenatal expenses  
30 or support for the child;

31 (5) the child resides in this state as a result of the acts or directives of

1 the individual;

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

4 (7) the individual acknowledged parentage in a writing deposited with  
5 the Bureau of Vital Statistics under AS 25.20.050; or

6 (8) there is another basis consistent with the constitutions of this state  
7 and the United States for the exercise of personal jurisdiction.

8 Sec. 25.25.202. PROCEDURE WHEN EXERCISING JURISDICTION OVER  
9 NONRESIDENT. A tribunal of this state exercising personal jurisdiction over a  
10 nonresident under AS 25.25.201 may apply AS 25.25.316 to receive evidence from  
11 another state and AS 25.25.318 to obtain discovery through a tribunal of another state.  
12 In all other respects, AS 25.25.301 - 25.25.701 do not apply and the tribunal shall  
13 apply the procedural and substantive law of this state, including the rules on choice of  
14 law other than those established by this chapter.

15 Sec. 25.25.203. INITIATING AND RESPONDING TRIBUNAL OF THIS  
16 STATE. Under this chapter, a tribunal of this state may serve as an initiating tribunal  
17 to forward proceedings to another state and as a responding tribunal for proceedings  
18 initiated in another state.

19 Sec. 25.25.204. SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.  
20 (a) A tribunal of this state may exercise jurisdiction to establish a support order if the  
21 complaint or comparable pleading is filed after a complaint or comparable pleading is  
22 filed in another state only if

23 (1) the complaint or comparable pleading in this state is filed before  
24 the expiration of the time allowed in the other state for filing a responsive pleading  
25 challenging the exercise of jurisdiction by the other state;

26 (2) the contesting party timely challenges the exercise of jurisdiction  
27 in the other state; and

28 (3) if relevant, this state is the home state of the child.

29 (b) A tribunal of this state may not exercise jurisdiction to establish a support  
30 order if the complaint or comparable pleading is filed before a complaint or  
31 comparable pleading is filed in another state if

1 (1) the complaint or comparable pleading in the other state is filed  
2 before the expiration of the time allowed in this state for filing a responsive pleading  
3 challenging the exercise of jurisdiction by this state;

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

6 (3) if relevant, the other state is the home state of the child.

7 Sec. 25.25.205. CONTINUING, EXCLUSIVE JURISDICTION. (a) A  
8 tribunal of this state issuing a support order consistent with the law of this state has  
9 continuing, exclusive jurisdiction over a child support order

10 (1) as long as this state remains the residence of the obligor, the  
11 individual obligee, or the child for whose benefit the support order is issued; or

12 (2) until each individual party has filed written consent with the tribunal  
13 of this state for a tribunal of another state to modify the order and assume continuing,  
14 exclusive jurisdiction.

15 (b) A tribunal of this state issuing a child support order consistent with the law  
16 of this state may not exercise its continuing jurisdiction to modify the order if the  
17 order has been modified by a tribunal of another state under a law substantially similar  
18 to this chapter.

19 (c) If a child support order of this state is modified by a tribunal of another  
20 state under a law substantially similar to this chapter, a tribunal of this state loses its  
21 continuing, exclusive jurisdiction with regard to prospective enforcement of the order  
22 issued in this state and may only

23 (1) enforce the order that was modified as to amounts accruing before  
24 the modification;

25 (2) enforce nonmodifiable aspects of that order; and

26 (3) provide other appropriate relief for violations of that order that  
27 occurred before the effective date of the modification.

28 (d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction  
29 of a tribunal of another state that has issued a child support order under a law  
30 substantially similar to this chapter.

31 (e) A temporary support order issued ex parte or pending resolution of a

1 jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing  
2 tribunal.

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

8 Sec. 25.25.206. ENFORCEMENT AND MODIFICATION OF SUPPORT  
9 ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION. (a) A tribunal  
10 of this state may serve as an initiating tribunal to request a tribunal of another state to  
11 enforce or modify a support order issued in that state.

12 (b) A tribunal of this state having continuing, exclusive jurisdiction over a  
13 support order may act as a responding tribunal to enforce or modify the order. If a  
14 party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides  
15 in the issuing state, in subsequent proceedings the tribunal may apply AS 25.25.316  
16 to receive evidence from another state and AS 25.25.318 to obtain discovery through  
17 a tribunal of another state.

18 (c) A tribunal of this state that lacks continuing, exclusive jurisdiction over a  
19 spousal support order may not serve as a responding tribunal to modify a spousal  
20 support order of another state.

21 Sec. 25.25.207. RECOGNITION OF CHILD SUPPORT ORDERS. (a) If a  
22 proceeding is brought under this chapter, and one or more child support orders have  
23 been issued in this or another state with regard to an obligor and a child, a tribunal of  
24 this state shall apply the following rules in determining which order to recognize for  
25 purposes of continuing, exclusive jurisdiction:

26 (1) if only one tribunal has issued a child support order, the order of  
27 that tribunal shall be recognized;

28 (2) if two or more tribunals have issued child support orders for the  
29 same obligor and child, and only one of the tribunals would have continuing, exclusive  
30 jurisdiction under this chapter, the order of that tribunal shall be recognized;

31 (3) if two or more tribunals have issued child support orders for the

1 same obligor and child, and more than one of the tribunals would have continuing,  
2 exclusive jurisdiction under this chapter, an order issued by a tribunal in the current  
3 home state of the child shall be recognized but, if an order has not been issued in the  
4 current home state of the child, the order most recently issued must be recognized;

5 (4) if two or more tribunals have issued child support orders for the  
6 same obligor and child, and none of the tribunals would have continuing, exclusive  
7 jurisdiction under this chapter, the tribunal of this state may issue a child support order  
8 that shall be recognized.

9 (b) The tribunal that has issued an order recognized under (a) of this section  
10 is the tribunal having continuing, exclusive jurisdiction.

11 Sec. 25.25.208. MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR  
12 MORE OBLIGEES. In responding to multiple registrations or complaints for  
13 enforcement of two or more child support orders in effect at the same time with regard  
14 to the same obligor and different individual obligees, when at least one of the orders  
15 was issued by a tribunal of another state, a tribunal of this state shall enforce those  
16 orders in the same manner as if the multiple orders had been issued by a tribunal of  
17 this state.

18 Sec. 25.25.209. CREDIT FOR PAYMENTS. Amounts collected and credited  
19 for a particular period under a support order issued by a tribunal of another state shall  
20 be credited against the amounts accruing or accrued for the same period under a  
21 support order issued by the tribunal of this state.

22 \* Sec. 6. AS 25.25 is amended by adding new sections to read:

23 ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION.

24 Sec. 25.25.301. PROCEEDINGS UNDER THIS CHAPTER. (a) Except as  
25 otherwise provided in this chapter, AS 25.25.301 - 25.25.319 apply to all proceedings  
26 under this chapter.

27 (b) This chapter provides for the following proceedings:

28 (1) establishment of an order for child support or spousal support under  
29 AS 25.25.401;

30 (2) enforcement of a support order and income withholding order of  
31 another state without registration under AS 25.25.501 - 25.25.502;

1 (3) registration of an order for child support or spousal support of  
2 another state for enforcement under AS 25.25.601 - 25.25.612;

3 (4) modification of an order for child support or spousal support issued  
4 by a tribunal of this state under AS 25.25.203 - 25.25.206;

5 (5) registration of an order for child support of another state for  
6 modification under AS 25.25.601 - 25.25.612;

7 (6) determination of parentage under AS 25.25.701; and

8 (7) assertion of jurisdiction over nonresidents under AS 25.25.201 -  
9 25.25.202.

10 (c) An individual or a support enforcement agency may commence a  
11 proceeding authorized under this chapter by filing a complaint or a comparable  
12 pleading in an initiating tribunal for forwarding to a responding tribunal or by filing  
13 a complaint or a comparable pleading directly in a tribunal of another state that has  
14 or can obtain personal jurisdiction over the respondent.

15 Sec. 25.25.302. ACTION BY MINOR PARENT. A minor parent, or a  
16 guardian or other legal representative of a minor parent, may maintain a proceeding  
17 on behalf of or for the benefit of the minor's child.

18 Sec. 25.25.303. APPLICATION OF LAW OF THIS STATE. Except as  
19 otherwise provided by this chapter, a responding tribunal of this state shall

20 (1) apply the procedural and substantive law, including the rules on  
21 choice of law, generally applicable to similar proceedings originating in this state and  
22 may exercise all powers and provide all remedies available in those proceedings; and

23 (2) determine the duty of support and the amount payable under the law  
24 and support guidelines of this state.

25 Sec. 25.25.304. DUTIES OF INITIATING TRIBUNAL. Upon the filing of  
26 a complaint or comparable pleading authorized by this chapter, an initiating tribunal  
27 of this state shall forward three copies of the complaint or comparable pleading and  
28 its accompanying documents

29 (1) to the responding tribunal or appropriate support enforcement  
30 agency in the responding state; or

31 (2) if the identity of the responding tribunal is unknown, to the state

1 information agency of the responding state with a request that they be forwarded to the  
2 appropriate tribunal and that receipt be acknowledged.

3 Sec. 25.25.305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.

4 (a) When a responding tribunal of this state receives a complaint or comparable  
5 pleading from an initiating tribunal or directly under AS 25.25.301(c), it shall cause  
6 the complaint or pleading to be filed and notify the petitioner by first class mail where  
7 and when it was filed.

8 (b) A responding tribunal of this state, to the extent otherwise specifically  
9 authorized by law, may do one or more of the following:

10 (1) issue or enforce a support order, modify a child support order, or  
11 render a judgment to determine parentage;

12 (2) order an obligor to comply with a support order, specifying the  
13 amount and the manner of compliance;

14 (3) order income withholding;

15 (4) determine the amount of any arrearages, and specify a method of  
16 payment;

17 (5) enforce orders by civil or criminal contempt, or both;

18 (6) set aside property for satisfaction of the support order;

19 (7) place liens and order execution on the obligor's property;

20 (8) order an obligor to keep the tribunal informed of the obligor's  
21 current residential address, telephone number, employer, address of employment, and  
22 telephone number at the place of employment;

23 (9) issue a bench warrant for an obligor who has failed after proper  
24 notice to appear at a hearing ordered by the tribunal and enter the bench warrant in  
25 any local and state computer systems for criminal warrants;

26 (10) order the obligor to seek appropriate employment by specified  
27 methods;

28 (11) award reasonable attorney fees and other fees and costs; and

29 (12) grant any other available remedy.

30 (c) A responding tribunal of this state shall include in a support order issued  
31 under this chapter, or in the documents accompanying the order, the calculations on

1 which the support order is based.

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

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

8 Sec. 25.25.306. INAPPROPRIATE TRIBUNAL. If a complaint or comparable  
9 pleading is received by an inappropriate tribunal of this state, it shall forward the  
10 complaint or pleading, and accompanying documents, to an appropriate tribunal in this  
11 state or another state and notify the petitioner by first class mail where and when the  
12 complaint or pleading was sent.

13 Sec. 25.25.307. DUTIES OF CHILD SUPPORT ENFORCEMENT AGENCY.

14 (a) The child support enforcement agency of this state, upon request, shall provide  
15 services to a petitioner in a proceeding under this chapter.

16 (b) In providing services under this chapter to the petitioner, the child support  
17 enforcement agency shall, as appropriate,

18 (1) take all steps necessary to enable an appropriate tribunal in this  
19 state or another state to obtain jurisdiction over the respondent;

20 (2) request an appropriate tribunal to set a date, time, and place for a  
21 hearing;

22 (3) make a reasonable effort to obtain all relevant information,  
23 including information as to income and property of the parties;

24 (4) send written notice from an initiating, responding, or registering  
25 tribunal to the petitioner by first class mail within two days of receipt, exclusive of  
26 Saturdays, Sundays, and legal holidays;

27 (5) send a copy of a written communication from the respondent or the  
28 respondent's attorney to the petitioner by first class mail within two days of receipt,  
29 exclusive of Saturdays, Sundays, and legal holidays; and

30 (6) notify the petitioner if jurisdiction over the respondent cannot be  
31 obtained.

1 (c) This chapter does not create or negate a relationship of attorney and client  
2 or other fiduciary relationship between the child support enforcement agency or the  
3 attorney for the agency and the individual being assisted by the agency.

4 Sec. 25.25.309. PRIVATE COUNSEL. An individual may employ private  
5 counsel to represent the individual in proceedings authorized by this chapter.

6 Sec. 25.25.310. DUTIES OF STATE INFORMATION AND LOCATOR  
7 AGENCY. The child support enforcement agency is the state information agency  
8 under this chapter, and it shall

9 (1) compile and maintain a current list, including addresses, of the  
10 courts in this state that have jurisdiction under this chapter and the appropriate agency  
11 offices in this state and transmit a copy to the state information agency of every other  
12 state;

13 (2) maintain a register of tribunals and support enforcement agencies  
14 received from other states;

15 (3) forward to the appropriate tribunal in this state all documents  
16 concerning a proceeding under this chapter received from an initiating tribunal or the  
17 state information agency of the initiating state; and

18 (4) obtain information concerning the location of the obligor and the  
19 obligor's property within this state that is not exempt from execution by postal  
20 verification and federal or state locator services, examination of telephone directories,  
21 requests for the obligor's address from employers, and examination of governmental  
22 records, including, to the extent not prohibited by other law, those relating to real  
23 property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses,  
24 and social security.

25 Sec. 25.25.311. PLEADINGS AND ACCOMPANYING DOCUMENTS. (a)  
26 A petitioner seeking to establish or modify a support order or to determine parentage  
27 in a proceeding under this chapter shall verify the complaint or comparable pleading.  
28 Unless otherwise ordered under AS 25.25.312, or otherwise prohibited by law, the  
29 complaint or comparable pleading or accompanying documents must provide, so far  
30 as known, the name, residential address, and social security numbers of the obligor and  
31 the obligee, and the name, sex, residential address, social security number, and date

1 of birth of each child for whom support is sought. The complaint or comparable  
2 pleading must be accompanied by a certified copy of any support order in effect. The  
3 complaint or comparable pleading may include other information that may assist in  
4 locating or identifying the respondent.

5 (b) The complaint or comparable pleading must specify the relief sought. The  
6 complaint or comparable pleading and accompanying documents must conform  
7 substantially with the requirements imposed by the forms mandated by federal law for  
8 use in cases filed by a support enforcement agency.

9 Sec. 25.25.312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL  
10 CIRCUMSTANCES. Subject to the provisions of AS 25.27.275 and upon a finding,  
11 which may be made ex parte, that the health, safety, or liberty of a party or child  
12 would be unreasonably put at risk by the disclosure of identifying information, or if  
13 an existing order so provides, a tribunal shall order that the address of the child or  
14 party or other identifying information not be disclosed in a pleading or other document  
15 filed in a proceeding under this chapter.

16 Sec. 25.25.313. COSTS AND FEES. (a) Notwithstanding any other provision  
17 of law, including a rule of the Alaska Supreme Court, at the time a complaint or  
18 comparable pleading is filed under this chapter, a tribunal may not require the  
19 petitioner to pay a filing fee or other costs.

20 (b) If an obligee prevails, a responding tribunal may assess against an obligor  
21 filing fees, including fees that were waived under (a) of this section, reasonable  
22 attorney fees, other costs, necessary travel expenses, and other reasonable expenses  
23 incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees,  
24 costs, or expenses against the obligee or the support enforcement agency of either the  
25 initiating or the responding state except as required by other law or court rule.  
26 Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney,  
27 who may enforce the order in the attorney's own name. Payment of support owed to  
28 the obligee has priority over fees, costs, and expenses assessed under this subsection.

29 (c) The tribunal shall order the payment of costs and reasonable attorney fees,  
30 including filing fees that were waived under (a) of this section, by a party who  
31 requests a hearing under this chapter if it determines that the hearing was requested

1 primarily for delay. In a proceeding under AS 25.25.601 - 25.25.612, a hearing is  
2 presumed to have been requested primarily for delay if a registered support order is  
3 confirmed or enforced without change; however, the party who requested the hearing  
4 may present evidence to rebut this presumption.

5 Sec. 25.25.314. LIMITED IMMUNITY OF PETITIONER. (a) Participation  
6 by a petitioner in a proceeding before a responding tribunal, whether in person, by  
7 private attorney, or through services provided by the support enforcement agency, does  
8 not confer personal jurisdiction over the petitioner in another proceeding.

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

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

14 Sec. 25.25.315. NONPARENTAGE AS DEFENSE. A party whose parentage  
15 of a child has been previously determined under law may not plead nonparentage as  
16 a defense to a proceeding under this chapter.

17 Sec. 25.25.316. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (a)  
18 The physical presence of the petitioner in a responding tribunal of this state is not  
19 required for the establishment, enforcement, or modification of a support order or the  
20 rendition of a judgment determining parentage.

21 (b) A verified complaint or comparable pleading, affidavit, document  
22 substantially complying with federally mandated forms, and a document incorporated  
23 by reference in any of them, not excluded under the hearsay rule if given in person,  
24 is admissible in evidence if given under oath by a party or witness residing in another  
25 state.

26 (c) A copy of the record of child support payments certified as a true copy of  
27 the original by the custodian of the record may be forwarded to a responding tribunal.  
28 The copy is evidence of facts asserted in it and is admissible to show whether  
29 payments were made.

30 (d) Copies of bills for testing for parentage, and for prenatal and postnatal  
31 health care of the mother and child, furnished to the adverse party at least 10 days

1 before trial or other proceeding, are admissible in evidence to prove the amount of the  
2 charges billed and that the charges were reasonable, necessary, and customary.

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

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

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

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

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

19 Sec. 25.25.317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal  
20 of this state may communicate with a tribunal of another state in writing, or by  
21 telephone or other means, to obtain information concerning the laws of that state, the  
22 legal effect of a judgment, decree, or order of that tribunal, and the status of a  
23 proceeding in the other state. A tribunal of this state may furnish similar information  
24 by similar means to a tribunal of another state.

25 Sec. 25.25.318. ASSISTANCE WITH DISCOVERY. A tribunal of this state  
26 may

27 (1) request a tribunal of another state to assist in obtaining discovery;

28 and

29 (2) upon request, compel a person over whom it has jurisdiction to  
30 respond to a discovery order issued by a tribunal of another state.

31 Sec. 25.25.319. RECEIPT AND DISBURSEMENT OF PAYMENTS. The

1 child support enforcement agency of this state shall disburse promptly any amounts  
2 received under a support order, as directed by the order. The agency shall furnish to  
3 a requesting party or tribunal of another state a certified statement by the custodian of  
4 the record of the amounts and dates of all payments received.

5 ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER.

6 Sec. 25.25.401. COMPLAINT TO ESTABLISH SUPPORT ORDER. (a) If  
7 a child support order entitled to recognition under this chapter has not been issued,  
8 responding tribunal of this state may issue a child support order if

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

10 (2) the support enforcement agency seeking the order is located in  
11 another state.

12 (b) The tribunal may issue a temporary child support order if

13 (1) the respondent has signed a verified statement acknowledging  
14 parentage;

15 (2) the respondent has been determined under law to be the parent; or

16 (3) there is other clear and convincing evidence that the respondent is  
17 the child's parent.

18 (c) If a spousal support order entitled to recognition under this chapter has not  
19 been issued, a responding superior court of this state may issue a spousal support order  
20 if

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

22 (2) the support enforcement agency seeking the order is located in  
23 another state.

24 (d) If, after providing an obligor with notice and opportunity to be heard, an  
25 appropriate tribunal finds that the obligor owes a duty of support, the tribunal shall  
26 issue a support order directed to the obligor and may issue other orders under  
27 AS 25.25.305.

28 (e) Before issuing an order under (b) of this section, the child support  
29 enforcement agency shall adopt regulations for issuing such an order.

30 ARTICLE 5. DIRECT ENFORCEMENT OF ORDER OF  
31 ANOTHER STATE WITHOUT REGISTRATION.

1           Sec. 25.25.501. RECOGNITION OF INCOME WITHHOLDING ORDER OF  
2 ANOTHER STATE. (a) An income withholding order issued in another state may  
3 be sent by first class mail to the person or entity defined as the obligor's employer  
4 under AS 25.27 without first filing a complaint or comparable pleading or registering  
5 the order with a tribunal of this state. Upon receipt of the order, the employer shall

6           (1) treat an income withholding order issued in another state that  
7 appears regular on its face as if it had been issued by a tribunal of this state;

8           (2) immediately provide a copy of the order to the obligor; and

9           (3) distribute the funds as directed in the withholding order.

10          (b) An obligor may contest the validity or enforcement of an income  
11 withholding order issued in another state in the same manner as if the order had been  
12 issued by a tribunal of this state. AS 25.25.604 applies to the contest. The obligor  
13 shall give notice of the contest to a support enforcement agency providing services to  
14 the obligee and

15          (1) to the person or agency designated to receive payments in the  
16 income withholding order; or

17          (2) if a person or agency is not designated, to the obligee.

18          Sec. 25.25.502. ADMINISTRATIVE ENFORCEMENT OF ORDERS. (a) A  
19 party seeking to enforce a support order or an income withholding order, or both,  
20 issued by a tribunal of another state may send the documents required for registering  
21 the order to the child support enforcement agency of this state.

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

29           ARTICLE 6. ENFORCEMENT AND MODIFICATION OF  
30           SUPPORT ORDER AFTER REGISTRATION.

31          Sec. 25.25.601. REGISTRATION OF ORDER FOR ENFORCEMENT. A

1 support order or an income withholding order issued by a tribunal of another state may  
2 be registered in this state for enforcement.

3 Sec. 25.25.602. PROCEDURE TO REGISTER ORDER FOR  
4 ENFORCEMENT. (a) A support order or income withholding order of another state  
5 may be registered in this state by sending the following documents and information  
6 to a tribunal of this state:

- 7 (1) a letter of transmittal requesting registration and enforcement;  
8 (2) two copies, including one certified copy, of all orders to be  
9 registered, including any modification of an order;  
10 (3) a sworn statement by the party seeking registration or a certified  
11 statement by the custodian of the records showing the amount of any arrearage;  
12 (4) the name of the obligor and, if known,  
13 (A) the obligor's address and social security number;  
14 (B) the name and address of the obligor's employer and any  
15 other source of income of the obligor;  
16 (C) a description and the location of property in this state of the  
17 obligor not exempt from execution; and  
18 (D) the name and address of all potential third party resources,  
19 including a health insurer, that might be available to meet the requirements of  
20 a medical support order; and  
21 (5) the name and address of the obligee and, if applicable, the agency  
22 or person to whom support payments are to be remitted.

23 (b) On receipt of a request for registration, the registering tribunal shall file  
24 the order as a foreign judgment, together with one copy of the documents and  
25 information, regardless of their form.

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

30 Sec. 25.25.603. EFFECT OF REGISTRATION FOR ENFORCEMENT. (a)  
31 A support order or income withholding order issued in another state is registered when

1 the order is filed in the registering tribunal of this state.

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

5 (c) Except as otherwise provided in AS 25.25.601 - 25.25.612, a tribunal of  
6 this state shall recognize and enforce, but may not modify, a registered order if the  
7 issuing tribunal had jurisdiction.

8 Sec. 25.25.604. CHOICE OF LAW. (a) The law of the issuing state governs  
9 the nature, extent, amount, and duration of current payments and other obligations of  
10 support and the payment of arrearages under the order.

11 (b) In a proceeding for arrearages, the statute of limitation under the laws of  
12 this state or of the issuing state, whichever is longer, applies.

13 Sec. 25.25.605. NOTICE OF REGISTRATION OF ORDER. (a) When a  
14 support order or income withholding order issued in another state is registered, the  
15 registering tribunal shall notify the nonregistering party. Notice shall be given by first  
16 class, certified, or registered mail or by any means of personal service authorized by  
17 the law of this state. The notice must be accompanied by a copy of the registered  
18 order and the documents and relevant information accompanying the order.

19 (b) The notice must inform the nonregistering party

20 (1) that a registered order is enforceable as of the date of registration  
21 in the same manner as an order issued by a tribunal of this state;

22 (2) that a hearing to contest the validity or enforcement of the  
23 registered order must be requested within 20 days after the date of mailing or personal  
24 service of the notice;

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

29 (4) of the amount of alleged arrearages.

30 (c) Upon registration of an income withholding order for enforcement, the  
31 registering tribunal shall notify the obligor's employer under AS 25.27.



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

4 Sec. 25.25.608. CONFIRMED ORDER. Confirmation of a registered order,  
5 whether by operation of law or after notice and hearing, precludes further contest of  
6 the order with respect to a matter that could have been asserted at the time of  
7 registration.

8 Sec. 25.25.609. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF  
9 ANOTHER STATE FOR MODIFICATION. If a party or the child support  
10 enforcement agency seeks to modify, or to modify and enforce, a child support order  
11 issued in another state but not registered in this state, the party or agency shall register  
12 that order in this state in the same manner provided in AS 25.25.601 - 25.25.604. A  
13 complaint for modification may be filed at the same time as a request for registration,  
14 or later. The pleading must specify the grounds for modification.

15 Sec. 25.25.610. EFFECT OF REGISTRATION FOR MODIFICATION. A  
16 tribunal of this state may enforce a child support order of another state registered for  
17 purposes of modification in the same manner as if the order had been issued by a  
18 tribunal of this state, but the registered order may be modified only if the requirements  
19 of AS 25.25.611 have been met.

20 Sec. 25.25.611. MODIFICATION OF CHILD SUPPORT ORDER OF  
21 ANOTHER STATE. (a) After a child support order issued in another state has been  
22 registered in this state, the responding tribunal of this state may modify that order only  
23 if, after notice and an opportunity for hearing, it finds that

24 (1) the following requirements are met:

25 (A) the child, the individual obligee, and the obligor do not  
26 reside in the issuing state;

27 (B) a petitioner who is not a resident of this state seeks  
28 modification; and

29 (C) the respondent is subject to the personal jurisdiction of the  
30 tribunal of this state; or

31 (2) an individual party or the child is subject to the personal jurisdiction

1 of the tribunal and all of the individual parties have filed a written consent in the  
2 issuing tribunal providing that a tribunal of this state may modify the support order and  
3 assume continuing, exclusive jurisdiction over the order.

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

8 (c) A tribunal of this state may not modify any aspect of a child support order  
9 that may not be modified under the law of the issuing state.

10 (d) On issuance of an order modifying a child support order issued in another  
11 state, a tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

12 (e) Within 30 days after issuance of a modified child support order, the party  
13 obtaining the modification shall file a certified copy of the order with the issuing  
14 tribunal that had continuing, exclusive jurisdiction over the earlier order and in each  
15 tribunal in which the party knows that an earlier order has been registered.

16 Sec. 25.25.612. RECOGNITION OF ORDER MODIFIED IN ANOTHER  
17 STATE. A tribunal of this state shall recognize a modification of its earlier child  
18 support order by a tribunal of another state that assumed jurisdiction under a law  
19 substantially similar to this chapter and, upon request, except as otherwise provided  
20 in this chapter, shall

21 (1) enforce the order that was modified only as to amounts accruing  
22 before the modification;

23 (2) enforce only nonmodifiable aspects of that order;

24 (3) provide other appropriate relief only for violations of that order that  
25 occurred before the effective date of the modification; and

26 (4) recognize the modifying order of the other state, upon registration,  
27 for the purpose of enforcement.

## 28 ARTICLE 7. DETERMINATION OF PARENTAGE.

29 Sec. 25.25.701. PROCEEDING TO DETERMINE PARENTAGE. (a) A  
30 tribunal of this state may serve as an initiating or responding tribunal in a proceeding  
31 brought under this chapter or a law substantially similar to this chapter, the former

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

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

#### 8 ARTICLE 8. INTERSTATE RENDITION.

9 Sec. 25.25.801. GROUNDS FOR RENDITION. (a) The governor or a  
10 designee of the governor may

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

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

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

21 Sec. 25.25.802. CONDITIONS OF RENDITION. (a) Before making demand  
22 that the governor of another state surrender an individual charged criminally in this  
23 state with having failed to provide for the support of an obligee, the governor of this  
24 state or the designee of the governor may require a prosecutor of this state to  
25 demonstrate that the obligee had initiated proceedings for support under this chapter  
26 at least 60 days previously or that the proceeding would be of no avail.

27 (b) If, under this chapter or a law substantially similar to this chapter, the  
28 former provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act,  
29 or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of  
30 another state makes a demand that the governor of this state surrender an individual  
31 charged criminally in that state with having failed to provide for the support of a child

1 or other individual to whom a duty of support is owed, the governor or a designee of  
2 the governor may require a prosecutor to investigate the demand and report whether  
3 a proceeding for support has been initiated or would be effective. If it appears that a  
4 proceeding would be effective but has not been initiated, the governor or designee may  
5 delay honoring the demand for a reasonable time to permit the initiation of a  
6 proceeding.

7 (c) If a proceeding for support has been initiated and the individual whose  
8 rendition is demanded prevails, the governor or the designee of the governor may  
9 decline to honor the demand. If the petitioner prevails and the individual whose  
10 rendition is demanded is subject to a support order, the governor or designee may  
11 decline to honor the demand if the individual is complying with the support order.

#### 12 ARTICLE 9. MISCELLANEOUS PROVISIONS.

##### 13 Sec. 25.25.901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

14 This chapter shall be applied and construed to effectuate its general purpose to make  
15 uniform the law with respect to the subject of this chapter among states enacting it.

16 Sec. 25.25.902. SEVERABILITY CLAUSE. Under AS 01.10.030, if a  
17 provision of this chapter or its application to a person or circumstance is held invalid,  
18 the invalidity does not affect other provisions or applications of this chapter that can  
19 be given effect without the invalid provision or application.

20 Sec. 25.25.903. SHORT TITLE. This chapter may be cited as the Uniform  
21 Interstate Family Support Act.

22 \* Sec. 7. AS 25.27.020(a) is amended to read:

23 (a) The agency shall

24 (1) seek enforcement of child support orders [OF THE SUPERIOR  
25 COURTS] of the state in other jurisdictions and shall obtain, enforce, and administer  
26 the orders in this state;

27 (2) adopt regulations to carry out the purposes of this chapter and  
28 AS 25.25, including regulations that establish

29 (A) schedules for determining the amount an obligor is liable  
30 to contribute toward the support of an obligee under this chapter and under 42  
31 U.S.C. 651 - 669 (Title IV-D, Social Security Act);

1 (B) procedures for hearings conducted under AS 25.27.170;

2 [AND]

3 (C) subject to AS 25.27.025 and to federal law, a uniform rate  
4 of interest on arrearages of support that shall be charged the obligor upon  
5 notice if child support payments are 10 or more days overdue or if payment is  
6 made by a check backed by insufficient funds; however, an obligor may not be  
7 charged interest on late payment of a child support obligation, other than a  
8 payment on arrearages, if the obligor is

9 (i) employed and income is being withheld from the  
10 obligor's wages under an income withholding order;

11 (ii) receiving unemployment compensation and child  
12 support obligations are being withheld from the obligor's unemployment  
13 payments under AS 23.20.401; or

14 (iii) receiving compensation for disabilities under  
15 AS 23.30 and child support obligations are being withheld from the  
16 obligor's compensation payments; and

17 (D) procedures for establishing and disestablishing paternity,  
18 including procedures for hearings;

19 (3) administer and enforce AS 25.25 (Uniform Interstate Family  
20 [RECIPROCAL ENFORCEMENT OF] Support Act);

21 (4) establish, enforce, and administer child support obligations  
22 administratively under this chapter;

23 (5) administer the state plan required under 42 U.S.C. 651 - 669 (Title  
24 IV-D, Social Security Act) as amended;

25 (6) disburse support payments collected by the agency to the obligee,  
26 together with interest charged under (2)(C) of this subsection;

27 (7) establish and enforce administratively under this chapter, or through  
28 the superior courts of the state, child support orders from other jurisdictions pertaining  
29 to obligors within the state;

30 (8) enforce and administer spousal support orders if a spousal support  
31 obligation has been established with respect to the spouse and if the support obligation

1 established with respect to the child of that spouse is also being administered; and

2 (9) obtain a medical support order as part of a child support order if  
3 health care coverage is available to the obligor at a reasonable cost; the agency shall  
4 consider whether adequate health care is available to the child through the Indian  
5 Health Service or other insurance coverage before it orders an obligor to provide health  
6 care coverage through insurance or other means; the medical support order must meet  
7 the requirements of AS 25.27.063; [AND]

8 (10) act on behalf of the Department of Health and Social Services in  
9 the enforcement of AS 47.07.025(b);

10 (11) establish or disestablish, administratively or through court  
11 action, the paternity of a child;

12 (12) promptly provide to the Bureau of Vital Statistics, in a format  
13 approved by the bureau, any final agency decision administratively establishing  
14 or disestablishing the paternity of a child born in this state; and

15 (13) act as the central registry for all child support orders.

16 \* Sec. 8. AS 25.27.022 is amended to read:

17 Sec. 25.27.022. ESTABLISHMENT AND ENFORCEMENT REQUESTS  
18 FROM OTHER STATES. (a) The agency may act, under the laws of this state,  
19 upon requests from similar state agencies in other states that operate child support  
20 enforcement programs under 42 U.S.C. 651 - 669 (Title IV-D Social Security Act)  
21 to establish or disestablish paternity and to establish and enforce against obligors  
22 within this state support obligations determined in other states.

23 (b) Requests from child support enforcement agencies in other states shall be  
24 made by application containing the information that this state's agency requires and  
25 including written authorization from the requesting state agency and the obligee for  
26 this state's agency to initiate necessary action [NECESSARY TO ESTABLISH,  
27 ENFORCE, AND COLLECT THE SUPPORT OBLIGATION ON THEIR BEHALF].

28 \* Sec. 9. AS 25.27.040(a) is amended to read:

29 (a) The agency may [SHALL] appear on behalf of minor children or their  
30 mother or legal custodian or the state and initiate efforts to have the paternity of  
31 children born out of wedlock determined by the court. When the agency is a party to

1 a court [IN AN] action in which paternity is contested, it shall request and pay for  
2 genetic testing [TESTS] and procedures under AS 25.20.050(f). The agency may  
3 recover the costs of the tests as a cost of the court action, except that costs may not  
4 be recovered from a person who is a recipient of aid under AS 47.25.310 - 47.25.420  
5 (Aid to Families with Dependent Children).

6 \* Sec. 10. AS 25.27.040(c) is amended to read:

7 (c) When the agency is a party in a court [AN] action in which paternity is  
8 contested, the agency shall move for a default judgment in a case that meets the  
9 conditions specified in AS 25.20.050(g).

10 \* Sec. 11. AS 25.27.075(f) is amended to read:

11 (f) The agency shall retain the information received under (a), (d), and (e) of  
12 this section for a particular employee only if the agency is responsible for establishing,  
13 enforcing, or collecting a support obligation of the employee or if the employee is a  
14 party to an administrative or judicial proceeding to determine the paternity of a  
15 child. If the employee does not owe a support obligation or is not a party to a  
16 paternity proceeding, the agency may not create a record regarding the employee, and  
17 the information contained in the notice shall be promptly destroyed.

18 \* Sec. 12. AS 25.27.085 is amended to read:

19 Sec. 25.27.085. SUBPOENAS. The agency, with the concurrence of the  
20 commissioner of revenue, may subpoena persons, books, records, and documents to

21 (1) determine the extent and location of assets of any obligor who is  
22 more than 45 days in arrears in a child support obligation established either by court  
23 or administrative order;

24 (2) determine the paternity of a child under AS 25.27.165; or

25 (3) disestablish the paternity of a child under AS 25.27.166.

26 \* Sec. 13. AS 25.27.140(a) is amended to read:

27 (a) If no support order has been entered, the agency may establish paternity  
28 and a duty of support utilizing the procedures prescribed in AS 25.27.160 - 25.27.220  
29 and may enforce a duty of support utilizing the procedure prescribed in AS 25.27.230 -  
30 25.27.270. Action under this subsection may be undertaken upon application of an  
31 obligee, or at the agency's own discretion if the obligor is liable to the state under

1 AS 25.27.120(a) or (b).

2 \* **Sec. 14.** AS 25.27 is amended by adding new sections to read:

3 Sec. 25.27.165. DETERMINATION OF PATERNITY IN AN  
4 ADMINISTRATIVE PROCEEDING. (a) Upon application from a mother, custodian,  
5 or legal custodian of a child, or from a state, the agency may institute administrative  
6 proceedings to determine the paternity of a child born out of wedlock.

7 (b) In order to initiate a paternity proceeding administratively, the agency shall  
8 serve a mother and putative father, as appropriate, with a notice of paternity and  
9 financial responsibility. The notice shall be served personally as set out in Alaska  
10 Rule of Civil Procedure 4(d) or by registered, certified, or insured mail, return receipt  
11 requested, for restricted delivery only to the person to whom the notice is directed or  
12 to the person authorized under federal law to receive that person's restricted delivery  
13 mail. The notice must be accompanied by

14 (1) an administrative order requiring that the mother, child, and putative  
15 father submit to genetic testing to be arranged by the agency;

16 (2) an administrative order requiring the putative father to provide  
17 financial information, as defined by the agency in regulation, within 20 days after  
18 service of the notice; all financial information provided to the agency under an order  
19 under this paragraph shall be held confidential by the agency, according to any  
20 applicable regulations; and

21 (3) a notice of right to informal conference, to be held within 20 days  
22 after receipt of an admission of paternity or service upon the parties of genetic test  
23 results.

24 (c) A person served with a notice of paternity and financial responsibility shall  
25 file a response, admitting or denying paternity and providing the required financial  
26 information, within 20 days after the date of service of the notice of paternity and  
27 financial responsibility. If the putative father admits paternity, the agency shall issue,  
28 within 20 days after the admission of paternity, a decision establishing paternity. If  
29 the putative father denies paternity, the putative father shall submit to genetic testing,  
30 as provided in (b) of this section, within 30 days after the date of service of the notice  
31 of paternity and financial responsibility.

1 (d) Upon receipt of genetic test results, the agency shall serve on the putative  
2 father notice of the test results and of the date for the informal conference. Service  
3 of the notice shall be made by first class mail. If the genetic test results are negative  
4 under the standard set in AS 25.20.050(d), the agency shall issue a finding of  
5 nonpaternity within 20 days after the agency's receipt of the test results. If the genetic  
6 test results are positive under the standard set in AS 25.20.050(d), the agency shall  
7 issue an informal conference decision within 20 days after the agency's receipt of the  
8 test results.

9 (e) If the agency issues a decision establishing paternity under (d) of this  
10 section, the putative father is entitled to a formal hearing if a written request for  
11 hearing is served on the agency by certified mail, return receipt requested, within 30  
12 days after the date of service of the agency's decision.

13 (f) If a request for a formal hearing is made under (e) of this section, an  
14 execution under AS 25.27.062 and 25.27.230 - 25.27.270 may not be stayed unless the  
15 putative father posts security or a bond in the amount of child support that would have  
16 been due under the informal conference decision pending the decision on the formal  
17 hearing. If no request for a formal hearing is made under (e) of this section, the  
18 informal conference decision establishing paternity is final.

19 (g) If a request for a formal hearing is made under (e) of this section, the  
20 hearing officer shall consider the evidence applying the standards set in  
21 AS 25.20.050(d).

22 (h) If a putative father who requests a formal hearing under (e) of this section  
23 fails to appear at the formal hearing, the hearing officer shall enter a final decision  
24 establishing paternity.

25 (i) The agency may recover any costs it pays for genetic tests required by this  
26 section, except that costs may not be recovered from a person who is a recipient of aid  
27 under AS 47.25.310 - 47.25.420 (Aid to Families with Dependent Children).

28 Sec. 25.27.166. DISESTABLISHMENT OF PATERNITY. (a) The agency  
29 shall, by regulation, establish procedures and standards for the disestablishment of  
30 paternity of a child whose paternity was established in this state if the paternity was  
31 not established by genetic test results that met the standard set out in AS 25.20.050(d)

1 at the time the test was performed.

2 (b) The agency's standards and procedures under (a) of this section must

3 (1) allow a person to petition the agency to disestablish paternity only  
4 once per child;

5 (2) allow a petition to disestablish paternity to be brought only within  
6 three years after the child's birth or three years after the petitioner knew or should have  
7 known of the father's putative paternity of the child, whichever is later; and

8 (3) provide standards and notice and hearing procedures that are  
9 equivalent to those used for establishment of paternity under AS 25.27.165.

10 (c) The agency shall disestablish paternity under this section if genetic test  
11 results are negative under the standard set out in AS 25.20.050(d) and if the other  
12 standards established in its regulations are met.

13 (d) If a decision under this section disestablishes paternity, the petitioner's  
14 child support obligation or liability for public assistance under AS 25.27.120 is  
15 modified retroactively to extinguish arrearages for child support and accrued liability  
16 for public assistance based on the alleged paternity that is disestablished under this  
17 section. This subsection may be implemented only to the extent not prohibited by  
18 federal law.

19 (e) The costs of genetic testing under this section shall be assessed against the  
20 petitioner if paternity is not disestablished. If paternity is disestablished under this  
21 section, the costs of genetic testing shall be assessed against

22 (1) the individual to whom the petitioner paid or owed child support  
23 payments for the child for whom paternity was disestablished; or

24 (2) the agency if there is no individual who meets the description in (1)  
25 of this subsection.

26 \* Sec. 15. AS 25.27.180(a) is amended to read:

27 (a) Within 20 days after [OF] the date of the hearing, the hearing officer shall  
28 adopt findings and a decision determining whether paternity is established and  
29 whether a duty of support exists and, if a duty of support is found, the amount of  
30 periodic payments or sum for which the alleged obligor is found to be responsible.

31 \* Sec. 16. AS 25.27.180(c) is amended to read:

1 (c) A decision regarding support rendered under (a) of this section is  
2 modified to the extent that a subsequent order, judgment, or decree of a superior court  
3 is inconsistent with the decision entered under (a) of this section.

4 \* Sec. 17. AS 25.27.210(a) is amended to read:

5 (a) Judicial review by the superior court of a final administrative [AN  
6 AGENCY] decision establishing or disestablishing paternity and establishing or  
7 modifying a duty of support or amounts of support due may be obtained by filing a  
8 notice of appeal in accordance with the applicable rules of court governing appeals in  
9 civil matters. A notice of appeal shall be filed within 30 days after [OF] the decision.

10 \* Sec. 18. AS 25.27.210(c) is amended to read:

11 (c) The complete record includes

12 (1) the notice and finding of financial responsibility, the notice of  
13 paternity and financial responsibility, or the notice of and petition for an action  
14 disestablishing paternity, as applicable;

15 (2) the request for a hearing;

16 (3) the decision of the hearing officer;

17 (4) the exhibits admitted or rejected;

18 (5) the written evidence;

19 (6) all other documents in the case, including decisions of the agency.

20 \* Sec. 19. AS 25.27.230(a) is amended to read:

21 (a) At the expiration of 30 days after [FROM EITHER] (1) the date of  
22 distribution of an income withholding order under AS 25.27.062, [OR] (2) the date of  
23 service of a notice and finding of financial responsibility under AS 25.27.160, or (3)  
24 the date of service of a decision establishing paternity under AS 25.27.165(c) or  
25 (d), the agency may assert a lien upon the real or personal property of the obligor, in  
26 the amount of the obligor's liability.

27 \* Sec. 20. AS 25.27.250(a) is amended to read:

28 (a) At the expiration of [EITHER] (1) 15 days after [FROM] the date of  
29 service of an income withholding order under AS 25.27.062 or notice under  
30 AS 25.27.150, or (2) 30 days after [FROM] the date of service of a notice and finding  
31 of financial responsibility under AS 25.27.160, or (3) 30 days after service of a

1 decision establishing paternity under AS 25.27.165(c) or (d), the agency may issue  
2 to any person, political subdivision, or department of the state an order to withhold and  
3 deliver property.

4 \* Sec. 21. AS 25.25.010, 25.25.020, 25.25.030, 25.25.040, 25.25.050, 25.25.060, 25.25.070,  
5 25.25.080, 25.25.090, 25.25.100, 25.25.110, 25.25.120, 25.25.130, 25.25.140, 25.25.150,  
6 25.25.160, 25.25.170, 25.25.171, 25.25.173, 25.25.175, 25.25.180, 25.25.190, 25.25.200,  
7 25.25.210, 25.25.220, 25.25.230, 25.25.240, 25.25.250, 25.25.252, 25.25.254, 25.25.256,  
8 25.25.258, 25.25.260, and 25.25.270 are repealed.

9 \* Sec. 22. AS 25.25.313(c), added by sec. 6 of this Act, has the effect of amending Alaska  
10 Rules of Civil Procedure 79 and 82, by requiring the court to award costs and attorney fees  
11 under certain circumstances.

12 \* Sec. 23. AS 25.27.166(d), enacted by sec. 14 of this Act, has the effect of amending  
13 Alaska Rule of Civil Procedure 90.3(h)(2) by allowing retroactive modification of child  
14 support arrearages under circumstances involving disestablishment of paternity.

15 \* Sec. 24. TRANSITION: REGULATIONS. The Department of Revenue, child support  
16 enforcement agency, may immediately proceed to adopt regulations to implement the changes  
17 made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act),  
18 but not before January 1, 1996.

19 \* Sec. 25. AS 25.27.166(d), enacted by sec. 14 of this Act, may take effect with only a  
20 majority vote of both houses of the legislature because the court rule it amends is an  
21 interpretive rule not governed by the procedural requirements of art. IV, sec. 15, Constitution  
22 of the State of Alaska.

23 \* Sec. 26. AS 25.25.313(c), added by sec. 6 of this Act, takes effect only if sec. 22 of this  
24 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
25 Constitution of the State of Alaska.

26 \* Sec. 27. Section 24 of this Act takes effect immediately under AS 01.10.070(c).

27 \* Sec. 28. Except as provided in sec. 27 of this Act, this Act takes effect January 1, 1996.

5/10/95

These fiscal notes were not reported out of SFCA But they reflect combination of SB 115 and 116  
FISCAL NOTE  
STATE OF ALASKA  
1995 LEGISLATIVE SESSION WITHIN CSSB 115 (FIX)

BILL NO. CSSB 115(FIN)AM

Revision Date: \_\_\_\_\_  
Title: Uniform Interstate Family Support Act  
Sponsor: Rules  
Requestor: Governor

Department Affected: Revenue  
BRU: Child Support Enforcement Division  
Component: Child Support Enforcement Division  
COMPONENT SERIAL NO. 111

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	169.1	351.7	365.8	380.4	395.6	411.5
TRAVEL						
CONTRACTUAL	86.2	180.2	188.3	196.9	206.0	215.4
SUPPLIES	3.2	6.4	6.4	6.4	6.4	6.4
EQUIPMENT	83.1	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	341.6	538.3	560.5	583.7	608.0	633.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	595.0	1,190.0	1,190.0	1,190.0	1,190.0	1,190.0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	225.4	355.3	369.9	385.3	401.3	418.0
1003 GF Match	46.1	72.7	75.7	78.7	82.1	85.4
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER	70.0	110.3	114.9	119.7	124.6	129.9
TOTAL	341.6	538.3	560.5	583.7	608.0	633.3

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS:

FULL-TIME	8	8	8	8	8	8
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The administrative establishment of paternity, in cases where the putative father has acknowledged paternity or a genetic test indicates a 95% or better probability that the putative father is the father, will decrease the time required to establish paternity. This decreased time will help CSED meet the new Federal time frame for establishment which require that an order must be established in 75% of the cases within 6 months of location of the obligor including establishing paternity if required. The previous requirement was that paternity had to be established within one year of serving the paternity complaint on the putative father. Once paternity was established CSED had an additional 3 months to establish an order. By establishing paternity more quickly, obligors will not accumulate large arrearage prior to being adjudicated the father. Obligor will be more likely to pay and will begin paying earlier. This will increase AFDC collections approximately \$1,700,000 per year of which the state will retain \$850,000. FY 96 revenues will be \$425,000 for half a year.

Prepared by: Glenda Straube  
Division: Child Support Enforcement Division  
Approved by Commissioner: W. L. ...  
Agency: Department of Revenue

Phone: 269-6801  
Date: 5/8/95  
Date: 5/8/95

PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information, call the Governor's Legislative Office

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. CS SB115 (FIN) am

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act relating to child support orders and BRU: Assistance Payments  
determination of parentage Component: AFDC  
 Sponsor: Rules by request  
 Requestor: House Rules COMPONENT SERIAL NO. 220

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGES IN REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	(595.0)	(1,190.0)	(1,190.0)	(1,190.0)	(1,190.0)	(1,190.0)
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF Program Receipts	595.0	1,190.0	1,190.0	1,190.0	1,190.0	1,190.0
1006 GF MHTA	0.0	0.0	0.0	0.0	0.0	0.0
Other 1007 A Receipts	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of any current year (FY95) cost: \$ NCNE

ANALYSIS: Attach a separate page if necessary)

The Child Support Enforcement Division projects increased collections as a result of this legislation.

Fifty percent of child support collected on behalf of AFDC children is retained by the State. These Revenues are transferred as General Fund Program Receipts to the AFDC component of the Assistance Payments BRU. These new GF/Program Receipts are used in place of GF match funds.

Prepared by: Jim Nordlund, Director *Jim Nordlund* Phone: 465-1440  
 Division: Division of Public Assistance Date: 5/9/95  
 Approved by Com: Karen Perdue *Karen Perdue* Date: 5/9/95  
 Agency: Department of Health & Social Services

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information call the Governor's Legislative Office

---

ANALYSIS (cont.):

This bill establishes authority for the Child Support Enforcement Division of the Department of Revenue to establish paternity by an administrative process. CSED expects child support collections on behalf of AFDC children to increase as a result of this legislation.

AFDC applicants assign to the State the right to collect child support on behalf of AFDC children. When CSED collects child support on behalf of an AFDC child, the first \$50 per month is paid to the AFDC family. Fifty percent of the amount collected is transferred as GF Program Receipts to the AFDC component of the Assistance Payments BRU. The remainder is paid to the federal government to offset federal AFDC costs.

The GF Program Receipts transferred to the AFDC component are used in place of GF Match funds.

## Assumptions:

We assume that the GF Program Receipt funds transferred from CSED to the AFDC program offset AFDC GF Match funds dollar-for-dollar.

## Calculations:

CSED projects the following amounts of increased GF Program Receipts to be transferred to the AFDC Component as a result of this legislation:

	Interstate Collections	Admin. Paternity Est.	Total
FY 96:	425.0	170.0	595.0
FY 97- FY 01:	850.0	340.0	1190.0

CS FOR SENATE BILL NO. 115(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR  
A BILL

FOR AN ACT ENTITLED

1 "An Act repealing the Uniform Reciprocal Enforcement of Support Act; enacting  
2 the Uniform Interstate Family Support Act; amending Alaska Rules of Civil  
3 Procedure 79 and 82; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 25.25 is amended by adding new sections to read:

6 ARTICLE 1. GENERAL PROVISIONS.

7 Sec. 25.25.101. DEFINITIONS. In this chapter,

- 8 (1) "child" means an individual, whether over or under the age of
- 9 majority, who is or is alleged to be owed a duty of support by the individual's parent
- 10 or who is or is alleged to be the beneficiary of a support order directed to the parent;
- 11 (2) "child support order" means a support order for a child, including
- 12 a child who has attained the age of majority under the law of the issuing state;
- 13 (3) "duty of support" means an obligation imposed or imposable by law
- 14 to provide support for a child, spouse, or former spouse, including an unsatisfied

1 obligation to provide support;

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

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

11 (6) "income withholding order" means an order or other legal process  
12 directed to an obligor, an obligor's employer, an obligor's future employer, or another  
13 person, political subdivision, or department of the state, under AS 25.27 to withhold  
14 support from the income of the obligor under AS 25.27;

15 (7) "initiating state" means a state in which a proceeding under this  
16 chapter or a law substantially similar to this chapter, the former provisions of this  
17 chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform  
18 Reciprocal Enforcement of Support Act is filed for forwarding to a responding state;

19 (8) "initiating tribunal" means the authorized tribunal in an initiating  
20 state;

21 (9) "issuing state" means the state in which a tribunal issues a support  
22 order or renders a judgment determining parentage;

23 (10) "issuing tribunal" means the tribunal that issues a support order  
24 or renders a judgment determining parentage;

25 (11) "law" includes decisional and statutory law and rules and  
26 regulations having the force of law;

27 (12) "obligee" means

28 (A) an individual to whom a duty of support is or is alleged to  
29 be owed or in whose favor a support order has been issued or a judgment  
30 determining parentage has been rendered;

31 (B) a state or political subdivision to which the rights under a

1 duty of support or support order have been assigned or that has independent  
2 claims based on financial assistance provided to an individual obligee; or

3 (C) an individual seeking a judgment determining parentage of  
4 the individual's child;

5 (13) "obligor" means an individual or the estate of a decedent who

6 (A) owes or is alleged to owe a duty of support;

7 (B) is alleged but has not been adjudicated to be a parent of a  
8 child; or

9 (C) is liable under a support order;

10 (14) "register" means to file a support order or judgment determining  
11 parentage with a registering tribunal;

12 (15) "registering tribunal" means the tribunal in which a support order  
13 or judgment determining parentage is registered;

14 (16) "responding state" means a state to which a proceeding is  
15 forwarded under this chapter or a law substantially similar to this chapter, the former  
16 provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the  
17 Revised Uniform Reciprocal Enforcement of Support Act;

18 (17) "responding tribunal" means the authorized tribunal in a  
19 responding state;

20 (18) "spousal support order" means a support order for a spouse or  
21 former spouse of the obligor;

22 (19) "state" means a state of the United States, the District of  
23 Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession  
24 subject to the jurisdiction of the United States; the term "state" includes a foreign  
25 jurisdiction that has established procedures for issuance and enforcement of support  
26 orders that are substantially similar to the procedures under this chapter;

27 (20) "support enforcement agency" means a public official or agency  
28 authorized to seek

29 (A) enforcement of support orders or laws relating to the duty  
30 of support;

31 (B) establishment or modification of child support orders;

1 (C) determination of parentage; or

2 (D) the location of obligors or their assets;

3 (21) "support order" means a judgment, decree, or order, whether  
4 temporary, final, or subject to modification, for the benefit of a child, a spouse, or a  
5 former spouse, that provides for monetary support, health care, arrearages, or  
6 reimbursement, and may include related costs and fees, interest, income withholding,  
7 attorney fees, and other relief;

8 (22) "tribunal" means a court, administrative agency, or quasi-judicial  
9 entity authorized to establish, enforce, or modify support orders or to determine  
10 parentage.

11 Sec. 25.25.102. TRIBUNALS OF THIS STATE. The superior court and the  
12 child support enforcement agency are the tribunals of this state.

13 Sec. 25.25.103. REMEDIES CUMULATIVE. Remedies provided by this  
14 chapter are cumulative and do not affect the availability of remedies under other law.

15 \* Sec. 2. AS 25.25 is amended by adding new sections to read:

16 ARTICLE 2. JURISDICTION.

17 Sec. 25.25.201. BASES FOR JURISDICTION OVER NONRESIDENT. In  
18 a proceeding to establish, enforce, or modify a support order or to determine parentage,  
19 a tribunal of this state may exercise personal jurisdiction over a nonresident individual  
20 or the individual's guardian or conservator if

21 (1) the individual is personally served with a citation, summons, or  
22 notice within this state;

23 (2) the individual submits to the jurisdiction of this state by consent,  
24 by entering a general appearance, or by filing a responsive document having the effect  
25 of waiving any contest to personal jurisdiction;

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

27 (4) the individual resided in this state and provided prenatal expenses  
28 or support for the child;

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

31 (6) the individual engaged in sexual intercourse in this state and the

1 child may have been conceived by that act of intercourse;

2 (7) the individual acknowledged parentage in a writing deposited with  
3 the Bureau of Vital Statistics under AS 25.20.050; or

4 (8) there is another basis consistent with the constitutions of this state  
5 and the United States for the exercise of personal jurisdiction.

6 Sec. 25.25.202. PROCEDURE WHEN EXERCISING JURISDICTION OVER  
7 NONRESIDENT. A tribunal of this state exercising personal jurisdiction over a  
8 nonresident under AS 25.25.201 may apply AS 25.25.316 to receive evidence from  
9 another state and AS 25.25.318 to obtain discovery through a tribunal of another state.  
10 In all other respects, AS 25.25.301 - 25.25.701 do not apply and the tribunal shall  
11 apply the procedural and substantive law of this state, including the rules on choice of  
12 law other than those established by this chapter.

13 Sec. 25.25.203. INITIATING AND RESPONDING TRIBUNAL OF THIS  
14 STATE. Under this chapter, a tribunal of this state may serve as an initiating tribunal  
15 to forward proceedings to another state and as a responding tribunal for proceedings  
16 initiated in another state.

17 Sec. 25.25.204. SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.

18 (a) A tribunal of this state may exercise jurisdiction to establish a support order if the  
19 complaint or comparable pleading is filed after a complaint or comparable pleading is  
20 filed in another state only if

21 (1) the complaint or comparable pleading in this state is filed before  
22 the expiration of the time allowed in the other state for filing a responsive pleading  
23 challenging the exercise of jurisdiction by the other state;

24 (2) the contesting party timely challenges the exercise of jurisdiction  
25 in the other state; 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 establish a support  
28 order if the complaint or comparable pleading is filed before a complaint or  
29 comparable pleading is filed in another state if

30 (1) the complaint or comparable pleading in the other state is filed  
31 before the expiration of the time allowed in this state for filing a responsive pleading

1 challenging the exercise of jurisdiction by this state;

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

4 (3) if relevant, the other state is the home state of the child.

5 Sec. 25.25.205. CONTINUING, EXCLUSIVE JURISDICTION. (a) A  
6 tribunal of this state issuing a support order consistent with the law of this state has  
7 continuing, exclusive jurisdiction over a child support order

8 (1) as long as this state remains the residence of the obligor, the  
9 individual obligee, or the child for whose benefit the support order is issued; or

10 (2) until each individual party has filed written consent with the tribunal  
11 of this state for a tribunal of another state to modify the order and assume continuing,  
12 exclusive jurisdiction.

13 (b) A tribunal of this state issuing a child support order consistent with the law  
14 of this state may not exercise its continuing jurisdiction to modify the order if the  
15 order has been modified by a tribunal of another state under a law substantially similar  
16 to this chapter.

17 (c) If a child support order of this state is modified by a tribunal of another  
18 state under a law substantially similar to this chapter, a tribunal of this state loses its  
19 continuing, exclusive jurisdiction with regard to prospective enforcement of the order  
20 issued in this state and may only

21 (1) enforce the order that was modified as to amounts accruing before  
22 the modification;

23 (2) enforce nonmodifiable aspects of that order; and

24 (3) provide other appropriate relief for violations of that order that  
25 occurred before the effective date of the modification.

26 (d) A tribunal of this state shall recognize the continuing, exclusive jurisdiction  
27 of a tribunal of another state that has issued a child support order under a law  
28 substantially similar to this chapter.

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

1 (f) A tribunal of this state issuing a support order consistent with the law of  
2 this state has continuing, exclusive jurisdiction over a spousal support order throughout  
3 the existence of the support obligation. A tribunal of this state may not modify a  
4 spousal support order issued by a tribunal of another state having continuing, exclusive  
5 jurisdiction over that order under the law of that state.

6 Sec. 25.25.206. ENFORCEMENT AND MODIFICATION OF SUPPORT  
7 ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION. (a) A tribunal  
8 of this state may serve as an initiating tribunal to request a tribunal of another state to  
9 enforce or modify a support order issued in that state.

10 (b) A tribunal of this state having continuing, exclusive jurisdiction over a  
11 support order may act as a responding tribunal to enforce or modify the order. If a  
12 party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides  
13 in the issuing state, in subsequent proceedings the tribunal may apply AS 25.25.316  
14 to receive evidence from another state and AS 25.25.318 to obtain discovery through  
15 a tribunal of another state.

16 (c) A tribunal of this state that lacks continuing, exclusive jurisdiction over a  
17 spousal support order may not serve as a responding tribunal to modify a spousal  
18 support order of another state.

19 Sec. 25.25.207. RECOGNITION OF CHILD SUPPORT ORDERS. (a) If a  
20 proceeding is brought under this chapter, and one or more child support orders have  
21 been issued in this or another state with regard to an obligor and a child, a tribunal of  
22 this state shall apply the following rules in determining which order to recognize for  
23 purposes of continuing, exclusive jurisdiction:

24 (1) if only one tribunal has issued a child support order, the order of  
25 that tribunal shall be recognized:

26 (2) if two or more tribunals have issued child support orders for the  
27 same obligor and child, and only one of the tribunals would have continuing, exclusive  
28 jurisdiction under this chapter, the order of that tribunal shall be recognized;

29 (3) if two or more tribunals have issued child support orders for the  
30 same obligor and child, and more than one of the tribunals would have continuing,  
31 exclusive jurisdiction under this chapter, an order issued by a tribunal in the current

1 home state of the child shall be recognized but, if an order has not been issued in the  
2 current home state of the child, the order most recently issued must be recognized;

3 (4) if two or more tribunals have issued child support orders for the  
4 same obligor and child, and none of the tribunals would have continuing, exclusive  
5 jurisdiction under this chapter, the tribunal of this state may issue a child support order  
6 that shall be recognized.

7 (b) The tribunal that has issued an order recognized under (a) of this section  
8 is the tribunal having continuing, exclusive jurisdiction.

9 Sec. 25.25.208. MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR  
10 MORE OBLIGEES. In responding to multiple registrations or complaints for  
11 enforcement of two or more child support orders in effect at the same time with regard  
12 to the same obligor and different individual obligees, when at least one of the orders  
13 was issued by a tribunal of another state, a tribunal of this state shall enforce those  
14 orders in the same manner as if the multiple orders had been issued by a tribunal of  
15 this state.

16 Sec. 25.25.209. CREDIT FOR PAYMENTS. Amounts collected and credited  
17 for a particular period under a support order issued by a tribunal of another state shall  
18 be credited against the amounts accruing or accrued for the same period under a  
19 support order issued by the tribunal of this state.

20 \* Sec. 3. AS 25.25 is amended by adding new sections to read:

21 ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION.

22 Sec. 25.25.301. PROCEEDINGS UNDER THIS CHAPTER. (a) Except as  
23 otherwise provided in this chapter, AS 25.25.301 - 25.25.319 apply to all proceedings  
24 under this chapter.

25 (b) This chapter provides for the following proceedings:

26 (1) establishment of an order for child support or spousal support under  
27 AS 25.25.401;

28 (2) enforcement of a support order and income withholding order of  
29 another state without registration under AS 25.25.501 - 25.25.502;

30 (3) registration of an order for child support or spousal support of  
31 another state for enforcement under AS 25.25.601 - 25.25.612;

1 (4) modification of an order for child support or spousal support issued  
2 by a tribunal of this state under AS 25.25.203 - 25.25.206;

3 (5) registration of an order for child support of another state for  
4 modification under AS 25.25.601 - 25.25.612;

5 (6) determination of parentage under AS 25.25.701; and

6 (7) assertion of jurisdiction over nonresidents under AS 25.25.201 -  
7 25.25.202.

8 (c) An individual or a support enforcement agency may commence a  
9 proceeding authorized under this chapter by filing a complaint or a comparable  
10 pleading in an initiating tribunal for forwarding to a responding tribunal or by filing  
11 a complaint or a comparable pleading directly in a tribunal of another state that has  
12 or can obtain personal jurisdiction over the respondent.

13 Sec. 25.25.302. ACTION BY MINOR PARENT. A minor parent, or a  
14 guardian or other legal representative of a minor parent, may maintain a proceeding  
15 on behalf of or for the benefit of the minor's child.

16 Sec. 25.25.303. APPLICATION OF LAW OF THIS STATE. Except as  
17 otherwise provided by this chapter, a responding tribunal of this state shall

18 (1) apply the procedural and substantive law, including the rules on  
19 choice of law, generally applicable to similar proceedings originating in this state and  
20 may exercise all powers and provide all remedies available in those proceedings; and

21 (2) determine the duty of support and the amount payable under the law  
22 and support guidelines of this state.

23 Sec. 25.25.304. DUTIES OF INITIATING TRIBUNAL. Upon the filing of  
24 a complaint or comparable pleading authorized by this chapter, an initiating tribunal  
25 of this state shall forward three copies of the complaint or comparable pleading and  
26 its accompanying documents

27 (1) to the responding tribunal or appropriate support enforcement  
28 agency in the responding state; or

29 (2) if the identity of the responding tribunal is unknown, to the state  
30 information agency of the responding state with a request that they be forwarded to the  
31 appropriate tribunal and that receipt be acknowledged.

1           Sec. 25.25.305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.

2           (a) When a responding tribunal of this state receives a complaint or comparable  
3           pleading from an initiating tribunal or directly under AS 25.25.301(c), it shall cause  
4           the complaint or pleading to be filed and notify the petitioner by first class mail where  
5           and when it was filed.

6           (b) A responding tribunal of this state, to the extent otherwise specifically  
7           authorized by law, may do one or more of the following:

8                     (1) issue or enforce a support order, modify a child support order, or  
9                     render a judgment to determine parentage;

10                    (2) order an obligor to comply with a support order, specifying the  
11                    amount and the manner of compliance;

12                    (3) order income withholding;

13                    (4) determine the amount of any arrearages, and specify a method of  
14                    payment;

15                    (5) enforce orders by civil or criminal contempt, or both;

16                    (6) set aside property for satisfaction of the support order;

17                    (7) place liens and order execution on the obligor's property;

18                    (8) order an obligor to keep the tribunal informed of the obligor's  
19                    current residential address, telephone number, employer, address of employment, and  
20                    telephone number at the place of employment;

21                    (9) issue a bench warrant for an obligor who has failed after proper  
22                    notice to appear at a hearing ordered by the tribunal and enter the bench warrant in  
23                    any local and state computer systems for criminal warrants;

24                    (10) order the obligor to seek appropriate employment by specified  
25                    methods;

26                    (11) award reasonable attorney fees and other fees and costs; and

27                    (12) grant any other available remedy.

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

31           (d) A responding tribunal of this state may not condition the payment of a

1 support order issued under this chapter upon compliance by a party with provisions for  
2 visitation.

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

6 Sec. 25.25.306. INAPPROPRIATE TRIBUNAL. If a complaint or comparable  
7 pleading is received by an inappropriate tribunal of this state, it shall forward the  
8 complaint or pleading, and accompanying documents, to an appropriate tribunal in this  
9 state or another state and notify the petitioner by first class mail where and when the  
10 complaint or pleading was sent.

11 Sec. 25.25.307. DUTIES OF CHILD SUPPORT ENFORCEMENT AGENCY.

12 (a) The child support enforcement agency of this state, upon request, shall provide  
13 services to a petitioner in a proceeding under this chapter.

14 (b) In providing services under this chapter to the petitioner, the child support  
15 enforcement agency shall, as appropriate,

16 (1) take all steps necessary to enable an appropriate tribunal in this  
17 state or another state to obtain jurisdiction over the respondent;

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

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

22 (4) send written notice from an initiating, responding, or registering  
23 tribunal to the petitioner by first class mail within two days of receipt, exclusive of  
24 Saturdays, Sundays, and legal holidays;

25 (5) send a copy of a written communication from the respondent or the  
26 respondent's attorney to the petitioner by first class mail within two days of receipt,  
27 exclusive of Saturdays, Sundays, and legal holidays; and

28 (6) notify the petitioner if jurisdiction over the respondent cannot be  
29 obtained.

30 (c) This chapter does not create or negate a relationship of attorney and client  
31 or other fiduciary relationship between the child support enforcement agency or the

1 attorney for the agency and the individual being assisted by the agency.

2 Sec. 25.25.309. PRIVATE COUNSEL. An individual may employ private  
3 counsel to represent the individual in proceedings authorized by this chapter.

4 Sec. 25.25.310. DUTIES OF STATE INFORMATION AND LOCATOR  
5 AGENCY. The child support enforcement agency is the state information agency  
6 under this chapter, and it shall

7 (1) compile and maintain a current list, including addresses, of the  
8 courts in this state that have jurisdiction under this chapter and the appropriate agency  
9 offices in this state and transmit a copy to the state information agency of every other  
10 state;

11 (2) maintain a register of tribunals and support enforcement agencies  
12 received from other states;

13 (3) forward to the appropriate tribunal in this state all documents  
14 concerning a proceeding under this chapter received from an initiating tribunal or the  
15 state information agency of the initiating state; and

16 (4) obtain information concerning the location of the obligor and the  
17 obligor's property within this state that is not exempt from execution by postal  
18 verification and federal or state locator services, examination of telephone directories,  
19 requests for the obligor's address from employers, and examination of governmental  
20 records, including, to the extent not prohibited by other law, those relating to real  
21 property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses,  
22 and social security.

23 Sec. 25.25.311. PLEADINGS AND ACCOMPANYING DOCUMENTS. (a)  
24 A petitioner seeking to establish or modify a support order or to determine parentage  
25 in a proceeding under this chapter shall verify the complaint or comparable pleading.  
26 Unless otherwise ordered under AS 25.25.312, or otherwise prohibited by law, the  
27 complaint or comparable pleading or accompanying documents must provide, so far  
28 as known, the name, residential address, and social security numbers of the obligor and  
29 the obligee, and the name, sex, residential address, social security number, and date  
30 of birth of each child for whom support is sought. The complaint or comparable  
31 pleading must be accompanied by a certified copy of any support order in effect. The

1 complaint or comparable pleading may include other information that may assist in  
2 locating or identifying the respondent.

3 (b) The complaint or comparable pleading must specify the relief sought. The  
4 complaint or comparable pleading and accompanying documents must conform  
5 substantially with the requirements imposed by the forms mandated by federal law for  
6 use in cases filed by a support enforcement agency.

7 Sec. 25.25.312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL  
8 CIRCUMSTANCES. Subject to the provisions of AS 25.27.275 and upon a finding,  
9 which may be made ex parte, that the health, safety, or liberty of a party or child  
10 would be unreasonably put at risk by the disclosure of identifying information, or if  
11 an existing order so provides, a tribunal shall order that the address of the child or  
12 party or other identifying information not be disclosed in a pleading or other document  
13 filed in a proceeding under this chapter.

14 Sec. 25.25.313. COSTS AND FEES. (a) Notwithstanding any other provision  
15 of law, including a rule of the Alaska Supreme Court, at the time a complaint or  
16 comparable pleading is filed under this chapter, a tribunal may not require the  
17 petitioner to pay a filing fee or other costs.

18 (b) If an obligee prevails, a responding tribunal may assess against an obligor  
19 filing fees, including fees that were waived under (a) of this section, reasonable  
20 attorney fees, other costs, necessary travel expenses, and other reasonable expenses  
21 incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees,  
22 costs, or expenses against the obligee or the support enforcement agency of either the  
23 initiating or the responding state except as required by other law or court rule.  
24 Attorney fees may be taxed as costs, and may be ordered paid directly to the attorney,  
25 who may enforce the order in the attorney's own name. Payment of support owed to  
26 the obligee has priority over fees, costs, and expenses assessed under this subsection.

27 (c) The tribunal shall order the payment of costs and reasonable attorney fees,  
28 including filing fees that were waived under (a) of this section, by a party who  
29 requests a hearing under this chapter if it determines that the hearing was requested  
30 primarily for delay. In a proceeding under AS 25.25.601 - 25.25.612, a hearing is  
31 presumed to have been requested primarily for delay if a registered support order is

1 confirmed or enforced without change; however, the party who requested the hearing  
2 may present evidence to rebut this presumption.

3 Sec. 25.25.314. LIMITED IMMUNITY OF PETITIONER. (a) Participation  
4 by a petitioner in a proceeding before a responding tribunal, whether in person, by  
5 private attorney, or through services provided by the support enforcement agency, does  
6 not confer personal jurisdiction over the petitioner in another proceeding.

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

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

12 Sec. 25.25.315. NONPARENTAGE AS DEFENSE. A party whose parentage  
13 of a child has been previously determined under law may not plead nonparentage as  
14 a defense to a proceeding under this chapter.

15 Sec. 25.25.316. SPECIAL RULES OF EVIDENCE AND PROCEDURE. (a)  
16 The physical presence of the petitioner in a responding tribunal of this state is not  
17 required for the establishment, enforcement, or modification of a support order or the  
18 rendition of a judgment determining parentage.

19 (b) A verified complaint or comparable pleading, affidavit, document  
20 substantially complying with federally mandated forms, and a document incorporated  
21 by reference in any of them, not excluded under the hearsay rule if given in person,  
22 is admissible in evidence if given under oath by a party or witness residing in another  
23 state.

24 (c) A copy of the record of child support payments certified as a true copy of  
25 the original by the custodian of the record may be forwarded to a responding tribunal.  
26 The copy is evidence of facts asserted in it and is admissible to show whether  
27 payments were made.

28 (d) Copies of bills for testing for parentage, and for prenatal and postnatal  
29 health care of the mother and child, furnished to the adverse party at least 10 days  
30 before trial or other proceeding, are admissible in evidence to prove the amount of the  
31 charges billed and that the charges were reasonable, necessary, and customary.

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

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

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

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

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

17 Sec. 25.25.317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal  
18 of this state may communicate with a tribunal of another state in writing, or by  
19 telephone or other means, to obtain information concerning the laws of that state, the  
20 legal effect of a judgment, decree, or order of that tribunal, and the status of a  
21 proceeding in the other state. A tribunal of this state may furnish similar information  
22 by similar means to a tribunal of another state.

23 Sec. 25.25.318. ASSISTANCE WITH DISCOVERY. A tribunal of this state  
24 may

25 (1) request a tribunal of another state to assist in obtaining discovery;  
26 and

27 (2) upon request, compel a person over whom it has jurisdiction to  
28 respond to a discovery order issued by a tribunal of another state.

29 Sec. 25.25.319. RECEIPT AND DISBURSEMENT OF PAYMENTS. The  
30 child support enforcement agency of this state shall disburse promptly any amounts  
31 received under a support order, as directed by the order. The agency shall furnish to

1 a requesting party or tribunal of another state a certified statement by the custodian of  
2 the record of the amounts and dates of all payments received.

3 ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER.

4 Sec. 25.25.401. COMPLAINT TO ESTABLISH SUPPORT ORDER. (a) If  
5 a child support order entitled to recognition under this chapter has not been issued, a  
6 responding tribunal of this state may issue a child support order if

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

8 (2) the support enforcement agency seeking the order is located in  
9 another state.

10 (b) The tribunal may issue a temporary child support order if

11 (1) the respondent has signed a verified statement acknowledging  
12 parentage;

13 (2) the respondent has been determined under law to be the parent; or

14 (3) there is other clear and convincing evidence that the respondent is  
15 the child's parent.

16 (c) If a spousal support order entitled to recognition under this chapter has not  
17 been issued, a responding superior court of this state may issue a spousal support order  
18 if

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

20 (2) the support enforcement agency seeking the order is located in  
21 another state.

22 (d) If, after providing an obligor with notice and opportunity to be heard, an  
23 appropriate tribunal finds that the obligor owes a duty of support, the tribunal shall  
24 issue a support order directed to the obligor and may issue other orders under  
25 AS 25.25.305.

26 (e) Before issuing an order under (b) of this section, the child support  
27 enforcement agency shall adopt regulations for issuing such an order.

28 ARTICLE 5. DIRECT ENFORCEMENT OF ORDER OF  
29 ANOTHER STATE WITHOUT REGISTRATION.

30 Sec. 25.25.501. RECOGNITION OF INCOME WITHHOLDING ORDER OF  
31 ANOTHER STATE. (a) An income withholding order issued in another state may

1 be sent by first class mail to the person or entity defined as the obligor's employer  
2 under AS 25.27 without first filing a complaint or comparable pleading or registering  
3 the order with a tribunal of this state. Upon receipt of the order, the employee shall

4 (1) treat an income withholding order issued in another state that  
5 appears regular on its face as if it had been issued by a tribunal of this state;

6 (2) immediately provide a copy of the order to the obligor; and

7 (3) distribute the funds as directed in the withholding order.

8 (b) An obligor may contest the validity or enforcement of an income  
9 withholding order issued in another state in the same manner as if the order had been  
10 issued by a tribunal of this state. AS 25.25.604 applies to the contest. The obligor  
11 shall give notice of the contest to a support enforcement agency providing services to  
12 the obligee and

13 (1) to the person or agency designated to receive payments in the  
14 income withholding order; or

15 (2) if a person or agency is not designated, to the obligee.

16 Sec. 25.25.502. ADMINISTRATIVE ENFORCEMENT OF ORDERS (a) A  
17 party seeking to enforce a support order or an income withholding order, or both,  
18 issued by a tribunal of another state may send the documents required for registering  
19 the order to the child support enforcement agency of this state.

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

27 ARTICLE 6. ENFORCEMENT AND MODIFICATION OF  
28 SUPPORT ORDER AFTER REGISTRATION.

29 Sec. 25.25.601. REGISTRATION OF ORDER FOR ENFORCEMENT. A  
30 support order or an income withholding order issued by a tribunal of another state may  
31 be registered in this state for enforcement.

1           Sec. 25.25.602.     PROCEDURE TO REGISTER ORDER FOR  
2 ENFORCEMENT. (a) A support order or income withholding order of another state  
3 may be registered in this state by sending the following documents and information  
4 to a tribunal of this state:

5                     (1) a letter of transmittal requesting registration and enforcement;

6                     (2) two copies, including one certified copy, of all orders to be  
7 registered, including any modification of an order;

8                     (3) a sworn statement by the party seeking registration or a certified  
9 statement by the custodian of the records showing the amount of any arrearage;

10                    (4) the name of the obligor and, if known,

11                             (A) the obligor's address and social security number;

12                             (B) the name and address of the obligor's employer and any  
13 other source of income of the obligor;

14                             (C) a description and the location of property in this state of the  
15 obligor not exempt from execution; and

16                             (D) the name and address of all potential third party resources,  
17 including a health insurer, that might be available to meet the requirements of  
18 a medical support order; and

19                    (5) the name and address of the obligee and, if applicable, the agency  
20 or person to whom support payments are to be remitted.

21                    (b) On receipt of a request for registration, the registering tribunal shall file  
22 the order as a foreign judgment, together with one copy of the documents and  
23 information, regardless of their form.

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

28           Sec. 25.25.603. EFFECT OF REGISTRATION FOR ENFORCEMENT. (a)  
29 A support order or income withholding order issued in another state is registered when  
30 the order is filed in the registering tribunal of this state.

31                    (b) A registered order issued in another state is enforceable in the same

1 manner and is subject to the same procedures as an order issued by a tribunal of this  
2 state.

3 (c) Except as otherwise provided in AS 25.25.601 - 25.25.612, a tribunal of  
4 this state shall recognize and enforce, but may not modify, a registered order if the  
5 issuing tribunal had jurisdiction.

6 Sec. 25.25.604. CHOICE OF LAW. (a) The law of the issuing state governs  
7 the nature, extent, amount, and duration of current payments and other obligations of  
8 support and the payment of arrearages under the order.

9 (b) In a proceeding for arrearages, the statute of limitation under the laws of  
10 this state or of the issuing state, whichever is longer, applies.

11 Sec. 25.25.605. NOTICE OF REGISTRATION OF ORDER. (a) When a  
12 support order or income withholding order issued in another state is registered, the  
13 registering tribunal shall notify the nonregistering party. Notice shall be given by first  
14 class, certified, or registered mail or by any means of personal service authorized by  
15 the law of this state. The notice must be accompanied by a copy of the registered  
16 order and the documents and relevant information accompanying the order.

17 (b) The notice must inform the nonregistering party

18 (1) that a registered order is enforceable as of the date of registration  
19 in the same manner as an order issued by a tribunal of this state;

20 (2) that a hearing to contest the validity or enforcement of the  
21 registered order must be requested within 20 days after the date of mailing or personal  
22 service of the notice;

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

27 (4) of the amount of alleged arrearages.

28 (c) Upon registration of an income withholding order for enforcement, the  
29 registering tribunal shall notify the obligor's employer under AS 25.27.

30 Sec. 25.25.606. PROCEDURE TO CONTEST VALIDITY OR  
31 ENFORCEMENT OF REGISTERED ORDER. (a) A nonregistering party seeking

1 to contest the validity or enforcement of a registered order. In this state shall request  
2 a hearing within 20 days after the date of mailing or personal service of notice of the  
3 registration. The nonregistering party may seek to vacate the registration, to assert a  
4 defense to an allegation of noncompliance with the registered order, or to contest the  
5 remedies being sought or the amount of alleged arrearages under AS 25.25.607.

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

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

12 Sec. 25.25.607. CONTEST OF REGISTRATION OR ENFORCEMENT. (a)  
13 A party contesting the validity or enforcement of a registered order or seeking to  
14 vacate the registration has the burden of proving one or more of the following  
15 defenses:

16 (1) the issuing tribunal lacked personal jurisdiction over the contesting  
17 party;

18 (2) the order was obtained by fraud;

19 (3) the order has been vacated, suspended, or modified by a later order;

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

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

22 (6) full or partial payment has been made; or

23 (7) the statute of limitation under AS 25.25.604 precludes enforcement  
24 of some or all of the arrearages.

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

30 (c) If the contesting party does not establish a defense under (a) of this section  
31 to the validity or enforcement of the order, the registering tribunal shall issue an order

1 confirming the order.

2 Sec. 25.25.608. CONFIRMED ORDER. Confirmation of a registered order,  
3 whether by operation of law or after notice and hearing, precludes further contest of  
4 the order with respect to a matter that could have been asserted at the time of  
5 registration.

6 Sec. 25.25.609. PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF  
7 ANOTHER STATE FOR MODIFICATION. If a party or the child support  
8 enforcement agency seeks to modify, or to modify and enforce, a child support order  
9 issued in another state but not registered in this state, the party or agency shall register  
10 that order in this state in the same manner provided in AS 25.25.601 - 25.25.604. A  
11 complaint for modification may be filed at the same time as a request for registration,  
12 or later. The pleading must specify the grounds for modification.

13 Sec. 25.25.610. EFFECT OF REGISTRATION FOR MODIFICATION. A  
14 tribunal of this state may enforce a child support order of another state registered for  
15 purposes of modification in the same manner as if the order had been issued by a  
16 tribunal of this state, but the registered order may be modified only if the requirements  
17 of AS 25.25.611 have been met.

18 Sec. 25.25.611. MODIFICATION OF CHILD SUPPORT ORDER OF  
19 ANOTHER STATE. (a) After a child support order issued in another state has been  
20 registered in this state, the responding tribunal of this state may modify that order only  
21 if, after notice and an opportunity for hearing, it finds that

22 (1) the following requirements are met:

23 (A) the child, the individual obligee, and the obligor do not  
24 reside in the issuing state;

25 (B) a petitioner who is not a resident of this state seeks  
26 modification; and

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

29 (2) an individual party or the child is subject to the personal jurisdiction  
30 of the tribunal and all of the individual parties have filed a written consent in the  
31 issuing tribunal providing that a tribunal of this state may modify the support order and

1 assume continuing, exclusive jurisdiction over the order.

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

6 (c) A tribunal of this state may not modify any aspect of a child support order  
7 that may not be modified under the law of the issuing state.

8 (d) On issuance of an order modifying a child support order issued in another  
9 state, a tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

10 (e) Within 30 days after issuance of a modified child support order, the party  
11 obtaining the modification shall file a certified copy of the order with the issuing  
12 tribunal that had continuing, exclusive jurisdiction over the earlier order and in each  
13 tribunal in which the party knows that an earlier order has been registered.

14 Sec. 25.25.612. RECOGNITION OF ORDER MODIFIED IN ANOTHER  
15 STATE. A tribunal of this state shall recognize a modification of its earlier child  
16 support order by a tribunal of another state that assumed jurisdiction under a law  
17 substantially similar to this chapter and, upon request, except as otherwise provided  
18 in this chapter, shall

19 (1) enforce the order that was modified only as to amounts accruing  
20 before the modification;

21 (2) enforce only nonmodifiable aspects of that order;

22 (3) provide other appropriate relief only for violations of that order that  
23 occurred before the effective date of the modification; and

24 (4) recognize the modifying order of the other state, upon registration,  
25 for the purpose of enforcement.

## 26 ARTICLE 7. DETERMINATION OF PARENTAGE.

27 Sec. 25.25.701. PROCEEDING TO DETERMINE PARENTAGE. (a) A  
28 tribunal of this state may serve as an initiating or responding tribunal in a proceeding  
29 brought under this chapter or a law substantially similar to this chapter, the former  
30 provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act, or the  
31 Revised Uniform Reciprocal Enforcement of Support Act to determine whether the

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

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

6 ARTICLE 8. INTERSTATE RENDITION.

7 Sec. 25.25.801. GROUNDS FOR RENDITION. (a) The governor or a  
8 designee of the governor may

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

12 (2) on the demand by the governor of another state, surrender an  
13 individual found in this state who is charged criminally in the other state with having  
14 failed to provide for the support of an obligee.

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

19 Sec. 25.25.802. CONDITIONS OF RENDITION. (a) Before making demand  
20 that the governor of another state surrender an individual charged criminally in this  
21 state with having failed to provide for the support of an obligee, the governor of this  
22 state or the designee of the governor may require a prosecutor of this state to  
23 demonstrate that the obligee had initiated proceedings for support under this chapter  
24 at least 60 days previously or that the proceeding would be of no avail.

25 (b) If, under this chapter or a law substantially similar to this chapter, the  
26 former provisions of this chapter, the Uniform Reciprocal Enforcement of Support Act,  
27 or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of  
28 another state makes a demand that the governor of this state surrender an individual  
29 charged criminally in that state with having failed to provide for the support of a child  
30 or other individual to whom a duty of support is owed, the governor or a designee of  
31 the governor may require a prosecutor to investigate the demand and report whether

1 a proceeding for support has been initiated or would be effective. If it appears that a  
2 proceeding would be effective but has not been initiated, the governor or designee may  
3 delay honoring the demand for a reasonable time to permit the initiation of a  
4 proceeding.

5 (c) If a proceeding for support has been initiated and the individual whose  
6 rendition is demanded prevails, the governor or the designee of the governor may  
7 decline to honor the demand. If the petitioner prevails and the individual whose  
8 rendition is demanded is subject to a support order, the governor or designee may  
9 decline to honor the demand if the individual is complying with the support order.

10 ARTICLE 9. MISCELLANEOUS PROVISIONS.

11 Sec. 25.25.901. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

12 This chapter shall be applied and construed to effectuate its general purpose to make  
13 uniform the law with respect to the subject of this chapter among states enacting it.

14 Sec. 25.25.902. SEVERABILITY CLAUSE. Under AS 01.10.030, if a  
15 provision of this chapter or its application to a person or circumstance is held invalid,  
16 the invalidity does not affect other provisions or applications of this chapter that can  
17 be given effect without the invalid provision or application.

18 Sec. 25.25.903. SHORT TITLE. This chapter may be cited as the Uniform  
19 Interstate Family Support Act.

20 \* Sec. 4. AS 25.27.020(a) is amended to read:

21 (a) The agency shall

22 (1) seek enforcement of child support orders of the superior courts of  
23 the state in other jurisdictions and shall obtain, enforce, and administer the orders in  
24 this state;

25 (2) adopt regulations to carry out the purposes of this chapter and  
26 AS 25.25, including regulations that establish

27 (A) schedules for determining the amount an obligor is liable  
28 to contribute toward the support of an obligee under this chapter and under 42  
29 U.S.C. 651 - 669 (Title IV-D, Social Security Act);

30 (B) procedures for hearings conducted under AS 25.27.170; and

31 (C) subject to AS 25.27.025 and to federal law, a uniform rate

1 of interest on arrearages of support that shall be charged the obligor upon  
2 notice if child support payments are 10 or more days overdue or if payment is  
3 made by a check backed by insufficient funds; however, an obligor may not be  
4 charged interest on late payment of a child support obligation, other than a  
5 payment on arrearages, if the obligor is

6 (i) employed and income is being withheld from the  
7 obligor's wages under an income withholding order;

8 (ii) receiving unemployment compensation and child  
9 support obligations are being withheld from the obligor's unemployment  
10 payments under AS 23.20.401; or

11 (iii) receiving compensation for disabilities under  
12 AS 23.30 and child support obligations are being withheld from the  
13 obligor's compensation payments;

14 (3) administer and enforce AS 25.25 (Uniform Interstate Family  
15 [RECIPROCAL ENFORCEMENT OF] Support Act);

16 (4) establish, enforce, and administer child support obligations  
17 administratively under this chapter;

18 (5) administer the state plan required under 42 U.S.C. 651 - 669 (Title  
19 IV-D, Social Security Act) as amended;

20 (6) disburse support payments collected by the agency to the obligee,  
21 together with interest charged under (2)(C) of this subsection;

22 (7) establish and enforce administratively under this chapter, or through  
23 the superior courts of the state, child support orders from other jurisdictions pertaining  
24 to obligors within the state;

25 (8) enforce and administer spousal support orders if a spousal support  
26 obligation has been established with respect to the spouse and if the support obligation  
27 established with respect to the child of that spouse is also being administered; and

28 (9) obtain a medical support order as part of a child support order if  
29 health care coverage is available to the obligor at a reasonable cost; the agency shall  
30 consider whether adequate health care is available to the child through the ~~Indian~~  
31 Health Service or other insurance coverage before it orders an obligor to provide health

1 care coverage through insurance or other means; the medical support order must meet  
2 the requirements of AS 25.27.063; and

3 (10) act on behalf of the Department of Health and Social Services in  
4 the enforcement of AS 47.07.025(b).

5 \* Sec. 5. AS 25.25.010, 25.25.020, 25.25.030, 25.25.040, 25.25.050, 25.25.060, 25.25.070,  
6 25.25.080, 25.25.090, 25.25.100, 25.25.110, 25.25.120, 25.25.130, 25.25.140, 25.25.150,  
7 25.25.160, 25.25.170, 25.25.171, 25.25.173, 25.25.175, 25.25.180, 25.25.190, 25.25.200,  
8 25.25.210, 25.25.220, 25.25.230, 25.25.240, 25.25.250, 25.25.252, 25.25.254, 25.25.256,  
9 25.25.258, 25.25.260, and 25.25.270 are repealed.

10 \* Sec. 6. AS 25.25.313(c), added by sec. 3 of this Act, has the effect of amending Alaska  
11 Rules of Civil Procedure 79 and 82, by requiring the court to award costs and attorney fees  
12 under certain circumstances.

13 \* Sec. 7. AS 25.25.313(c), added by sec. 3 of this Act, takes effect only if sec. 6 of this  
14 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
15 Constitution of the State of Alaska.

16 \* Sec. 8. This Act takes effect January 1, 1996.

UNIFORM INTERSTATE FAMILY SUPPORT ACT

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES

at its

ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-FIRST YEAR  
IN SAN FRANCISCO, CALIFORNIA  
JULY 30 - AUGUST 6, 1992

WITH PREFATORY NOTE AND COMMENTS

Approved by the American Bar Association  
Boston, Massachusetts, February 9, 1993

4/28/93  
2.5 states passed

3/18/93

## UNIFORM INTERSTATE FAMILY SUPPORT ACT

The Committee that acted for the National Conference of Commissioners on Uniform State Laws in preparing the Uniform Interstate Family Support Act was as follows:

ALLAN G. RODGERS, Massachusetts Law Reform Institute, 69 Canal Street, Boston, MA 02114, Chair  
MARLIN J. APPELWICK, Suite 122, 2611 N.E. 125th Street, Seattle, WA 98125  
GEORGE C. BERK, Suite 902, 58 Weybosset Street, Providence, RI 02903  
K. KING BURNETT, P.O. Box 910, 115 Broad Street, Salisbury, MD 21803  
FLORENCE NELSON CRISP, P.O. Box 7146, 119 West 3rd Street, Greenville, NC 27835  
FLOYD R. GIBSON, U.S. Court of Appeals, 837 U.S. Courthouse, 811 Grand Avenue, Kansas City, MO 64106  
ORLAN L. PRESTEGARD, 430 Orchard Drive, Oregon, WI 53575  
MARY ELLEN SEAWORTH, P.O. Box 34, 421 Demers Avenue, Grand Forks, ND 58206  
JOEL D. SIEGAL, 19th Floor, 1180 Raymond Boulevard, Newark, NJ 07102  
PAUL M. KURTZ, University of Georgia, School of Law, Athens, GA 30602, Co-Reporter  
JOHN J. SAMPSON, University of Texas, School of Law, 727 East 26th Street, Austin, TX 78705, Co-Reporter  
DWIGHT A. HAMILTON, Suite 600, 1600 Broadway, Denver, CO 80202, President (Member Ex Officio)  
WILLIAM J. PIERCE, 1505 Roxbury Road, Ann Arbor, MI 48104, Executive Director  
DAVID PEEPLES, Court of Appeals, Bexar County Justice Center, Suite 3200, 300 Dolorosa, San Antonio, TX 78205, Chair, Division F (Member Ex Officio)

### Review Committee

BATTLE R. ROBINSON, Family Court Building, 10 The Circle, P.O. Box 609, Georgetown, DE 19947, Chair  
KATHRYN L. HOVE, 2371 Highway 1, N.E., Solon, IA 52333  
STEVEN P. RADER, Office of Legal Affairs, 101 Blair Drive, Raleigh, NC 27603

Advisors to Drafting Committee

GORDON F. BAILEY, JR., Eastern Regional Interstate Child Support Association  
MICHAEL E. BARBER, American Bar Association  
PAULA ROBERTS, Center for Law and Social Policy

Additional Participants

JEFFREY BALL, Staff Attorney, U.S. Commission on Interstate Child Support  
MARGARET CAMPBELL HAYNES, Chairperson, U.S. Commission on Interstate Child Support  
ELEANOR LANDSTREET, American Bar Association, Center for Children and the Law  
BETH MASON, Member, U.S. Commission on Interstate Child Support  
BETSY MATHESON, U.S. Office of Child Support Enforcement  
PETER K. MUNSON, Sherman, TX  
SUSAN F. PAIKIN, National Child Support Enforcement Association  
MARILYN RAY SMITH, National Child Support Enforcement Association  
HARRY L. TINDALL, Vice-Chairperson, U.S. Commission on Interstate Child Support

Final, approved copies of this Act in printed pamphlet or computer diskette form (Word Perfect only) and copies of all Uniform and Model Acts and other printed matter issued by the Conference may be obtained from:

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS  
676 North St. Clair Street, Suite 1700  
Chicago, Illinois 60611  
(312) 915-0195

UNIFORM INTERSTATE FAMILY SUPPORT ACT

TABLE OF CONTENTS

ARTICLE 1. GENERAL PROVISIONS

Section 101.	Definitions . . . . .	7
Section 102.	Tribunal[s] of this State . . . . .	14
Section 103.	Remedies Cumulative . . . . .	14

ARTICLE 2. JURISDICTION

Part A. Extended Personal Jurisdiction

Section 201.	Bases for Jurisdiction Over Nonresident . . .	15
Section 202.	Procedure When Exercising Jurisdiction Over Nonresident . . . . .	17

Part B. Proceedings Involving Two or More States

Section 203.	Initiating and Responding Tribunal of this State . . . . .	19
Section 204.	Simultaneous Proceedings in Another State . . . . .	19
Section 205.	Continuing, Exclusive Jurisdiction . . . . .	21
Section 206.	Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction . . . . .	24

Part C. Reconciliation with Orders of Other States

Section 207.	Recognition of Child Support Orders . . . . .	26
Section 208.	Multiple Child Support Orders for Two or More Obligees . . . . .	28
Section 209.	Credit for Payments . . . . .	28

ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

Section 301.	Proceedings Under this [Act] . . . . .	30
Section 302.	Action By Minor Parent . . . . .	31
Section 303.	Application of Law of this State . . . . .	32
Section 304.	Duties of Initiating Tribunal . . . . .	32
Section 305.	Duties and Powers of Responding Tribunal . .	33
Section 306.	Inappropriate Tribunal . . . . .	36
Section 307.	Duties of Support Enforcement Agency . . . .	37

Section 308.	Duty of [Attorney General]	39
Section 309.	Private Counsel	39
Section 310.	Duties of [State Information Agency]	40
Section 311.	Pleadings and Accompanying Documents	41
Section 312.	Nondisclosure of Information in Exceptional Circumstances	42
Section 313.	Costs and Fees	43
Section 314.	Limited Immunity of [Petitioner]	44
Section 315.	Nonparentage as Defense	45
Section 316.	Special Rules of Evidence and Procedure	46
Section 317.	Communications Between Tribunals	49
Section 318.	Assistance with Discovery	49
Section 319.	Receipt and Disbursement of Payments	50

#### ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

Section 401.	[Petition] To Establish Support Order	51
--------------	---------------------------------------	----

#### ARTICLE 5. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

Section 501.	Recognition of Income-Withholding Order of Another State	53
Section 502.	Administrative Enforcement of Orders	55

#### ARTICLE 6. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION

##### Part A. Registration and Enforcement of Support Order

Section 601.	Registration of Order for Enforcement	57
Section 602.	Procedure To Register Order for Enforcement	58
Section 603.	Effect of Registration for Enforcement	59
Section 604.	Choice of Law	61

##### Part B. Contest of Validity or Enforcement

Section 605.	Notice of Registration of Order	62
Section 606.	Procedure To Contest Validity or Enforcement of Registered Order	63
Section 607.	Contest of Registration or Enforcement	65
Section 608.	Confirmed Order	66

Part C. Registration and Modification  
of Child Support Order

Section 609.	Procedure To Register Child Support Order of Another State for Modification . . . . .	67
Section 610.	Effect of Registration for Modification . . . . .	68
Section 611.	Modification of Child Support Order of Another State . . . . .	69
Section 612.	Recognition of Order Modified in Another State . . . . .	74

ARTICLE 7. DETERMINATION OF PARENTAGE

Section 701.	Proceeding to Determine Parentage . . . . .	76
--------------	---	----

ARTICLE 8. INTERSTATE RENDITION

Section 801.	Grounds for Rendition . . . . .	77
Section 802.	Conditions of Rendition . . . . .	78

ARTICLE 9. MISCELLANEOUS PROVISIONS

Section 901.	Uniformity of Application and Construction . . . . .	80
Section 902.	Short Title. . . . .	80
Section 903.	Severability Clause . . . . .	80
Section 904.	Effective Date . . . . .	80
Section 905.	Repeals . . . . .	81

# UNIFORM INTERSTATE FAMILY SUPPORT ACT

## PREFATORY NOTE

### I. Background Information

Congressional legislation in 1975, 1984, and 1988 has had a major impact on state child support enforcement law, both substantive and procedural. Not only did Congress mandate that states adopt child support guidelines, but it also required the states to establish child support enforcement procedures such as wage withholding, tax intercepts, and credit reporting. In addition, federal law has begun to invade the area of substantive rules for child support; for example, the Bradley Amendment, adopted in 1986, prohibits retroactive reduction of a child support arrearage stemming from a court order.

To respond to these new developments, in 1988 the Conference established a Drafting Committee to review the Uniform Reciprocal Enforcement of Support Act (URESA) and its revised version (RURESA), and to adopt revisions to URESA or propose a free-standing act on the subject of child support enforcement. Some version of URESA or RURESA has been adopted in all states and therefore is familiar to people who work in this field. After reviewing the congressional legislation of the 1980's and the Model Interstate Income Withholding Act drafted in 1984 by the American Bar Association and the National Conference of State Legislatures, the Committee originally decided that the interstate aspects of child support enforcement could be adequately addressed through amendments to RURESA.

At the Conference's Annual Meeting in the summer of 1989, the Drafting Committee presented for first reading some limited initial changes to RURESA. Subsequently, after obtaining the views of numerous persons who are familiar with URESA, the Committee decided to revise the Act much more extensively, and presented those changes for another first reading at the Conference's 1990 Annual Meeting.

Following receipt of extensive comments at the 1990 Annual Meeting and from numerous groups and individuals, the Drafting Committee recommended, and the Executive Committee of the Conference decided, that final approval of the revised URESA should be delayed until the Conference's 1992 Annual Meeting because that timetable would coincide with the work of the U.S.

Commission on Interstate Child Support. Throughout 1991 and 1992, the Drafting Committee continued to work on the Act, in conjunction with numerous knowledgeable Advisors and Observers, including five persons who also served as members of the U.S. Commission.

The Drafting Committee and Executive Committee determined that the Act should have a new name -- the Uniform Interstate Family Support Act (UIFSA). This new Act is intended to completely revise and replace URESA and RURESА.

A description of the major changes proposed to be made in RURESА presented by UIFSA follows below.

## II. Proposed Changes

### A. In General

1. **TERMINOLOGY.** The terminology of URESA and RURESА has been retained as much as possible to ease the transition to the new act, i.e., "responding" and "initiating" state. One notable change is the substitution of the term "tribunal" for "court," in recognition of the fact that many states have created administrative agencies to establish, enforce, and modify child support.

2. **REORGANIZATION.** The Act has been reorganized into a more logical and understandable order than found in RURESА. The order in which civil and criminal proceedings are dealt with is reversed, which more accurately reflects the frequency and utility of those approaches. Within civil proceedings, separate articles have been created for provisions common to all types of actions (Article 3); for the establishment of support (Article 4); for the enforcement of a support order of another state without registration (Article 5); for the enforcement and modification of support orders after registration (Article 6); and for the determination of parentage (Article 7). In addition, new jurisdictional provisions (Article 2) establish uniform long-arm jurisdiction over nonresidents in order to facilitate one-state proceedings whenever possible.

3. **RECIPROCITY NOT REQUIRED.** Reciprocity of laws between states is no longer required because at present all states have quite similar laws, and the enacting state should enforce a support obligation irrespective of another state's law. Nonetheless, consistent with past practice URESA, RURESА and all substantially

similar state laws are deemed equivalent to UIFSA for purposes of interstate actions (Section 101(7), (16)). This means that any of these acts can be used if different states have different versions in effect, which should help ease the transition to the new Act.

4. LONG-ARM JURISDICTION. The Act contains a broad provision for asserting long-arm jurisdiction to give the tribunals in the home state of the supported family the maximum possible opportunity to secure personal jurisdiction over an absent respondent (Section 201), thereby converting what otherwise would be a two-state proceeding into a one-state lawsuit. Where jurisdiction over a nonresident is obtained, the tribunal may obtain evidence, provide for discovery, and elicit testimony through use of the "information route" sections of the Act (Sections 202, 316 and 318).

#### B. Establishing a Support Order

1. FAMILY SUPPORT. The revision makes clear that the Act may be used only for proceedings involving the support of a child or spouse of the support obligor, and not to enforce other duties such as support of a parent (Section 101(2) and (18)). Under URESA child support and spousal support are treated identically. However, under UIFSA spousal support is modifiable in the interstate context only after such a request is forwarded to the original issuing state from another state (Sections 205 and 206).

2. LOCAL LAW. URESA provides a somewhat complex choice of law for establishment of duties of support, i.e., the law of the state where the obligor was present for the period during which support is sought. Otherwise that Act generally refers to the law of the forum. The new Act provides that the procedures and law of the forum apply, with some significant additions or exceptions:

(a) Certain procedures are prescribed for interstate cases even if they are not consistent with local law, e.g., the contents of interstate petitions (Sections 311 and 602); the nondisclosure of certain sensitive information (Section 312); authority to award fees and costs including attorneys fees (Section 313); elimination of certain testimonial immunities (Section 314); and limits on the assertion of nonparentage as a defense to support enforcement (Section 315).

(b) Visitation issues cannot be raised in child support proceedings (Section 305(d)).

(c) Special rules for the interstate transmission of evidence and discovery are added to help place the maximum amount of information before the deciding tribunal. These procedures are available even in one-state cases in which the tribunal asserts long-arm jurisdiction over a nonresident (Sections 202, 316, and 318).

(d) The choice of law for the interpretation of registered orders is that of the state issuing the underlying support order. If there are different statutes of limitation for enforcement, however, the longer one applies (Section 604).

3. ONE-ORDER SYSTEM. Under the present URESA, the majority of support proceedings are de novo. Even when an existing order of one state is "registered" in a second state, the registering state often asserts the right to modify the registered order. This means that more than one valid support order can be in effect in more than one state. Under UIFSA, the principle of continuing, exclusive jurisdiction is introduced into the Act for the first time; this aims, so far as possible, to allow only one support order to be effective at any one time. This principle is carried out in Sections 204 (rules for resolving actions pending in two or more states); 205 and 206 (rules for determining which tribunal has continuing, exclusive jurisdiction over an order); 207 (reconciliation with orders issued before the effective date of the Act); and 208 (multiple orders for two or more families supported by the same obligor).

4. EFFICIENCY. A number of improvements are made to the former Act to streamline interstate proceedings:

(a) Proceedings may be initiated by or referred to administrative agencies rather than to courts in those states that use those agencies to establish support orders (Section 101(22)).

(b) Initiation of an interstate case in the initiating state is expressly made ministerial rather than a matter of court adjudication or review. Further, a party in the initiating state may file an action directly in the responding state (Section 301(c)).

(c) Forms which are federally mandated for use in certain interstate cases must be used in all interstate

cases for transmission of information from the initiating to the responding state (Section 311(b)), and the information in those forms is declared to be admissible evidence (Section 316(b)).

(d) Authority is provided for the transmission of information and documents through electronic and other modern means of communication (Section 316(e)).

(e) A tribunal may permit an out-of-state party or witness to be deposed or to testify by telephone conference (Section 316(f)).

(f) Tribunals are required to cooperate in the discovery process for use in a tribunal in another state (Section 318).

(g) A tribunal and a support enforcement agency providing services to a supported family must keep the parties informed about all important developments in a case (Sections 305 and 307).

(h) A registered support order is confirmed and immediately enforceable unless the respondent files a written objection within 20 days after service and sustains that objection (Sections 603 and 607).

5. PRIVATE ATTORNEYS. In support actions the Act explicitly authorizes parties to retain private legal counsel (Section 309), as well as to use the services of state support enforcement agency (Section 307(a)). It expressly takes no position on whether the support enforcement agency assisting a supported family establishes an attorney-client relationship with the applicant (Section 307(c)).

6. INTERSTATE PARENTAGE. UIFSA clearly authorizes establishment of parentage in an interstate proceeding, even if not coupled with a proceeding to establish support (Section 701).

### C. Enforcing a Support Order

1. DIRECT ENFORCEMENT. The Act provides two direct enforcement procedures that do not require assistance from a tribunal. First, the support order may be mailed directly to an obligor's employer in another state (Section 501), which triggers wage withholding by that employer without the necessity of a hearing unless the employee objects. Second, the Act provides for direct administrative enforcement by the

support enforcement agency of the obligor's state (Section 502).

2. REGISTRATION. The registration process of the Act is modeled after that procedure originated in RURESA, but is far more comprehensive. All judicial enforcement activity must begin with the registration of the existing support order in the responding state (Sections 601 through 604). However, the registered order continues to be the order of the issuing state, and the role of the responding state is limited to enforcing that order except in the very limited circumstances where modification is permitted (Sections 605 through 608).

#### D. Modifying a Support Order

1. REGISTRATION. A party (whether obligor or obligee) seeking to modify an existing child support order is directed to follow the identical procedure for registration as when enforcement is sought. Any combination sequence is allowable, e.g., registration for enforcement and later modification, or, contemporaneous modification and enforcement.

2. MODIFICATION LIMITED. Under RURESA most courts have held that a responding state can modify a support order for which enforcement has been sought. Except under narrowly defined fact circumstances, under the new Act the only tribunal that can modify a support order is the one having continuing, exclusive jurisdiction over the order. If the parties no longer reside in the issuing state, a tribunal with personal jurisdiction over both parties or with power given by agreement of the parties, has jurisdiction to modify (Sections 205, 206, 603(c), 609 through 612).

#### E. Parentage

It is not entirely clear whether RURESA provides for an interstate determination of parentage without also seeking establishment of support. UIFSA clearly states that interstate determination of parentage is authorized. It may be accomplished without an accompanying establishment of support, or in a contemporaneous manner to both determine parentage and establish support. The Act provides no substantive or procedural alterations to the existing law of the forum with regard to determination of parentage.

## UNIFORM INTERSTATE FAMILY SUPPORT ACT

### ARTICLE 1. GENERAL PROVISIONS

#### SECTION 101. DEFINITIONS. In this [Act]:

(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.

(3) "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.

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

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

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer [or other debtor], as defined by [the income-withholding law of this State], to withhold support from the income of the obligor.

(7) "Initiating state" means a state in which a proceeding under this [Act] or a law substantially similar to this [Act], the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

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

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

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

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

(12) "Obligee" means:

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

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

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

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

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

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

(iii) who is liable under a support order.

(14) "Register" means to [record; file] a support order or judgment determining parentage in the [appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically].

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

(16) "Responding state" means a state to which a proceeding is forwarded under this [Act] or a law substantially similar to this [Act], the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

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

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

(19) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this [Act].

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

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

(ii) establishment or modification of child support;

(iii) determination of parentage; or

(iv) to locate obligors or their assets.

(21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

#### COMMENT

Several additional terms are defined in this section as compared to the parallel RURESA § 2, which has fourteen entries. Many crucial definitions continue to be left to local law. For example, the definitions of "child" and "child support order" provided by subsections (1) and (2) refer to "the age of majority" without further elaboration. The exact age at which a child becomes an adult for different purposes is a matter for the law of each state, as is the age at which a parent's duty to furnish child support terminates. Similarly, a wide variety of other terms of art are implicitly left to state law. For example, subsection (21) refers *inter alia* to "health care, arrearages, or reimbursement . . . ." All of these terms are subject to individualized definitions on a state-by-state basis.

Subsection (3) defines "duty of support" to mean the legal obligation to provide support before it has been reduced to judgment. It is broadly defined to include both prospective and retrospective obligations, to the extent they are imposed by the relevant state law.

In order to resolve certain conflicts in the exercise of jurisdiction, for limited purposes subsection (4) borrows the concept of the "home state" of a child from the Uniform Child Custody Jurisdiction Act, versions of which have been adopted in all 50

states, and from the federal Parental Kidnapping Prevention Act, 42 U.S.C. § 1738A.

Subsection (6) is written broadly so that states that direct income withholding by an obligor's employer based on "other legal process," as distinguished from an order of a tribunal, may have that "legal process" recognized as an "income-withholding order." Federal law requires that each state provide for income withholding "without the necessity of any application therefor ... or for any further action ... by the court or other entity which issued such order." 42 U.S.C. 666(b)(2). States have complied with this directive in a variety of ways. For example, New York provides a method for obtaining income withholding of court-ordered support by authorizing an attorney, clerk of court, sheriff or agent of the child support enforcement agency to serve upon the defaulting obligor's employer an "income execution for support enforcement." New York McKinney's C.P.L.R. 5241. This "other legal process" reportedly is the standard method for obtaining income withholding in that state, while the statutory provision for an income withholding order, C.P.L.R. 5242, is rarely used by either the courts or the litigants.

Subsections (7) and (8) define "initiating state" and "initiating tribunal" similarly to RURESA § 2(d). It is important to note, however, that this Act permits the direct filing of an interstate action in the responding state without an initial filing in an initiating tribunal. Thus, a petitioner in one state could seek to establish a support order in a second state by either filing in the second state's tribunal or seeking the assistance of the support enforcement agency in the second state.

The term "obligee" in subsection (12) is defined in a broad manner similar to RURESA § 2(f), which is consistent with common usage. In instances of spousal support, the person owed the duty of support and the person receiving the payments are almost always the same. Use of the term is more complicated in the context of a child support order. The child is the person to whom the duty of support is owed and therefore can be viewed as the ultimate obligee. However, "obligee" usually refers to the individual receiving the payments. While this is most commonly the custodial parent or other legal custodian, the "obligee" may be a support enforcement agency which has been assigned the right to receive support payments in order to recoup AFDC (Aid to Families with Dependent Children, 42 U.S.C. § 601 et seq.). Even in the absence of such an

assignment, a state may have an independent statutory claim for reimbursement for general assistance provided to a spouse, a former spouse, or a child of an obligor. The Act also uses "obligee" to identify an individual who is asserting a claim for support, not just for a person whose right to support is unquestioned, presumed, or has been established in a legal action. Subsection (13) provides the correlative definition of an "obligor," which includes an individual who is alleged to owe a duty of support as well as a person whose obligation has previously been determined.

Note that the definitions of "responding state" and "responding tribunal" in subsections (16) and (17) accommodate the direct filing of a petition under this Act without the intervention of an initiating tribunal. Both definitions acknowledge the possibility that there might be a responding state or tribunal in a situation where there is no initiating state or tribunal.

Subsection (19) withdraws the requirement of reciprocity demanded by RURESA and TRESA. A state need not enact UIFSA in order for support orders issued by its tribunal to be enforced by other states. Public policy favoring such enforcement is sufficiently strong to warrant waiving any quid pro quo among the states. This policy extends to foreign jurisdictions, as well, which is intended to facilitate establishment and enforcement of orders from those jurisdictions. Specifically, if a support order from a Canadian province or Mexican state conforms to the principles of UIFSA, that order should be honored when it crosses the border in a spirit of comity.

Subsection (20), "Support Enforcement Agency," includes the state IV-D agency (Part IV-D, Social Security Act, 42 U.S.C. § 651 et seq.), and other state or local governmental entities charged with establishing or enforcing support.

Subsection (22) introduces a completely new term, "tribunal," which replaces the term "court" used in RURESA. With the advent of the federal IV-D program, a number of states have delegated various aspects of child support establishment and enforcement to quasi-judicial bodies and administrative agencies. UIFSA adopts the term "tribunal" to account for the breadth of state variations in dealing with support orders.

Throughout the Act the term refers to a tribunal of the enacting state unless expressly noted otherwise. To avoid confusion, however, when actions of tribunals

of the enacting state and another state are contrasted in the same section or subsection, the phrases "tribunal of this State" and "tribunal of another state" are used for the sake of clarity..

SECTION 102. TRIBUNAL[S] OF THIS STATE. The [court, administrative agency, quasi-judicial entity, or combination] [is the tribunal] [are the tribunals] of this State.

COMMENT

The enacting state must identify the courts, administrative agencies, or the combination of those entities, which constitute the tribunal authorized to deal with family support. In a particular state there may be several different such entities authorized to determine family support matters. It should be emphasized that this provision is not designed to address questions of venue, which are left to otherwise applicable state law.

SECTION 103. REMEDIES CUMULATIVE. Remedies provided by this [Act] are cumulative and do not affect the availability of remedies under other law.

COMMENT

The existence of procedures for interstate establishment, enforcement, or modification of support or a determination of parentage in this Act does not preclude the application of general state law. For example, a petitioner may decide to file an action directly in the state of residence of the respondent under the generally applicable support law, thereby submitting to the personal jurisdiction of that forum, and forego reliance on the Act.

ARTICLE 2. JURISDICTION

PART A. EXTENDED PERSONAL JURISDICTION

SECTION 201. BASES FOR JURISDICTION OVER

NONRESIDENT. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident individual [or the individual's guardian or conservator] if:

(1) the individual is personally served with [citation, summons, notice] within this State;

(2) the individual submits to the jurisdiction of this State by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this State;

(4) the individual resided in this State and provided prenatal expenses or support for the child;

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

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

[ (7) the individual asserted parentage in the [putative father registry] maintained in this State by the [appropriate agency];] or

(8) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

#### COMMENT

Part A of Article 2 asserts what is commonly described as long-arm jurisdiction over a nonresident respondent for purposes of establishing a support order or determining parentage. Inclusion of this long-arm provision in this Interstate Act is justified because even though the law of only the forum state is applicable, residents of two separate states are involved in the litigation and subject to the personal jurisdiction of the forum. The intent is to insure that every enacting state has a long-arm statute as broad as constitutionally permitted. In situations where the long-arm statute can be satisfied, the petitioner (either the obligor or the obligee) has two options under the Act: (1) utilize the long-arm statute to obtain personal jurisdiction over the respondent; or (2) initiate a two-state action under the succeeding provisions of UIFSA seeking to establish a support order in the respondent's state of residence.

Although not expressly stated, the long-arm statute provided by this section may be applied to spousal support as well as to child support. However, almost all of the specific provisions relate to child support orders or determinations of parentage. Only subsections (1), (2), and (8) are applicable to an action for spousal support asserting long-arm jurisdiction over a nonresident. The first two subsections are wholly noncontroversial insofar as an assertion of personal jurisdiction is concerned. This accords with the fact that very few states have chosen to enact specific domestic relations long-arm statutes and that the focus of UIFSA is primarily on child support. Moreover, assertion of personal jurisdiction under subsection (1), (2), or (8) will doubtless yield jurisdiction over all matters to be decided between the spouses, including division of property on divorce. Thus, the most obvious basis for asserting long-arm jurisdiction over spousal support, *i.e.*, "last

matrimonial domicile," is not included in Section 201 to avoid the potential problem of another instance of bifurcated jurisdiction. That is, a situation in which a tribunal could order a nonresident to pay spousal support, while not being authorized to personally bind that nonresident to a division of property on divorce.

Under RURESA, multiple support orders affecting the same parties are commonplace. UIFSA creates a structure designed to provide for only one support order at a time. This one order regime is facilitated and combined with a broad assertion of personal jurisdiction under this long-arm provision. The frequency of a two-state procedure involving the participation of tribunals in both states should be substantially reduced by the introduction of this long-arm statute.

Subsection (1) codifies the holding of *Burnham v. Superior Court*, 495 U.S. 604 (1990), which reaffirms the constitutional validity of asserting personal jurisdiction based on personal service within a state. Subsection (2) expresses the principle that a nonresident party concedes personal jurisdiction by seeking affirmative relief or by submitting to the jurisdiction by answering or entering an appearance. However, the power to assert jurisdiction over support issues under the Act does not extend the tribunal's jurisdiction to other matters. Subsections (1) through (8) are derived from a variety of sources, including the Uniform Parentage Act § 8, Texas Family Code § 11.051 (Vernon Supp. 1992), and New York Family Court Act § 154. Subsection (7) is bracketed because not all states maintain putative father registries. The factual situations catalogued in these subsections are appropriate and constitutionally acceptable grounds upon which to exercise personal jurisdiction over an individual.

Subsection (8) tracks the broad, catch-all provisions found in many state statutes, including California, Civ. P. Code § 410.10 (1973); New York, supra; and Texas, supra. It should be noted, however, that this provision, standing alone, was found to be inadequate to sustain a child support order under the facts presented in *Kulko v. Superior Court of California for San Francisco*, 436 U.S. 84 (1978).

SECTION 202. PROCEDURE WHEN EXERCISING JURISDICTION  
OVER NONRESIDENT. A tribunal of this State exercising

personal jurisdiction over a nonresident under Section 201 may apply Section 316 (Special Rules of Evidence and Procedure) to receive evidence from another state, and Section 318 (Assistance with Discovery) to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this [Act].

#### COMMENT

Assertion of long-arm jurisdiction over a nonresident essentially results in a one-state proceeding, notwithstanding the fact that the parties reside in different states. With two exceptions, the provisions of UIFSA are not applicable in these proceedings. The first exception allows the tribunal to apply the special rules of evidence and procedure of Section 316 in order to facilitate decision-making when one party resides in another state, even though that party is subject to the personal jurisdiction of the tribunal. In other words, the one-state case may utilize two-state procedures in the interests of economy, efficiency, and fair play. The same considerations account for the second exception; the two-state discovery procedures of Section 318 are made applicable to a one-state proceeding when a foreign tribunal can assist in that process. In all other situations, the substantive and procedural law of the state applies. However, to facilitate interstate exchange of information and to enable the nonresident to participate as fully as possible in the proceedings without the necessity of personally appearing in the forum state, this section expressly incorporates the special UIFSA rules on evidence and assistance with discovery procedures to long-arm cases.

PART B. PROCEEDINGS INVOLVING TWO OR MORE STATES

SECTION 203. INITIATING AND RESPONDING TRIBUNAL OF THIS STATE. Under this [Act], a tribunal of this State may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

COMMENT

Part B of Article 2 tracks the traditional RURESA action, involving residents of separate states. In this situation, the initiating state does not assert personal jurisdiction over the nonresident, but instead forwards the case to another, responding state, which is to assert personal jurisdiction over its resident.

This section identifies the roles a tribunal of the forum may serve; as appropriate, it may act as either an initiating or a responding tribunal under UIFSA. Note that a tribunal can serve as a responding tribunal when there is no initiating tribunal in another state. This is to accommodate the direct filing of an action in a responding tribunal by a nonresident.

SECTION 204. SIMULTANEOUS PROCEEDINGS IN ANOTHER STATE.

(a) A tribunal of this State may exercise jurisdiction to establish a support order if the [petition] or comparable pleading is filed after a [petition] or comparable pleading is filed in another state only if:

(1) the [petition] or comparable pleading in this State is filed before the expiration of the time allowed in the other state for filing a responsive

pleading challenging the exercise of jurisdiction by the other state;

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

(3) if relevant, this State is the home state of the child.

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

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

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

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

#### COMMENT

This section is similar to Section 6 of the Uniform Child Custody Jurisdiction Act. Under the one-order system established by UIFSA, it is necessary to provide a new procedure in order to eliminate the multiple orders so common under RURESA and URESA. This requires cooperation between, and deference by, sister-state tribunals in order to avoid issuance of competing support orders. To this end, tribunals are expected to take an active part in seeking out information about support proceedings in other states concerning the same

child. Depending on the circumstances, one or the other of two tribunals considering the same support obligation should decide to defer to the other. In this regard, UIFSA makes a significant departure from the approach adopted by the UCCJA, which chooses "first filing" as the method for resolving competing jurisdictional disputes. In the analogous situation, the federal Parental Kidnapping Prevention Act chooses the home state of the child to establish priority. Given the preemptive nature of the PKPA and the likelihood that custody and support are both involved in most cases, UIFSA opts for the federal method of resolving disputes between competing jurisdictional assertions by establishing a priority for the tribunal in the child's home state. If there is no home state, "first filing" controls.

SECTION 205. CONTINUING, EXCLUSIVE JURISDICTION.

(a) A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a child support order:

(1) as long as this State remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) until each individual party has filed written consent with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of this State issuing a child support order consistent with the law of this State may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of

another state pursuant to a law substantially similar to this [Act].

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

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order; and

(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) A tribunal of this State shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this [Act].

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

(f) A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a spousal

support order throughout the existence of the support obligation. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

#### COMMENT

This section is perhaps the most crucial provision in UIFSA. It establishes the principle that the issuing tribunal retains continuing, exclusive jurisdiction over the support order except in very narrowly defined circumstances. If all parties and the child reside elsewhere, the issuing state loses its continuing, exclusive jurisdiction -- which in practical terms means the issuing tribunal loses its authority to modify its order. The issuing state no longer has a nexus with the parties or child and, furthermore, the issuing tribunal has no current information about the circumstances of anyone involved. Note, however, that the one-order of the issuing tribunal remains valid and enforceable. That order is in effect not only in the issuing state and those states in which the order has been registered, but also may be enforced in additional states in which the one-order is registered for enforcement after the issuing state loses its power to modify the original order, see Sections 601 through 604 (Registration and Enforcement of Support Order), *infra*. The one-order remains in effect until it is properly modified in accordance with the narrow terms of the Act, see Sections 609 through 612 (Registration and Modification of Child Support Order), *infra*.

Child support orders may be modified under certain, specific conditions: (1) on the agreement of both parties; or, (2) if all the relevant persons, that is, the obligor, the individual obligee, and the child, have permanently left the issuing state. Note that while subsection (b)(2) identifies the method for the release of continuing, exclusive jurisdiction by the issuing tribunal, it does not confer jurisdiction to modify on another tribunal. Modification requires that a tribunal have personal jurisdiction over both parties, as provided in Article 6, Part C. It should also be noted that nothing in this section is intended to deprive a court which has lost continuing, exclusive jurisdiction of the power to enforce arrearages which have accrued during the existence of a valid order.

With regard to spousal support, the issuing tribunal retains continuing, exclusive jurisdiction over an order of spousal support throughout the entire existence of the support obligation. The prohibition against a modification of an existing spousal support order of another state imposed by Sections 205 and 206 marks a radical departure from RURESA, which treats spousal and child support orders identically. Under UIFSA, modification of spousal support is permitted in the interstate context only if an action is initiated outside of, and modified by the original issuing state. While UIFSA revises RURESA in this regard, in fact this will have a minimal effect on actual practice. Interstate modification of spousal support has been relatively rare under RURESA. Moreover, the prohibition of modification of spousal support is consistent with the basic principle that a tribunal should apply local law if at all possible to insure efficient handling of cases and to minimize choice of law problems. Avoiding conflict of law problems is almost impossible if spousal support orders are subject to modification in a second state. For example, there is wide variation among state laws on the effect on a spousal support order following the obligee's remarriage or nonmarital cohabitation with another person.

The distinction between spousal and child support is further justified because the standards for modification of child support and spousal support are so different. In most jurisdictions a dramatic improvement in the obligor's economic circumstances will have little or no relevance in an action seeking an upward modification of spousal support, while a similar change in an obligor's situation typically is a primary basis for an increase in child support. This disparity is founded on a policy choice that post-divorce success should benefit the obligor's child, but not an ex-spouse.

SECTION 206. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER BY TRIBUNAL HAVING CONTINUING JURISDICTION.

(a) A tribunal of this State may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of this State having continuing, exclusive jurisdiction over a support order may act as responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Section 316 (Special Rules of Evidence and Procedure) to receive evidence from another state and Section 318 (Assistance with Discovery) to obtain discovery through a tribunal of another state.

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

#### COMMENT

This section is the correlative of the continuing, exclusive jurisdiction asserted in the preceding section. In subsection (a) the enacting state recognizes the continuing, exclusive jurisdiction of other tribunals over support orders and authorizes the initiation of requests for modification to the issuing state.

Subsection (b) confirms the power to modify a child support order of the issuing state, provided it retains a sufficient nexus with its order. UIFSA defines that nexus as any situation in which the child or at least one of the parties continues to reside in the issuing state.

Subsection (c) directs tribunals of the enacting state to adhere to the one-order-at-a-time system.

PART C. RECONCILIATION WITH ORDERS OF OTHER STATES

SECTION 207. RECOGNITION OF CHILD SUPPORT ORDERS.

(a) If a proceeding is brought under this [Act], and one or more child support orders have been issued in this or another state with regard to an obligor and a child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one tribunal has issued a child support order, the order of that tribunal must be recognized.

(2) If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this [Act], the order of that tribunal must be recognized.

(3) If two or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction under this [Act], an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this [Act], the tribunal of this State may issue a child support order, which must be recognized.

(b) The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

#### COMMENT

This section establishes a priority scheme for recognition and enforcement of existing multiple orders regarding the same obligor, obligee or obligees, and the same child. Even assuming universal enactment of UIFSA many years will pass before its one-order system will be completely in place. Part C is designed to span the gulf between the one-order system and the multiple order system in place under RURESA. If only one order has been issued, it is to be treated as if it had been issued under UIFSA if it was issued under a statute which is consistent with the principles of UIFSA. But, multiple orders issued under RURESA number in the tens of thousands; it can be reasonably anticipated that those orders, covering the same parties and child, will continue in effect far into the future.

Assuming multiple orders exist, none of which can be distinguished as being in conflict with the principles of UIFSA, an order issued by a tribunal of the child's home state is given the higher priority. If more than one of these orders exists, priority is given to the order most recently issued. If none of the priorities apply, the forum tribunal is directed to issue a new order. Note, however, that multiple orders issued by different states may be entitled to full faith and credit. While this section cannot and does not attempt to interfere with that constitutional directive with regard to accrued arrearages, it may and does establish a system for prospective enforcement of competing orders.

SECTION 208. MULTIPLE CHILD SUPPORT ORDERS FOR TWO OR MORE OBLIGEES. In responding to multiple 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 obligees, at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this State.

COMMENT

Multiple orders may involve two or more families of the same obligor. Although all such orders are entitled to future enforcement, practical difficulties are often presented. For example, full enforcement of all orders may exceed the maximum allowed for income withholding, i.e., the federal statute, 42 U.S.C. 666(b)(1), requires that states cap the maximum to be withheld in accordance with the federal consumer credit code limitations on wage garnishment, 15 U.S.C. 1673(b). In order to allocate resources between competing families, the Act refers to state law. The basic principle is that one or more foreign orders for the support of the obligor's families are of equal dignity and should be treated as if all of the multiple orders had been issued by a tribunal of the forum state.

SECTION 209. CREDIT FOR PAYMENTS. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this State.

## COMMENT

This section is derived from RURESA § 31 (Application of Payments). Because of the multiple orders possible under RURESA, that section was primarily concerned with insuring that payments made on one order were credited towards the amounts due on other orders. For example, full payment of \$300 on an order of State C earned pro tanto discharge of that amount on a \$200 order of State A and a \$400 order of State B. Under the one-order system of UIFSA, the obligor will be ordered to pay only one sum-certain amount; the issuing tribunal should control the methods employed to account for payment of that order from multiple sources of enforcement. Until that scheme is fully in place, however, it is necessary to continue to mandate pro tanto credit for actual payments made against all existing orders.

ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

SECTION 301. PROCEEDINGS UNDER THIS [ACT].

(a) Except as otherwise provided in this [Act], this article applies to all proceedings under this [Act].

(b) This [Act] provides for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to Article 4;

(2) enforcement of a support order and income-withholding order of another state without registration pursuant to Article 5;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6;

(4) modification of an order for child support or spousal support issued by a tribunal of this State pursuant to Article 2, Part B;

(5) registration of an order for child support of another state for modification pursuant to Article 6;

(6) determination of parentage pursuant to Article 7; and

(7) assertion of jurisdiction over nonresidents pursuant to Article 2, Part A.

(c) An individual [petitioner] or a support enforcement agency may commence a proceeding authorized under this [Act] by filing a [petition] in an initiating tribunal for forwarding to a responding tribunal or by filing a [petition] or a comparable pleading directly with a tribunal of another state which has or can obtain personal jurisdiction over the [respondent].

#### COMMENT

This section is a "road map" of the types of actions authorized by UIFSA. Although such a section may be unusual for a uniform act, it is especially justified in this instance because the majority of the persons administering the Act are not attorneys and will doubtless find such assistance to be useful.

Subsection (a) mandates application of the general provisions of this article to all UIFSA actions.

Generally, subsection (b) identifies the fact that orders for spousal support and child support are to be dealt with identically under the Act. However, subsection (b)(5) announces that the modification provisions are limited to child support orders; the Act does not provide for a second state to modify a spousal support order.

Subsection (c) establishes the basic two-state procedure contemplated by the Act. The initiating and responding procedures are derived from the two-state procedure under RURESA; the direct filing by either an individual or a support enforcement agency is new to this Act.

**SECTION 302. ACTION BY MINOR PARENT.** A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

#### COMMENT

This section is derived from RURESA § 13. A minor parent may maintain an action under UIFSA without the appointment of a guardian ad litem, even if the law of the jurisdiction requires a guardian for an in-state case. If a guardian or legal representative has been appointed, however, he or she may act on behalf of the minor's child in seeking support.

#### SECTION 303. APPLICATION OF LAW OF THIS STATE.

Except as otherwise provided by this [Act], a responding tribunal of this State:

(1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

(2) shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.

#### COMMENT

Historically states have insisted on application of forum law to support cases whenever possible. A key principle of UIFSA is that a tribunal will have the same powers in an action involving interstate parties as it has in an intrastate case. This inevitably means that the Act is not self-contained; rather, it is supplemented by the support law of the forum. To insure the efficient processing of the huge number of interstate support cases, it is vital that decision-makers apply familiar rules of substantive and procedural law to those cases.

SECTION 304. DUTIES OF INITIATING TRIBUNAL. Upon the filing of a [petition] authorized by this [Act], an

initiating tribunal of this State shall forward three copies of the [petition] and its accompanying documents:

- (1) to the responding tribunal or appropriate support enforcement agency in the responding state; or
- (2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

#### COMMENT

Under RURESA § 14, the initiating tribunal is required to make a preliminary finding of the existence of a support obligation, but in fact, observance of this obligation is erratic across the nation. Under UIFSA, by contrast, the role of the initiating tribunal consists merely of the ministerial function of forwarding the documents. See *Mossburg v. Coffman*, 6 Kan. App. 2d 428, 629 P.2d 745 (1981); *Moff v. Johnson*, 391 S.W.2d 760 (Tex. Civ. App. 1965).

#### SECTION 305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.

(a) When a responding tribunal of this State receives a [petition] or comparable pleading from an initiating tribunal or directly pursuant to Section 301(c) (Proceedings Under this [Act]), it shall cause the [petition] or pleading to be filed and notify the [petitioner] by first class mail where and when it was filed.

(b) A responding tribunal of this State, to the extent otherwise authorized by law, may do one or more of the following:

(1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

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

(3) order income withholding;

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

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

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

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

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

(9) issue a [bench warrant; capias] for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the [bench

warrant; capias] in any local and state computer systems for criminal warrants;

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

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

(12) grant any other available remedy.

(c) A responding tribunal of this State shall include in a support order issued under this [Act], or in the documents accompanying the order, the calculations on which the support order is based.

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

(e) If a responding tribunal of this State issues an order under this [Act], the tribunal shall send a copy of the order by first class mail to the [petitioner] and the [respondent] and to the initiating tribunal, if any.

#### COMMENT

This section revises RURESA §§ 9, 18, 19, 24, 25, and 26. It contains both mechanical functions, such as those in subsection (a); judicial functions, as in subsection (b), and substantive rules applicable to interstate cases, subsections (c) through (e). For example, subsection (b) supplies much more detail than RURESA §§ 24 and 26 to make explicit the wide range of specific powers of the responding tribunal. Because a responding tribunal may be an administrative agency rather than a court, the Act explicitly states that a

tribunal is not granted powers that it does not otherwise possess under state law. For example, often authority to enforce orders by contempt is limited to courts.

Subsection (b) (7) purposefully avoids mention of the priority of liens issued under UIFSA. As is generally true under the Act, that priority will be determined by the otherwise applicable state law concerning support liens.

Subsection (b) (9) replaces RURESA § 16 (Jurisdiction By Arrest), which authorizes the responding tribunal "to obtain the body of the obligor" if the tribunal "believes that the obligor may flee ...." Under UIFSA, the physical seizure of an obligor is left to the procedures available under state law in other civil cases.

Subsection (c) clarifies that calculation sheets are to be included with the order in conjunction with the application of support guidelines. Local law generally requires that variation from the child support guideline must be explained, see 42 U.S.C. § 667; this requirement is extended to all interstate cases.

Under subsection (d), an interstate support order may not be conditioned on compliance with a visitation order. This may be at variance from state law regarding interstate cases, under a UIFSA action the petition generally is not present in the tribunal. This distinction justifies prohibiting visitation issues from being litigated in the context of a support proceeding.

Subsection (a) introduces the policy determination that the petitioner, the respondent, and the initiating tribunal, if any, shall be kept informed about actions taken by the responding tribunal. First class mail is sufficient for this purpose.

SECTION 306. INAPPROPRIATE TRIBUNAL. If a [petition] or comparable pleading is received by an inappropriate tribunal of this State, it shall forward the pleading and accompanying documents to an appropriate tribunal in this State or another state and

notify the [petitioner] by first class mail where and when the pleading was sent.

#### COMMENT

This section directs a tribunal that receives UIFSA documents in error to forward them to the appropriate tribunal, whether located in the enacting state or elsewhere. This section is intended to apply both to initiating and responding tribunals which receive petitions which should be sent to other tribunals. Thus, if a tribunal is inappropriately designated as the initiating tribunal it shall forward the petition to the appropriate initiating tribunal either in the enacting state or elsewhere. Likewise, if a tribunal is inappropriate as the responding tribunal it shall forward the petition to the appropriate responding tribunal either in the enacting state or elsewhere.

#### SECTION 307. DUTIES OF SUPPORT ENFORCEMENT AGENCY.

(a) A support enforcement agency of this State, upon request, shall provide services to a [petitioner] in a proceeding under this [Act].

(b) A support enforcement agency that is providing services to the [petitioner] as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the [respondent];

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

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

(4) within [two] days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first class mail to the [petitioner];

(5) within [two] days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the [respondent] or the [respondent's] attorney, send a copy of the communication by first class mail to the [petitioner]; and

(6) notify the [petitioner] if jurisdiction over the [respondent] cannot be obtained.

(c) This [Act] does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

#### COMMENT

This section is derived from RURESA §§ 12, 18, and 19.

Subsection (a) changes the focus of RURESA § 12 (Officials to Represent Obligees) from representation of an obligee to providing services to a [petitioner]. Care should be exercised in the use of terminology given this substantial alteration of past practice under RURESA. Not only may either the obligee or the obligor request services, but that request may be in the context of the establishment of an order, enforcement or review of an existing order, or a modification of that order (upwards or downwards). Thus, those states that use the term "petitioner" to refer to the "plaintiff" or

"complainant" in the original caption of the case may wish to substitute the term "movant" in proceedings initiated after the establishment of a support order.

Subsection (b) responds to the complaint of many RURESA petitioners that they are not properly kept informed about the progress of their requests for services.

Subsection (c) neither creates nor rejects the establishment of an attorney-client or fiduciary relationship between the support enforcement agency and a petitioner receiving services from that agency. This controversial issue is left to otherwise applicable state law.

SECTION 308. DUTY OF [ATTORNEY GENERAL]. If the [Attorney General] determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the [Attorney General] may order the agency to perform its duties under this [Act] or may provide those services directly to the individual.

#### COMMENT

This section continues the principle of RURESA § 18(c), under which the Attorney General of the State, or an alternative designated by the individual state statute, is given oversight responsibility for the diligent provision of services by the support enforcement agency and the power to seek compliance with the Act.

SECTION 309. PRIVATE COUNSEL. An individual may employ private counsel to represent the individual in proceedings authorized by this [Act].

#### COMMENT

The right of a party to retain private counsel in an action to be brought under UIFSA is explicitly

recognized. RURESA's failure to clearly recognize that power has led to some confusion and inconsistent decisions.

SECTION 310. DUTIES OF [STATE INFORMATION AGENCY].

(a) The [Attorney General's Office, State Attorney's Office, State Central Registry or other information agency] is the state information agency under this [Act].

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this [Act] and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in this State in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this [Act] received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services.

examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

#### COMMENT

This section, based on RURESA § 17 (State Information Agency), continues the information-gathering duties of the central agency.

Subsection (b)(4) does not provide independent access to the information sources or to the governmental documents listed. Because states have different requirements and limitations concerning such access based on differing views of the privacy interests of individual citizens, the agency is directed to use all lawful means under the relevant state law to obtain and disseminate information.

#### SECTION 311. PLEADINGS AND ACCOMPANYING DOCUMENTS.

(a) A [petitioner] seeking to establish or modify a support order or to determine parentage in a proceeding under this [Act] must verify the [petition]. Unless otherwise ordered under Section 312 (Nondisclosure of Information in Exceptional Circumstances), the [petition] or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The [petition] must be

accompanied by a certified copy of any support order in effect. The [petition] may include any other information that may assist in locating or identifying the [respondent].

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

#### COMMENT

This section is derived from RURESA § 11; it establishes the basic requirements for the drafting and filing of interstate pleadings and should be read in conjunction with § 312, which provides for the confidentiality of certain information if disclosure is likely to result in harm to a party or a child.

Subsection (b) provides authorization for the use of the federally authorized forms promulgated in connection with the IV-D child support enforcement program and mandates substantial compliance with those forms. Although the use of other forms is not prohibited, statutory preapproval of forms that substantially conform to those mandated by federal law will help to standardize documents, with a concomitant improvement in the efficient processing of UIFSA actions.

SECTION 312. NONDISCLOSURE OF INFORMATION IN EXCEPTIONAL CIRCUMSTANCES. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying

information not be disclosed in a pleading or other document filed in a proceeding under this [Act].

#### COMMENT

Public awareness of and sensitivity to the dangers of domestic violence has significantly increased since the promulgation of RURESA. This section authorizes confidentiality in instances where there is a serious risk of domestic violence or child abduction. Although local law generally governs the conduct of the forum tribunal, state law may not provide for maintaining secrecy about the exact whereabouts of a litigant or other information ordinarily required to be disclosed under state law, s.g., Social Security number of the parties or the child. If so, this provision creates a confidentiality provision which is particularly appropriate in the light of the intractable problems associated with interstate (as opposed to intrastate) childnapping.

#### SECTION 113. COSTS AND FEES.

(a) The [petitioner] may not be required to pay a filing fee or other costs.

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

support owed to the obligee has priority over fees, costs and expenses.

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

#### COMMENT

This section is derived from RURESA § 15 (Costs and Fees), which authorizes fees and costs to be assessed against "the obligor." In recognition of the fact that under UIFSA either the obligor or the obligee may file suit, subsection (a) permits either to file without payment of a filing fee or other costs. Subsection (b), however, continues the RURESA rule that only the support obligor may be assessed the specified costs and fees.

Subsection (c) provides a sanction to deal with a frivolous contest regarding compliance with an interstate withholding order, registration of a support order, or comparable delaying tactics regarding an appropriate enforcement remedy.

#### SECTION 314. LIMITED IMMUNITY OF [PETITIONER].

(a) Participation by a [petitioner] in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the [petitioner] in another proceeding.

(b) A [petitioner] is not amenable to service of civil process while physically present in this State to participate in a proceeding under this [Act].

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this [Act] committed by a party while present in this State to participate in the proceeding.

#### COMMENT

This section significantly expands RURESA § 32. Under subsection (a), direct or indirect participation in a UIFSA proceeding does not subject a petitioner to an assertion of personal jurisdiction over the petitioner by the forum state in other litigation between the parties. A petition for affirmative relief under UIFSA limits the jurisdiction of the tribunal to the boundaries of the support proceeding.

Similarly, subsection (b) grants a litigant immunity from service of process during the time a party is physically present in a state for a UIFSA action. The immunity provided is limited, however, and is not comparable to diplomatic immunity. This is clear from reading subsection (c) in conjunction with the other subsections; subsection (c) withholds immunity from civil litigation unrelated to the support action stemming from contemporaneous acts committed by a party while present in the state for the support litigation. For example, if a petitioner is involved in an automobile accident or a contract dispute over the cost of lodging while present in the state, the immunity provided by this section is inapplicable.

SECTION 315. NONPARENTAGE AS DEFENSE. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this [Act].

## COMMENT

Arguably this section does no more than restate the basic principle of res judicata. However, a great variety of state laws exists regarding presumptions of parentage and available defenses after a prior determination of parentage. This section is intended neither to discourage nor encourage collateral attacks in situations in which the law of a foreign jurisdiction is at significant odds with local law. For example, this section mandates that a parentage decree rendered by another tribunal is not subject to collateral attack in a UIFSA proceeding except on a fundamental constitutional ground such as lack of jurisdiction over a party or a comparable denial of due process in the previous proceeding. If a collateral attack is permissible on a parentage decree under the law of the issuing jurisdiction, such an action must be pursued in the appropriate forum and not in the UIFSA proceeding.

Similarly, the law of the issuing state may provide for a determination of parentage based on certain specific acts of the obligor acknowledging parentage as a substitute for a decree, a.d., signing the child's birth certificate or publicly acknowledging a duty of support after receiving the child into his home. The Act also is neutral regarding a collateral attack on such a parentage determination; the responding tribunal must give the same effect to such an act of acknowledgment of parentage as it would receive in the issuing state. The consistent theme of this section is that a collateral attack cannot be made in a UIFSA proceeding.

### SECTION 316. SPECIAL RULES OF EVIDENCE AND PROCEDURE.

(a) The physical presence of the [petitioner] in a responding tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified [petition], affidavit, document substantially complying with federally mandated forms,

and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

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

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

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

(f) In a proceeding under this [Act], a tribunal of this State may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of

other states 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 [Act].

(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 [Act].

#### COMMENT

This section combines RURESA §§ 9, 19, 21, 22, and 23; and, provides additional innovative methods for gathering evidence in interstate cases.

Subsections (b) through (f) greatly expand on RURESA § 23 (Rules of Evidence). The intent is to eliminate as many potential hearsay problems as possible in interstate litigation because usually the out-of-state party and that party's witnesses do not appear in person at the hearing.

Subsection (d) provides a simplified means for proving health care expenses related to the birth of the child. Because ordinarily these charges are not in dispute, this is designed to obviate the cost of having health care providers appear in person or of obtaining affidavits of business records from each provider.

Subsections (a) and (f) encourage tribunals and litigants to take advantage of modern methods of communication in interstate support litigation.

Subsection (g) codifies the rule in effect in many states that in civil litigation an adverse inference may be drawn from a litigant's silence. See, *e.g.*, *In re Matter of Joseph P.*, 487 N.Y.S.2d 685 (Fam. Ct. 1985);

Pa. Cons. Stats. Ann., Tit. 23, § 5104(c) (1991) (if "any party refuses to submit to the tests, the court may resolve the question of paternity, parentage or identity of a child against the party...."); 9 N.J. Stats. Ann. 17-51(d) (1991) ("refusal to submit to blood tests or genetic tests, or both, may be admitted into evidence and shall give rise to the presumption that the results of the tests would have been unfavorable to the interests of the party refusing"); La. Rev. Stats., Tit. 9, § 396(A) (1992) ("if any party refuses to submit to such tests, the court may resolve the question of paternity against such party....").

SECTION 317. COMMUNICATIONS BETWEEN TRIBUNALS. A tribunal of this State may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this State may furnish similar information by similar means to a tribunal of another state.

#### COMMENT

This section is derived from UCCJA § 7(d) (Inconvenient Forum), which authorizes communications between courts in order to facilitate determination under that Act. Much broader cooperation between tribunals is permitted under this Act to expedite establishment and enforcement of the support order of either the forum or of the sister state.

SECTION 318. ASSISTANCE WITH DISCOVERY. A tribunal of this State may:

(1) request a tribunal of another state to assist in obtaining discovery; and

(2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

COMMENT

This section takes another logical step to facilitate interstate cooperation by enlisting the power of the forum to assist a tribunal of another state with the discovery process. The grant of authority is quite broad, enabling the tribunal of the enacting state to fashion its remedies to facilitate discovery consistent with local practice.

SECTION 319. RECEIPT AND DISBURSEMENT OF PAYMENTS. 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 a certified statement by the custodian of the record of the amounts and dates of all payments received.

COMMENT

The first sentence of this section is derived from RURESA § 29 (Additional Duty of Initiating Court). The second sentence confirms the duty of the agency or tribunal to furnish payment information in interstate cases.

ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

SECTION 401. [PETITION] TO ESTABLISH SUPPORT ORDER.

(a) If a support order entitled to recognition under this [Act] has not been issued, a responding tribunal of this State may issue a support order if:

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

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

(b) The tribunal may issue a temporary child support order if:

(1) the [respondent] has signed a verified statement acknowledging parentage;

(2) the [respondent] has been determined by or pursuant to law to be the parent; or

(3) there is other clear and convincing evidence that the [respondent] is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 305 (Duties and Powers of Responding Tribunal).

COMMENT

This section authorizes a tribunal of the responding state to issue temporary and permanent support orders binding on an obligor over whom the tribunal has personal jurisdiction. It should be

emphasized that UIFSA does not permit such orders to be issued when another support order exists and another tribunal has continuing, exclusive jurisdiction over the matter. See § 205 (Continuing, Exclusive Jurisdiction) and § 206 (Enforcement and Modification of Support Order by Tribunal Having Continuing Jurisdiction).

ARTICLE 5. DIRECT ENFORCEMENT OF ORDER  
OF ANOTHER STATE WITHOUT REGISTRATION

SECTION 501. RECOGNITION OF INCOME-WITHHOLDING ORDER  
OF ANOTHER STATE.

(a) An income-withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's employer under [the income-withholding law of this State] without first filing a [petition] or comparable pleading or registering the order with a tribunal of this State. Upon receipt of the order, the employer shall:

(1) 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;

(2) immediately provide a copy of the order to the obligor; and

(3) distribute the funds as directed in the withholding order.

(b) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this State. Section 604 (Choice of Law) applies to the contest. The obligor shall give notice of the contest to any support

enforcement agency providing services to the obligee and to:

- (1) the person or agency designated to receive payments in the income-withholding order; or
- (2) if no person or agency is designated, the obligee.

#### COMMENT

Direct recognition by the obligor's employer of a withholding order issued by another state has long been sought by support enforcement associations and other advocacy groups. In 1984 Congress mandated that all states adopt procedures for enforcing income-withholding orders of sister states. As a result, the Child Support Project of the American Bar Association and the National Conference of State Legislatures promulgated a Model Interstate Income Withholding Act in 1985. The Model Act has not been widely enacted.

Subsection (a) directs an employer of the enacting state to recognize a withholding order of a sister state, subject to the employee's right to contest the validity of the order or its enforcement. At present, agencies in several states have adopted a procedure of sending direct withholding requests to out-of-state employers, but this marks the first official sanction of such practices. A recent study by the federal General Accounting Office notes that employers in a second state routinely recognize withholding orders of sister states despite an apparent lack of statutory authority to do so. This enactment recognizes actual practice.

Subsection (a) does not define "regular on its face," but the term should be liberally construed, see *U.S. v. Morton*, 467 U.S. 822 (1984) ("legal process regular on its face"). The rules governing intrastate procedure and defenses for withholding orders will apply to interstate orders. Thus, subsection (a) makes clear that employers who refuse to recognize out of state withholding orders will be subjected to whatever remedies are otherwise available under state law.

Similarly, subsection (b) incorporates the law regarding defenses an alleged obligor may raise to an intrastate withholding order into the interstate context. Generally, states have accepted the IV-D

requirement that the only allowable defense is a "mistake of fact." 42 U.S.C. § 666(b)(4)(A). This apparently includes "errors in the amount of current support owed, errors in the amount of accrued arrearage ... or mistaken identity of the alleged obligor" while excluding "other grounds, such as the inappropriateness of the amount of support ordered to be paid, changed financial circumstances of the obligor, or lack of visitation." H.R. Rep. No. 98-527, 98th Cong., 1st Sess. 33 (1983). The latter claims must be pursued in a separate legal action in the state having continuing, exclusive jurisdiction over the support order, not in a UIFSA proceeding.

#### SECTION 502. ADMINISTRATIVE ENFORCEMENT OF ORDERS.

(a) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state 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 (Act).

## COMMENT

This section authorizes summary enforcement of a sister state child support order through any administrative means available for local orders. Under subsection (a), any interested party in another state, necessarily including a private attorney or a support enforcement agency, may forward a support order or income-withholding order to a support enforcement agency of the enacting state.

Subsection (b) directs the support enforcement agency in the enacting state to employ the enacting state's regular administrative procedures to process the out-of-state order. Thus, a local employer accustomed to dealing with the local agency need not learn a new procedure in order to comply with an out-of-state order.

ARTICLE 6. ENFORCEMENT AND MODIFICATION  
OF SUPPORT ORDER AFTER REGISTRATION

PART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

SECTION 601. REGISTRATION OF ORDER FOR ENFORCEMENT

A support order or an income-withholding order issued by a tribunal of another state may be registered in this State for enforcement.

COMMENT

Part A of Article 6 greatly expands the procedure for the registration of foreign support orders available under RURESA §§ 35-40. The common practice of initiating a new suit for the establishment of a support order irrespective of the fact that there is an existing order for support will become obsolete under UIFSA. The fact that RURESA permits (really encourages) initiation of a new suit in those circumstances led to the multiple support order system that UIFSA is designed to eliminate.

Under the one-order system of UIFSA, the only existing order is to be enforced. Registration of that order in the responding state is the first step to enforcement by a tribunal of that state. Rather than being an optional device as is the case under RURESA, registration for enforcement under UIFSA is the primary method for interstate enforcement by a tribunal. If a prior support order has been validly issued, only that order is to be enforced against the obligor in the absence of very narrow strictly defined fact situations in which an existing order may be modified. See §§ 609 through 612. Additionally, until that order is modified, it is fully enforceable in the responding state.

Registration should be employed if the purpose is enforcement. Although registration not accompanied by a request for affirmative relief is not prohibited, the Act does not contemplate registration as serving a purpose in itself.

SECTION 602. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT.

(a) A support order or income-withholding order of another state may be registered in this State by sending the following documents and information 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 all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking 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) the name and address of the obligee and, if applicable, the agency or 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 a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A [petition] or comparable pleading seeking 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.

#### COMMENT

This section outlines the mechanics for registration of a sister state order. Subsection (c) warns that if a particular enforcement remedy must be specifically sought under local law, the same is required in interstate cases. However, the authorization of a later request contemplates that interstate pleadings may be liberally amended to conform to local practice.

#### SECTION 603. EFFECT OF REGISTRATION FOR ENFORCEMENT.

(a) A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this State.

(b) A registered order issued in another state 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 order if the issuing tribunal had jurisdiction.

#### COMMENT

Subsection (a) is derived from RURESA § 39(a), which states that "filing constitutes registration . . . ." Although the registration procedure under UIFSA is nearly identical to that of RURESA, the underlying intent of registration is radically different. Under RURESA, once an order of State A is registered in State B, it becomes an order of the latter. Under UIFSA, the order continues to be a State A order, which is to be enforced by a tribunal of State B. Although State B's rules of evidence and procedure apply, except as supplemented or specifically superseded by the Act, the order itself remains subject to the continuing, exclusive jurisdiction of State A so long as the requirements for that authority set forth in Section 205 remain intact.

Subsection (b) is derived from RURESA § 40(a). Although RURESA specifically subjects a registered order to "proceedings for reopening, vacating, or staying as a support order of this State," these remedies are not authorized under UIFSA. While a foreign support order is to be enforced and satisfied in the same manner as if it had been issued by a tribunal of the registering state, the order to be enforced remains an order of the issuing state. Conceptually, the responding state is enforcing the order of another state, not its own order. Any request for relief that requires application of the continuing, exclusive jurisdiction of the issuing tribunal must be sought in the issuing forum.

Subsection (c) mandates enforcement of the registered order. See §§ 606 through 608. This is at sharp variance with the RURESA § 40 practice, which states that "the registered foreign support order shall be treated in the same manner as a support order issued by a court of this State." This language was generally interpreted as converting the foreign order into an order of the registering state. Once the registering court concludes that it is enforcing its own order, the next logical step is the conclusion that the order may be modified, which results in another version of the multiple order system. UIFSA mandates an end to this process, except as modification is authorized in this article, see §§ 609 through 612.

Because under UIFSA there is only one order in existence at any one time, that order is enforceable in a responding state irrespective of whether such an order might be modified. That is, if neither the child nor the parties continue to reside in the issuing state, the issuing tribunal loses its continuing, exclusive jurisdiction over its child support order. Nonetheless, the order continues to be fully enforceable until the potential for modification actually occurs in accordance with the strict terms for such an action as set forth in Part C of this article, §§ 609-612.

#### SECTION 604. CHOICE OF LAW.

(a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitation under the laws of this State or of the issuing state, whichever is longer, applies.

#### COMMENT

This section identifies situations in which local law is inapplicable. For example, under subsection (a) an order for the support of a child until age 21 must be recognized and enforced in that manner in a state in which the duty of support of a child ends at age 18. See *Gonzales-Goengaga v. Gonzales*, 426 So.2d 1106 (Fla. App. 1983); *Taylor v. Taylor*, 122 Cal. App. 3d 209, 175 Cal. Rptr. 716 (1981).

Subsection (b) contains a similar choice of law provision that may diverge from local law. Whichever state's statute of limitations is longer is to be applied. In interstate cases arrearages will often have accumulated over a considerable period of time before enforcement is perfected. The obligor should not gain an undue benefit from the choice of residence if the forum state has a short statute of limitations for arrearages.

PART B. CONTEST OF VALIDITY OR ENFORCEMENT

SECTION 605. NOTICE OF REGISTRATION OF ORDER.

(a) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first class, certified, or registered mail or by any means of personal service authorized by the law of this State. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) that a registered 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 [20] days after the date of mailing or personal service of the notice;

(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 precludes

further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to [the income-withholding law of this State].

#### COMMENT

Part B of Article 6 provides the procedure for the nonregistering party to contest registration of an order, either because the order is allegedly invalid, superseded, or no longer in effect, or because the enforcement remedy being sought is opposed by the nonregistering party.

This section provides that the nonregistering party must be fully informed of the effect of registration. After such notice is given, absent a successful contest by the nonregistering party, the order will be confirmed and future contest will be precluded.

#### SECTION 606. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED ORDER.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this State shall request a hearing within [20] days after the date of mailing or personal service of notice of the registration. 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 607 (Contest of Registration or Enforcement).

(b) If the nonregistering party fails to contest the validity or enforcement of the registered 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 order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time, and place of the hearing.

#### COMMENT

Subsection (a) is derived in part from RURESA § 40(b), under which the "obligor" is directed to contest the registration of a foreign order within a short period of time. This procedure is continued, but the terminology is changed to "nonregistering party" because either the obligor or the obligee may seek to register a foreign support order. Moreover, the subsection is philosophically very different from RURESA § 40, which directs that a registered order "shall be treated in the same manner as a support order issued by a court of this state." A contest of the fundamental provisions of the registered order is not permitted "in this State." The nonregistering party must return to the issuing state to prosecute such a contest, and then only as the law of that state permits. The procedure adopted here is akin to the prohibition of the nonparentage defense found in Section 315; that is, raising the issue in a UIFSA proceeding is prohibited, but no attempt is made to preclude the issue from being litigated in another, more appropriate forum if otherwise allowable by that forum. On the other hand, the respondent may assert defenses such as "payment" or "the obligation has terminated" to allegations of past noncompliance with the registered order. Similarly, a constitutionally-based attack may always be asserted, i.e., an alleged lack of personal jurisdiction over a

party by the issuing tribunal. There is no defense, however, to the registration of a valid foreign support order.

Subsection (b) precludes an untimely contest of a registered support order. As noted above, the nonregistering party is free to seek redress in the issuing state from the tribunal with continuing, exclusive jurisdiction over the support order.

Subsection (c) directs that a hearing be scheduled when the nonregistering party contests some aspect of the registration. At present, federal regulations govern the allowable time frames for contesting income withholding in IV-D cases. See 42 U.S.C. § 666(b). Further codification of that process is unwise.

#### SECTION 607. CONTEST OF REGISTRATION OR ENFORCEMENT.

(a) A party contesting the validity or enforcement of a registered 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; or

(7) the statute of limitation under Section 604 (Choice of Law) precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered 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 subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

#### COMMENT

Subsection (a) places the burden on the nonregistering party to assert narrowly defined defenses to registration of a support order.

If the obligor is liable for current support, under subsection (b) the tribunal must enter an order to enforce that obligation. Proof of arrearages must result in enforcement; under the Bradley Amendment, 42 U.S.C. § 666(a)(10), all states are required to treat child support payments as final judgments as they come due (or lose federal funding). Therefore, such arrearages are not subject to retroactive modification.

SECTION 608. CONFIRMED ORDER. Confirmation of a registered 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.

#### COMMENT

The policy determination that foreign support orders may need to be confirmed by the forum tribunal is found in URESA § 40, but the process of confirmation is not explained. Under UIFSA, confirmation of an order may be the result of operation of law because of a failure to contest or an unsuccessful contest after a hearing. Either method precludes raising any issue that could have been asserted in a hearing. Confirmation of a foreign support order validates both the terms of the order and the asserted arrangements. See *Chapman v. Chapman*, 205 Cal. App. 3d 253, 252 Cal. Rptr. 359 (1988).

### PART C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

SECTION 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 Part A of this article 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.

#### COMMENT

Part C of Article 6 deals with situations in which it is necessary for a registering state to modify the existing child support order of another state. As long

as the issuing state maintains its continuing, exclusive jurisdiction over its order, a registering sister state is precluded from modifying that order. This is a very significant departure from the multiple-order, multiple-modification system of RURESA. However, if the issuing state no longer has a sufficient interest in the modification of its order because neither the child nor the parties continue to reside there, under appropriate circumstances a registering state may assume the power to modify. Note that authority to modify is limited to child support orders; the Act does not contemplate modification of spousal support orders.

A petitioner wishing to register a support order of another state for purposes of modification must conform to the general requirements for pleadings in Section 311 (Pleadings and Accompanying Documents), and follow the procedure for registration set forth in Section 602 (Procedure To Register Order for Enforcement). If the tribunal has the requisite jurisdiction over the parties as established in § 611, modification may be sought in conjunction with registration and enforcement, or at a later date after the order has been registered, confirmed, and enforced.

**SECTION 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 order may be modified only if the requirements of Section 611 (Modification of Child Support Order of Another State) have been met.

#### COMMENT

An order registered for purposes of modification may be enforced in the same manner as an order registered for purposes of enforcement. But, the power of the forum tribunal to modify a child support order of another tribunal is limited by the specific factual preconditions set forth in § 611.

**SECTION 611. MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE.**

(a) After a child support order issued in another state has been registered in this State, the responding tribunal of this State may modify that order only if, after notice and hearing, it finds that:

(1) the following requirements are met:

(i) the child, the individual obligee, and the obligor do not reside in the issuing state;

(ii) a [petitioner] who is a nonresident of this State seeks modification; and

(iii) the [respondent] is subject to the personal jurisdiction of the tribunal of this State; or

(2) an individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this State may modify the support order and assume continuing, exclusive jurisdiction over the order.

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

(c) A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

(e) Within [30] 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 which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

#### COMMENT

When a foreign support order is enforced in a registering state under UIFSA, the rights of the parties affected have been litigated previously. Because the obligor already has had a day in court, an enforcement remedy may be summarily invoked. On the other hand, modification of an existing order presupposes a change in the rights of the parties. Therefore, even under RURESA more elaborate procedures were required by most states prior to the issuance of a modified order. These requirements are much more explicit and restrictive under UIFSA.

A support order registered under RURESA for the purpose of enforcement is treated as if originally issued by the registering tribunal. Most states have interpreted the RURESA registration provisions as also authorizing prospective modification of the registered order, see, e.g., *Lagarvey v. Lagarvey*, 681 P.2d 309 (Alaska 1984); *In re Marriage of Aron*, 224 Cal. App. 3d 1086 (1990); *MacFadden v. Martini*, 119 Misc. 2d 94, 463 N.Y.S.2d 674 (1983); *Pinner v. Pinner*, 33 N.C. App. 204, 234 S.E.2d 633 (1977). In sum, by its terms RURESA

contemplates existence of multiple support orders, none of which is directly related to any of the others. Although the issuing tribunal under RURESA retains continuing jurisdiction to modify its own order, that power is not exclusive. Tribunals in other states often assume jurisdiction to enter new orders or to modify an out-of-state support order.

Under UIFSA a tribunal may modify an existing child support order of another state only if certain quite limited conditions are met. First, the tribunal must have all the prerequisites for the exercise of personal jurisdiction required for rendition of an original support order. Second, one of the restricted fact situations described in subsection (a) must be present. This section, which is a counterpart to Section 205(b) (Continuing, Exclusive Jurisdiction), establishes the conditions under which the continuing jurisdiction of the issuing tribunal is released. The Uniform Child Custody Jurisdiction Act §§ 12-14 provides general principles for the judicial determination of an appropriate fact situation for subsequent modification of an existing custody order by another court. In contrast, UIFSA establishes a set of "bright line" rules for modification of an existing child support order.

Under UIFSA, registration is subdivided into distinct categories: registration for enforcement, for modification, or both. Subsection (a) contemplates modification of an existing child support order only under the limited circumstances described, thus eliminating multiple support orders to the maximum extent possible consistent with the principle of continuing, exclusive jurisdiction that pervades the Act. The continuing, exclusive jurisdiction of the issuing tribunal remains intact so long as one party or the child continue to reside in the issuing state, or unless the parties mutually agree to the contrary. This is also the standard for recognition of sister state custody orders under the federal Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A. Once every individual party and the child leave the issuing state, the continuing, exclusive jurisdiction of the tribunal terminates, although the order remains in effect and enforceable until it is modified. If and when the order is modified by a tribunal of another state, the principle of continuing, exclusive jurisdiction is further ratified; the order of the modifying tribunal becomes the operative "only-order-in-effect."

Under subsection (a)(1), all persons affected by the initial order must have moved from the issuing state

before a tribunal in a new forum may modify. In virtually all cases, the new forum will be the state of residence of either obligor or obligee. Proof of this may be made directly in the forum state; no purpose would be served by requiring the petitioner to return to the original issuing state for a document to confirm the fact that none of the relevant persons still lives there.

Note that subsection (a)(1) requires that the petitioner be a nonresident of the forum in which modification is sought and the respondent to be subject to the jurisdiction of that forum. This contemplates that the issuing state has lost continuing, exclusive jurisdiction and that the obligee may seek modification in the obligor's state of residence, or that the obligor may seek a modification in the obligee's state of residence. This restriction attempts to achieve a rough justice between the parties in the majority of cases by preventing a litigant from choosing to seek modification in a local court to the marked disadvantage of the other party. For example, an obligor visiting the children at the residence of the obligee cannot be validly served with citation accompanied by a motion to modify the support order. Even though such personal service of the obligor in the obligee's home state is consistent with the jurisdictional requisites of *Burnham v. Superior Court*, 495 U.S. 604 (1990), the motion to modify does not fulfill the requirement of being brought by "a [petitioner] who is a nonresident of this State ...." The obligee is required to make that motion in a state other than that of his or her residence which has personal jurisdiction over the obligor. Most typically this will be the state of residence of the obligor. Similarly, fairness requires that an obligee seeking to modify or modify and enforce the existing order in the state of residence of the obligor will not be subject to a cross-motion to modify custody or visitation merely because the issuing state has lost its continuing, exclusive jurisdiction over the support order. The obligor is required to make that motion in a state other than that of his or her residence; most likely, the obligee's state of residence. Finally, note that if both parties have left the issuing state and now reside in the same state, this section is not applicable. Such a fact situation does not present an interstate matter and UIFSA does not apply. Rather, the issuing state has lost its continuing exclusive jurisdiction and the forum state, as the residence of both parties, should apply local law without regard to the Interstate Act.

Subsection (a)(2) allows the parties to terminate the continuing jurisdiction of the issuing state by agreement even though one of the parties or the child maintains a significant nexus with the issuing state. In contrast to subsection (a)(1), this must be initiated and confirmed by the issuing state and a copy of such an agreement must be filed in the issuing tribunal.

Modification of child support under subsections (a)(1) and (a)(2) is distinct from custody modification under the federal Parental Kidnapping Prevention Act, 42 U.S.C. § 1738A, which provides that the court of continuing, exclusive jurisdiction may "decline jurisdiction." Similar provisions are found in the UCCJA, § 14. In those statutes the methodology for the declination of jurisdiction is not spelled out, but rather is left to the discretion of possibly competing courts for case-by-case determination. The privilege of declining jurisdiction, thereby creating the potential for a vacuum, is not authorized under UIFSA. Once an initial child support order is established, at all times thereafter there is an existing order in effect to be enforced. Even if the issuing court no longer has continuing, exclusive jurisdiction, its order remains fully enforceable until a court with modification jurisdiction issues a new order in conformance with this article.

Subsection (b) states that if the forum has modification jurisdiction because the issuing state has lost continuing jurisdiction, the proceedings will generally follow local law with regard to modification of child support orders. However, subsection (c) prevents the modification of any final, nonmodifiable aspect of the original order. For example, if child support was ordered through age 21 in accordance with the law of the issuing state and the law of the forum state ends the support obligation at 18, modification by the forum tribunal may not affect the duration of the support order to age 21.

Subsection (d) provides that upon modification the new order becomes the one-order to be recognized by all UIFSA states, and the issuing tribunal acquires continuing, exclusive jurisdiction.

Finally, subsection (e) directs that the original issuing state be notified that it no longer is responsible to exercise its continuing, exclusive jurisdiction.

SECTION 612. RECOGNITION OF ORDER MODIFIED IN ANOTHER STATE. A tribunal of this State shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this [Act] and, upon request, except as otherwise provided in this [Act], shall:

(1) enforce the order that was modified only as to amounts accruing before the modification;

(2) enforce only nonmodifiable aspects of that order;

(3) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and

(4) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

#### COMMENT

Independent support orders relating to the same parties, a hallmark of RURESA, are replaced in UIFSA by deference to the support order of a sister state. This applies not just to the original order, but also to a modified child support order issued by a second state under the standards established by Section 611 (Modification of Child Support Order of Another State). For the Act to function properly, the original issuing state must recognize and defer to such a modified order, and must regard its prior order as prospectively inoperative. Because the modifying tribunal lacks the authority to direct the original issuing state to release its continuing jurisdiction, each state must recognize this effect by enacting UIFSA.

Power is retained over post-modification by the original issuing tribunal for remedial actions directly connected to its now-modified order. A tribunal may enforce its subsequently modified order for violations of that order which occurred before the modification. Further, aspects of the original order that have become final or are not modifiable may be prospectively enforced by the issuing tribunal. For example, a contractual obligation to provide a college education trust fund for a child may be enforced under the law of the issuing state irrespective of the law of the modifying state.

## ARTICLE 7. DETERMINATION OF PARENTAGE

### SECTION 701. PROCEEDING TO DETERMINE PARENTAGE.

(a) A tribunal of this State may serve as an initiating or responding tribunal in a proceeding brought under this [Act] or a law substantially similar to this [Act], the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the [petitioner] is a parent of a particular child or to determine that a [respondent] is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of this State shall apply the [Uniform Parentage Act; procedural and substantive law of this State,] and the rules of this State on choice of law.

#### COMMENT

This article authorizes a "pure" parentage action in the interstate context, *i.e.*, an action not joined with a claim for support. Either the mother or a man alleging to be the father of a child may bring such an action. More commonly, an action to determine parentage across state lines will also seek to establish a support order under the Act. See § 401 ([Petition] to Establish Support Order).

Parentage actions under UIFSA are to be treated identically to such actions brought in the responding state.

ARTICLE 8. INTERSTATE RENDITION

SECTION 801. GROUNDS FOR RENDITION.

(a) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this [Act].

(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 by 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 [Act] 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.

COMMENT

This section tracks RURESA § 5 (Interstate Rendition) with no substantive change. Virtually no controversy has been generated regarding this portion of RURESA. Arguably application of subsection (c) is problematical in situations in which the obligor neither was present in the demanding state at the time of the commission of the crime nor fled from the demanding state. The possibility that an individual may commit a

crime in a state without ever being physically present there has elicited considerable discussion and some case law. See L. Brillmayer, "An Introduction to Jurisdiction in the American Federal System," 329-335 (1986) (discussing minimum contacts theory for criminal jurisdiction); Rotenberg, "Extraterritorial Legislative Jurisdiction and the State Criminal Law," 38 Tex. L. Rev. 763, 784-87 (1960) (due process requires defendant's behavior must be predictably subject to state's criminal jurisdiction); cf. *Ex parte Boetscher*, 812 S.W.2d 600 (Tex. Crim. App. 1991) (Equal Protection Clause limits disparate treatment of nonresident defendants); *In re King*, 3 Cal.3d 226, 90 Cal. Rptr. 15, 474 P.2d 983 (1970, cert. denied 403 U.S. 931) (enhanced offense for nonresidents impacts constitutional right to travel).

#### SECTION 802. CONDITIONS OF RENDITION.

(a) Before making 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 [60] days previously the obligee had initiated proceedings for support pursuant to this [Act] or that the proceeding would be of no avail.

(b) If, under this [Act] or a law substantially similar to this [Act], the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is

owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

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

#### COMMENT

This section tracks RURESA § 6 (Conditions of Interstate Rendition) without significant change. Interstate rendition remains the last resort for support enforcement, in part because a governor may exercise considerable discretion in deciding whether to honor a demand for an obligor.

ARTICLE 9. MISCELLANEOUS PROVISIONS

SECTION 901. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This [Act] shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this [Act] among states enacting it.

SECTION 902. SHORT TITLE. This [Act] may be cited as the Uniform Interstate Family Support Act.

COMMENT

Renaming the Act reflects the dramatic departure from the structure of the earlier interstate reciprocal support acts, URESA and RURESAs.

SECTION 903. SEVERABILITY CLAUSE. If any provision of this [Act] or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [Act] which can be given effect without the invalid provision or application, and to this end the provisions of this [Act] are severable.

SECTION 904. EFFECTIVE DATE. This [Act] takes effect . . . . .

SECTION 905. REPEALS. The following acts and parts  
of acts are hereby repealed:

- (1) . . . . .
- (2) . . . . .
- (3) . . . . .

APR 26 1995



State of Alaska  
**ombudsman**  
 A Legislative Service Agency

Reply to:

- P.O. Box 102636  
 Anchorage, AK 99510-2636  
 (907) 269-5290  
 (800) 478-2624  
 (FAX) 269-5291
- P.O. Box 113000  
 Juneau, AK 99811-3000  
 (907) 465-4970  
 (800) 478-4970  
 (FAX) 465-3330
- P.O. Box 74358  
 Fairbanks, AK 99707-4358  
 (907) 451-2880  
 (800) 478-3257  
 (FAX) 451-2957

April 26, 1995

The Honorable Steve Frank, Co-Chairman  
 The Honorable Rick Halford, Co-Chairman  
 Senate Committee on Finance  
 Alaska Legislature  
 State Capitol, Room 532  
 Juneau, Alaska 99811

Re: Senate Bill 115 - Uniform Interstate Family Support Act (UIFSA)

Dear Chairman Frank and Chairman Halford:

The Office of the Ombudsman supports legislation to enact the Uniform Interstate Family Support Act (UIFSA). Two bills currently before the legislature, Senate Bill 115 and House Bill 242, as introduced, would accomplish that objective. Senate Bill 115 was approved by the Senate Health, Education & Social Services Committee on April 12, and by the Senate Judiciary Committee on April 24, 1995; the bill has been referred to the Senate Finance Committee for further consideration.

The National Conference of Commissioners on Uniform State Laws drafted UIFSA to update the Uniform Reciprocal Enforcement of Support Act (URESA). UIFSA would allow Alaska maximum flexibility in securing personal jurisdiction over an absent parent and would apply to all actions relating to establishment, modification and enforcement of support orders and the determination of parentage in cases in which the parties reside in different states. This simplified process could mean more money for Alaskan parents to raise their children.

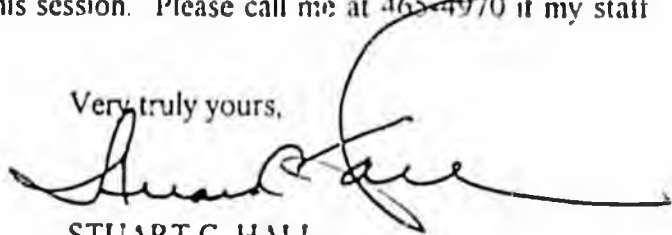
Enactment of UIFSA would assist many who have sought the Ombudsman's help with the Alaska Child Support Enforcement Division (CSED). In Fiscal Year 1994 and Fiscal Year 1995, to date, the Ombudsman has assisted 1661 individuals with complaints against CSED, many of whom were custodial parents who depend upon CSED to collect child support from an out-of-state parent. A large number of those complaints came from single parents concerned about the slow pace of case establishment and child support collection. Enactment of UIFSA would streamline the establishment process which should, in turn, prompt speedier collections.

Both the state and custodial parents would benefit from enactment of UIFSA. The State of Alaska, because it could collect public assistance debts from absent parents, and custodial parents, because easier collection means money to raise their children. Perhaps more important, increased collections may help reduce the number of custodial parents forced to go on public assistance when there is no other source of support.

April 26, 1995

We urge the Finance Committee's early, favorable consideration of legislation that would codify UIFSA into Alaska law this session. Please call me at 465-4970 if my staff and I can be of further assistance.

Very truly yours,



STUART C. HALL  
Ombudsman

cc: The Honorable Tony Knowles, Governor of Alaska  
Att'n: Pat Pourchot, Legislative Director  
Bruce M. Bothelo, Esq., Attorney General  
Wilson L. Condon, Esq., Commissioner, Department of Revenue  
Glenda Straube, Director, Child Support Enforcement Division, Department of Revenue  
Marilyn May, Esq., Assistant Attorney General, Department of Law, Anchorage  
Deborah Behr, Esq., Assistant Attorney General, Legislation/Regulations,  
Department of Law, Juneau, and Commissioner for Alaska, National Conference  
of Commissioners on Uniform State Laws  
Arthur H. Peterson, Esq., Commissioner for Alaska, National Conference of  
Commissioners on Uniform State Laws

SCH:esb

STATE OF ALASKA

APR 12 1995

TONY KNOWLES, GOVERNOR

DEPARTMENT OF REVENUE

STATE OFFICE BUILDING  
P.O. BOX 110410  
JUNEAU, ALASKA 99811-0410

April 7, 1995

The Honorable Rick Halford  
Alaska State Senate, Room 508  
State Capitol  
Juneau, Alaska 99801

re: SB115 and SB116

Dear Senator Halford:

Enclosed please find informational "bullets" pertaining to SB 116 related to paternity establishment, and SB 115 related to the Uniform Interstate Family Support Act (UIFSA). This information is being presented in the hopes that it might clarify how these two bills will enhance child support enforcement within this State and in co-operation with other states which have implemented UIFSA.

If you desire additional information please contact Glenda Straube, Director, Child Support Enforcement Division at (907) 269-6801.

Sincerely,



Bob Baraiko  
Legislative Liaison  
Department Of Revenue

Enclosure

cc: Glenda Straube, Director, Child Support Enforcement Division

600573

Uniform Interstate Family Support Act (UIFSA)  
HB 242 - SB 115

UIFSA provides improved procedures for establishing, modifying and enforcing child support orders where the obligor and the obligee reside in different states. Interstate cases represent about 44% of Alaska's child support caseload. UIFSA has already been enacted by at least 21 states and may soon be required for continued federal funding.

This bill promotes efficiency and minimizes confusion, and should therefore result in additional child support collections. UIFSA:

- Eliminates the multiple-order system existing under current law, whereby two or more states may each establish and enforce different child support judgments. UIFSA instead provides for one state to have "continuing, exclusive jurisdiction" and sets out the means for determining which state has that jurisdiction.
- Recognizes the speed and efficiency of administrative action by allowing the support enforcement agency to establish paternity and to establish, modify or enforce a child support order without having to go through a court.
- Provides broad long arm jurisdiction to reach out-of-state obligors to allow the forum state to obtain as much jurisdiction as is constitutionally permissible.
- Promotes efficiency by providing for use of federal forms in all interstate cases; exchange of child support information through an interstate computer network; taking of testimony by telephone; electronic transmission of documentary evidence; and special evidentiary rules to speed the introduction of evidence in support cases.
- Allows direct income withholding -- a support order may be mailed directly to an obligor's employer in another state, requiring immediate wage withholding, without first having a support hearing in that state (the obligor has the right to object and request a hearing).

UIFSA represents a dramatic improvement over the sometimes haphazard or even chaotic circumstances surrounding child support orders under Alaska's current interstate support law, the Uniform Reciprocal Enforcement of Support Act (URESA). The elimination of the multiple-order scenario alone justifies passage of UIFSA; that along with the many other benefits should assure widespread support among both obligees and obligors.

TONY KNOWLES  
GOVERNOR



P O Box 110001  
Juneau Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 6, 1995

The Honorable Druc Pearce  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Pearce:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Uniform Interstate Family Support Act and the repeal of the Uniform Reciprocal Enforcement of Support Act.

The bill would repeal the laws currently found in AS 25.25, the Uniform Reciprocal Enforcement of Support Act (URESAs), and replace them with a new Uniform Act, the Uniform Interstate Family Support Act (UIFSA), with minor modifications. The bill also has the effect of amending Alaska Rules of Civil Procedure 79 and 82, and Alaska Rule of Administration 9. See secs. 6 and 7 of the bill. Under art. IV, sec. 15, of the Alaska Constitution, the legislature may change a court rule governing "practice and procedure." Although the bill has the effect of amending a court rule relating to filing fees that is designated as an "administrative" rule, I believe that the rule affects individuals' substantive rights regarding access to our justice system and, therefore, is one that the legislature is authorized to change. Additionally, the provision that has the effect of amending the administrative rule is an integral part of UIFSA.

The Uniform Interstate Family Support Act was drafted to update URESAs. The bill, like URESAs, applies to those actions relating to the establishment, modification, and enforcement of support orders and the determination of parentage in situations in which the parties reside in more than one state.

A major feature of UIFSA is that it does not require reciprocity of laws between states in order to take action under its provisions. In order to ease the transition between URESAs and UIFSA, the bill recognizes substantially similar state laws as equivalent to UIFSA for

The Honorable Drue Pearce  
March 6, 1995  
Page 2

purposes of interstate actions. See proposed AS 25.25.101(7) and (16) in sec. 1 of the bill. The bill also contains its own long-arm jurisdiction provision providing the home state of a supported family the maximum possible opportunity to secure personal jurisdiction over an absent parent.

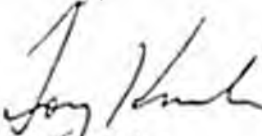
The bill promotes, to the extent possible, the premise of continuing exclusive jurisdiction over support orders. Under the law as it exists under URESA, multiple orders for child support often result. UIFSA seeks to limit the existence of multiple support orders by limiting the circumstances under which subsequent support orders may be entered in states other than the initiating state.

The bill also recognizes the growing use of administrative procedures in addition to or in place of judicial proceedings in the establishment of paternity and the establishment and enforcement of support orders.

UIFSA was prepared by the National Conference of Commissioners on Uniform State Laws, which has approved and recommended it for enactment in all the states. Although it was first adopted by that conference in the summer of 1992, it has already been enacted in 21 states. There are indications that it will be introduced in as many as eight states this year. It has been endorsed by the United States Commission on Interstate Child Support, the American Bar Association, and the Conference of Chief Justices, and the bill has the support of Alaska's child support enforcement agency. Additional information from the National Conference of Commissioners on Uniform State Laws is available from my staff.

I urge your prompt consideration and passage of this bill.

Sincerely,



Tony Knowles  
Governor

# SENATE COMMITTEE REPORT

DATE: 4/12/95

FURTHER: Finance

DATE TURNED INTO OFFICE: 4-25-95

Judiciary Committee considered SENATE BILL NO. 115

Establishment, modification, and enforcement of support orders and the determination of parentage in situations involving more than one state; amending Alaska Rule of Administration 9; amending Alaska Rules of Civil Procedure 79 and 82; efd.

and recommends:

- be replaced with CS SB 115 JUD
- adopt previous CS ( )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
 House Bill:  
 same title  
 technical change  
 new: SCR°

*F & FIN's*

SIGNING <del>DO</del> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Lee Adams</i>	<input checked="" type="checkbox"/>	<i>Mike Miller</i>	<input checked="" type="checkbox"/>		
<i>John Eilers</i>	<input checked="" type="checkbox"/>	<i>Lyle Allen</i>	<input checked="" type="checkbox"/>		
CLAIR <i>Christina Taylor</i>				<input checked="" type="checkbox"/>	

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
HSS - AFDC	2/3/95	<input checked="" type="checkbox"/>	170
CPA	3/3/95	<input checked="" type="checkbox"/>	
Revenue	3/3/95	<input checked="" type="checkbox"/>	170
Law	3/3/95	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 3/7/95

FURTHER: Judiciary  
 Finance

*Final*

Date of 5-Day Notice: 4-3-95  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-12-95

HESS Committee considered SB 115

Establishment, modification and enforcement of support orders and the determination of parentage in situations involving more than one state; amending Alaska Rule of Administration 9 and Alaska Rules of Civil Procedure 79 and 82; efd.

*En's to FN's*

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
 House Bill:  
 same title  
 technical title  
 new: SCR' \_\_\_\_\_

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Judith E. Salo</i>	<input checked="" type="checkbox"/>				
<i>D. H. Gellert</i>	<input checked="" type="checkbox"/>				
<i>John A. Hewson</i>	<input checked="" type="checkbox"/>				
CHAIR: _____		<i>Lynne Green</i>	<input checked="" type="checkbox"/>		

**NEW FISCAL NOTE(S):**

Department      Date      Zero      Fiscal

DHSS - ADC	3/3/95		170.
DCARA	3/3/95	<input checked="" type="checkbox"/>	
DOR	3/3/95		170.
DOL	3/3/95	<input checked="" type="checkbox"/>	

**PREVIOUS BISCAL NOTE(S):\***

Department      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill