

HB

106

<TARGET><BILL>HB 106</BILL><SUBJECT>HB
106</SUBJECT><COMM>HSTA29</COMM></TARGET>

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 11, 2015

FURTHER REFERRALS: Judiciary

Date of Committee Action: 3-17-2015

The STATE AFFAIRS Committee considered:

HB 106

HOUSE BILL NO. 106

"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in foreign countries; relating to determination of parentage of a child; and providing for an effective date."

HB 106-UNIFORM INTER.CHILD SUPPORT;PARENTAGE

Recommends it be replaced with HCS or CS for HB 106 (STA)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 DHS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

NEW FISCAL NOTES				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
	DOL			✓
	DOR			✓

PREVIOUS FISCAL NOTES				
FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	DOR			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>David A. Talerico</i>	Talerico	X			
<i>Louise Stutes</i>	STUTES	X			
<i>Wes Keller</i>	Keller			X	
<i>Mr. J. Hernandez</i>	Hernandez			✓	
<i>E. Vasquez</i>	VAZQUEZ	✓			
<i>J. H. Kress</i>	Kress	X			
Chair: <i>[Signature]</i>	<i>[Signature]</i>			X	
Chair: <i>[Signature]</i>	<i>[Signature]</i>				

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State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM

March 4, 2015

SUBJECT: Sectional Summary of CSHB 106(STA)
(Work Order No. 29-GH1897\W)

TO: Representative Bob Lynn
Attn: Nancy Manly

FROM: Kate S. Glover 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Secs. 1 - 16. Amend definitions and add new definitions applicable to AS 25.25 relating to the Uniform Family Support Act.

Sec. 17. Designates the child support services agency created in AS 25.27.010 as the support enforcement agency of the state.

Sec. 18. Amends AS 25.25.103 to clarify that cumulative remedies do not affect the recognition of a support order on the basis of comity.

Sec. 19. Adds a new subsection to AS 25.25.103 to establish that the bill does not establish the exclusive method for establishing support orders in the state and that it does not grant the state the ability to issue an order related to custody or parenting time under this chapter.

Sec. 20. Requires a tribunal of the state to apply specified sections of the bill and law to proceedings involving foreign support orders, foreign tribunals, or obligees, obligors, or children residing in a foreign country.

Sec. 21. Makes clarifying amendments to AS 25.25.201 pertaining to jurisdiction over nonresidents.

Sec. 22. Explains that the laws of the state may not be used to acquire personal

Representative Bob Lynn

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jurisdiction for a tribunal of the state to modify a child support order of another state, or a foreign support order, unless certain requirements are met.

Sec. 23. Repeals and reenacts AS 25.25.202 to provide that the state has continuing, exclusive jurisdiction to modify or enforce its order if certain requirements are met.

Sec. 24. Makes clarifying revisions to AS 25.25.203 pertaining to initiating and responding tribunals.

Sec. 25. Makes clarifying revisions to AS 25.25.204 pertaining to simultaneous proceedings.

Sec. 26. Clarifies that jurisdiction is based on residency at the time of filing and that the state can have continuing jurisdiction with the consent of all parties even when the parties no longer reside there.

Sec. 27. Clarifies when the state may not exercise continuing, exclusive jurisdiction to modify a child support order issued by a tribunal of the state.

Sec. 28. Requires a tribunal of the state to recognize continuing, exclusive jurisdiction of the tribunal of another state that has issued a child support order under a law substantially similar to this chapter.

Sec. 29. Allows a tribunal of the state to serve as the initiating tribunal to request the tribunal of another state to modify a support order issued in that state.

Secs. 30 and 31. Clarify when a tribunal of this state can act as an initiating or responding tribunal to enforce a support order.

Secs. 32 - 37. Amend procedures for determining which order is the controlling order if two or more support orders have been issued for the same obligor and child. Adds requirements for controlling support orders.

Sec. 38. Adds "foreign country" to AS 25.25.208 pertaining to orders for two or more obligees.

Sec. 39. Clarifies language regarding credit for payments.

Sec. 40. Adds new sections regarding proceedings involving nonresidents who are subject to personal jurisdiction, and regarding jurisdiction for modifying spousal support orders.

Sec. 41. Makes clarifying revisions to AS 25.25.301(c).

Sec. 42. Amends AS 25.25.303 to remove "including the rules on choice of law"

Sec. 43. Amends AS 25.25.304 relating to the duties of a tribunal of this state to specify the amount of support sought from a foreign country and to convert the amount into foreign currency.

Sec. 44. Allows a tribunal of this state to determine the controlling child support order.

Sec. 45. Provides the process for a tribunal of this state to convert a foreign support order into the equivalent amount in dollars.

Sec. 46. Makes clarifying revisions to AS 25.25.306.

Secs. 47 - 48. Makes clarifying revisions and adds sections to the duties of child support agencies regarding foreign support orders and income withholding orders.

Sec. 49. Adds a new section setting out the duties of the Department of Revenue under the Act.

Sec. 50. Makes clarifying revisions to AS 25.25.310.

Sec. 51. Makes clarifying revisions to AS 25.25.311.

Sec. 52. Changes requirements regarding when a court may seal information to protect the health, safety, or liberty of a party or a child.

Sec. 53. Makes clarifying revisions to AS 25.25.313.

Sec. 54. Makes clarifying revisions to AS 25.25.314.

Secs. 55 - 59. Make clarifying revisions to AS 25.25.316.

Sec. 60. Adds a new section providing that a certified copy of a voluntary acknowledgement of paternity is admissible to establish paternity.

Sec. 61. Allows tribunals to communicate through electronic mail under the Act.

Sec. 62. Amends AS 25.25.318 to apply to tribunals outside this state.

Sec. 63. Makes clarifying revisions to AS 25.25.319.

Sec. 64. Adds sections relating to the duties of the support enforcement agency of this state or a tribunal of this state when the child support services agency of this state receives payments under a support order and neither the obligor, the obligee, nor the child resides in this state.

Sec. 65. Allows a responding tribunal of this state to issue a support order if the tribunal has personal jurisdiction over an individual residing outside of the state.

Sec. 66. Clarifies when a tribunal may issue a temporary child support order.

Sec. 67. Authorizes a tribunal of this state to serve as a responding tribunal in a proceeding to determine parentage.

Sec. 68. Makes clarifying revisions to AS 25.25.501.

Sec. 69. Makes clarifying revisions to AS 25.25.502.

Sec. 70. Makes clarifying revisions to AS 25.25.503.

Sec. 71. Makes clarifying revisions to AS 25.25.504.

Sec. 72. Makes clarifying revisions to AS 25.25.505.

Sec. 73. Clarifies how an obligor can challenge the enforcement of an income withholding order issued in another state and received by an employer of this state.

Secs. 74 - 77. Add "foreign support order" as an order that can be registered in this state.

Sec. 78. Provides procedures for registering an order when more than one order is in effect.

Sec. 79. Adds "foreign support order" to AS 25.25.603, dealing with effect of registration for enforcement.

Sec. 80. Provides that the law of the issuing state or country governs certain proceedings relating to support orders.

Sec. 81. Provides that a responding tribunal in this state shall apply the procedures and remedies available in this state to collect and enforce a support order from another state or foreign country but will prospectively apply the law of the state or foreign country that issued the controlling order.

Sec. 82. Adds "foreign support order" to AS 25.25.605, regarding notice of registration of order.

Sec. 83. Adds new subsections relating to procedures required when a registering party asserts that two or more orders are in effect.

Secs. 84 - 85. Make conforming amendments to AS 25.25.606.

Sec. 86. Adds "the alleged controlling order is not the controlling order" to the list of defenses available to a party contesting the validity or enforcement of a registered support order.

Secs. 87 - 89. Make conforming amendments.

Sec. 90. Prohibits a tribunal of this state from modifying the duration of the obligation of support under a support order that could not be modified under the law of the issuing state.

Sec. 91. Makes clarifying amendments to AS 25.25.611(d).

Sec. 92. Adds new subsections providing that the law of the state that issued the controlling support order governs the duration of the obligation of support.

Sec. 93. Requires that when an order issued by a tribunal of this state is modified by another state, this state shall only enforce the original order for the purposes of arrears and interest prior to modification.

Sec. 94. Amends AS 25.25.613(b) to include references to new sections added by this bill.

Sec. 95. Adds new sections relating to jurisdiction and procedures to modify child support orders of foreign countries.

Sec. 96. Adds a new article, Article 7A, dealing with proceedings under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. New sections include definitions, applicability, initiation of support proceedings, registration of convention support orders, contesting orders, recognition and enforcement of orders, foreign support agreements, modification of convention support orders, and other sections.

Secs. 97 - 100. Make clarifying revisions to AS 25.25.801, AS 25.25.802, and AS 25.25.901.

Sec. 101. Repeals AS 25.25.101(7), AS 25.25.205(f), AS 25.25.206(c), AS 25.25.301(b), AS 25.25.401(c), and AS 25.25.701.

Sec. 102. Provides that this Act applies to proceedings begun on or after the effective date of this section.

Sec. 103. Requires the Department of Revenue to adopt transition regulations.

Sec. 104. Directs the revisor to make conforming amendments to various article headings and section catch lines.

Representative Bob Lynn
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Sec. 105. Provides that sec. 103 takes effect immediately.

Sec. 106. Provides that the Act, except as provided in sec. 105, takes effect July 1, 2015.

KSG:lnd
15-183.lnd

Nancy Manly

From: Nancy Manly
Sent: Tuesday, March 10, 2015 11:36 AM
Subject: Additional Documents - HB106 Action Transmittal for AK to adopt UIFSA 2008 verbatim
Attachments: HB106 Action Transmittal for AK to adopt UIFSA 2008 verbatim.pdf

3/10/2015

HSTA Committee Members:

Attached is the Action Transmittal for Alaska to adopt UIFSA 2008 verbatim (except as noted). This document was delivered to me this morning by Carol Beecher, Director of Child Support Services. Please review and include this document in your file for HB106.

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide *for*
Representative Bob Lynn
House District 26
907-465-2794 Fax: 907-465-4316

ACTION TRANSMITTAL

AT-15-01

DATE: February 10, 2015

TO: State Agencies Administrating Child Support Plans under Title IV-D of the Social Security Act and Other Interested Individuals

SUBJECT: Amendment of State Plan Preprint Page 2.12-20, Adoption of Uniform State Laws

ATTACHMENT: [Amended State Plan Preprint Page 2.12-20](#)

BACKGROUND: Section 454 and 466 of the Social Security Act (the Act) set forth the requirements for a state plan and plan amendments for the child support program. As a condition of receiving federal financial participation, the state child support agency must have an approved state plan describing the nature and scope of the child support program, and which meets all federal requirements. The state plan consists of the preprinted state plan pages, any related attachments, and contains information necessary for the Office of Child Support Enforcement (OCSE) to determine whether a state plan can be approved.

Section 301 in Public Law 113-183, *Preventing Sex Trafficking and Strengthening Families Act*, made changes to section 466 of the Act, which is referenced in the state plan. Specifically, the law amends section 466(f) of the Act to require states to enact the Uniform Interstate Family Support Act in the next state legislative session, including amendments adopted by the National Conference of Commissioners on Uniform State Laws on September 30, 2008 (UIFSA 2008). If a state has a 2-year legislative session, "each year of the session shall be deemed to be a separate regular session of the State legislature."

UIFSA 2008 amends UIFSA 2001 with respect to international case processing. Among other changes, the UIFSA 2008 amendments integrate the appropriate provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was adopted at the Hague Conference on Private International Law on November 23, 2007. These provisions in UIFSA 2008 must be enacted in all states before the U.S. can ratify the Convention, and will enable states to process cases from other countries that have ratified or acceded to the Convention.

CONTENT: The following amended state plan page and a completed transmittal notice form ([OCSE-21-U4](#)) must be resubmitted to the appropriate ACF/OCSE Regional Office attesting to compliance with the requirements set forth on the page:

- State plan 2.12, Procedures to Improve Program Effectiveness, is amended by revising state plan page 2.12-20, Adoption of Uniform State Laws, as follows:

- Removing "On or after January 1, 1998,"
- Removing "and as in effect on August 22, 1996,"
- Replacing "such date" with "September 30, 2008,"

States must enact UIFSA 2008 verbatim by the effective date noted in P.L. 113-183, section 301(f)(3). As with UIFSA 1996, states may replace bracketed language with terminology appropriate under state law, for instance, "[tribunal]" may be replaced with "court." States are not required to adopt the same numbering of the uniform statute. Also, where the statute refers to other laws or statutes by article or section number, even if not included in brackets, the state may replace these references with the appropriate article or section number of that state's statutes. OCSE will review minor, nonsubstantive, and trivial deviations between UIFSA 2008 and state law on a case-by-case basis.

APPROVAL OF STATE PLAN

States must submit state plan preprint page 2.12-20 along with a completed transmittal notice form ([OCSE-21-U4](#)) to the appropriate Regional Program Manager attesting to compliance with the requirements set forth on the page. States must submit this page before the end of the first calendar quarter beginning after the close of the first regular state legislative session that begins after September 29, 2014. In the case of a state that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the state legislature.

RELATED REFERENCES: [AT-14-11](#)

ACTION REQUIRED: Submit state plan preprint page 2.12-20 as noted above.

INQUIRIES TO: ACF/OCSE Regional Program Managers

Vicki Turetsky
Commissioner
Office of Child Support Enforcement

Nancy Manly

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Wednesday, March 04, 2015 11:54 AM
To: Nancy Manly
Subject: RE: HB106 - and HSTA Meeting on Thursday 3/5/2015

Nancy, when you have a moment, I would like to talk about where we are on the below requests. My direct line is 465-2132.

In light of the committee's requests, I think it would be best to postpone the next hearing on HB 106 until next Tuesday. We want to make sure to have as much information available to the committee as possible, and I don't think we will be able to do that by tomorrow.

- Can't get someone from State Dept

Thanks!

Cori Mills

stat. L expert on family law - person who helped draft the Uniform Law + testified before Congressional act fed

hour with outside people

From: Nancy Manly [mailto:Nancy.Manly@akleg.gov]
Sent: Tuesday, March 03, 2015 5:01 PM
Subject: HB106 - and HSTA Meeting on Thursday 3/5/2015

3/3/2015

Jerry / Stacy / Carol / Cori

For our meeting on Thursday, please have a person from:

State Department – with respect to the Treaty – Rep Gruenberg especially but also Keller and Vazquez would like to have someone from the State Department online or in person able to answer any questions about the Treaty including what signatory nations and their political subdivision have to agree to do.

Federal Government – someone from the Federal Government who can answer questions on the federal law and what the consequences if we do not pass this bill;

Uniform Law Commission: Please have Lindsay Beaver call in again from the Uniform Law Commission.

From my notes:

Gruenberg wants to know what Stacy meant by the word "verbatim." He wants to know if the word "verbatim" is in the law or in regulations that have the force of law.

Rep Vazquez wants a copy of the federal statute pertaining to HB106. She also wants **somebody from the Senators office (Murkowski or Sullivan)** to testify on HB106. What the effect it has – if any – on the treaty.

Rep Keller had questions of collecting child support with foreign orders – applying the same standards / verifying if the order is legit. My notes show that Stacy was going to get back with Rep Keller but I didn't get the question he asked. Part of the problem is that I wrote down the time he asked the question but the actual audio of the meeting doesn't seem to have the same time (for example, it shows the committee started at 7:44am and I know we didn't start until about 8:10am.) So I'm hoping Stacy wrote whatever question he asked so we could get an answer to it. ??

My apologies again for committee members blaming you for something that was my responsibility and our Legal Services. Please email back or call if you want to chat about any of this.

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide *for*
Representative Bob Lynn
House District 26
907-465-2794 Fax: 907-465-4316

Nancy Manly

From: Nancy Manly
Sent: Wednesday, March 04, 2015 12:47 PM
Subject: MEETING CANCELED - House State Affairs Committee Meeting for Thursday 3-5-2015

3/3/2015

The House State Affairs Committee Meeting for tomorrow, Thursday 3/5/2015 has been canceled.

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide *for*
Representative Bob Lynn
House District 26
907-465-2794 Fax: 907-465-4316

Nancy Manly

From: Nancy Manly
Sent: Tuesday, March 03, 2015 5:01 PM
Subject: HB106 - and HSTA Meeting on Thursday 3/5/2015

3/3/2015

Jerry / Stacy / Carol / Cori

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Nancy Manly, Chief of Staff and
House State Affairs Committee Aide *for*
Representative Bob Lynn
House District 26
907-465-2794 Fax: 907-465-4316

memo re: tribal courts

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MEMORANDUM

February 25, 2015

SUBJECT: Tribal courts and the Uniform Interstate Family Support Act
(HB 106, Work Order No. 29-GH1897\A)

TO: Representative Max Gruenberg
Attn: Mark Simon

FROM: Kate S. Glover *KSG*
Legislative Counsel

You have asked how HB 106 would affect tribal court proceedings related to child support and child custody, and, if HB 106 would not govern tribal court proceedings, whether the state would be in compliance with federal law. HB 106 would not affect tribal court proceedings though it does require the state to give full faith and credit to orders issued by tribal courts. Under federal law, tribes are not required to adopt the procedures reflected in HB 106.

HB 106 is intended to update interstate recognition of child support orders and meet a federal requirement under the Preventing Sex Trafficking and Strengthening Families Act of 2014.¹ Under that Act, states are required to adopt, verbatim, the Uniform Interstate Family Support Act of 2008.² Amendments to state laws necessary to conform to the Uniform Interstate Family Support Act of 2008 must be adopted this legislative session, or the state will no longer be eligible for federal funding tied to child support enforcement programs.³ States are required to conform to these requirements so that the United States can meet the terms of the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance, a convention the United States has signed, but will not ratify until after states enact the necessary amendments to their laws.

¹ Pub. L. 113 - 183.

² Sec. 301, Pub. L. 113 - 183 (amending 42 U.S.C. § 666(f)).

³ *Id.* "The amendments made by paragraph (1) shall take effect with respect to a State no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act."

Representative Max Gruenberg

February 25, 2015

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Generally, "unless and until its powers are divested by Congress, a federally recognized sovereign Indian tribe has powers of self-government" ⁴ This sovereign authority includes matters relating to families and children who are members of, or eligible for membership in, the tribe.⁵ Because only Congress can limit a federally-recognized tribe's authority, a state law regarding child support proceedings will not apply to tribal court proceedings. Therefore, HB 106 would govern state proceedings, but not tribal court proceedings.

Under the state's current law, and under HB 106, the state is required to give "full faith and credit" to orders issued by tribal courts. Under AS 25.25.101 (amended in sec. 1 of the bill), "state" is defined to include "an Indian nation or tribe" ⁶ Existing law requires courts of the state to give full faith and credit to paternity decisions, child support orders, and child custody determinations issued by tribunals in other states, including Indian tribes.⁷ Nothing in HB 106 changes this obligation.

You have also asked whether the state would be in compliance with federal law if HB 106 is enacted, but does not apply to tribal courts. The Preventing Sex Trafficking and Strengthening Families Act of 2014 only requires states to adopt the Uniform Interstate Family Support Act of 2008. It does not require tribes to adopt the uniform act.⁸ Therefore, it is not necessary for HB 106 to apply to Alaska Native tribal courts for the state to comply with federal law.

If I may be of further assistance, please advise.

KSG:ld
15-131.lnd

⁴ *State v. Native Village of Tanana*, 249 P. 3d 734, 750 (Alaska 2011).

⁵ "Indian affairs are subject to state law, but only to the extent that Congress explicitly so provides." *Baker v. John*, 982 P.2d 738, 751 (Alaska 1999) (citation and internal quotation marks omitted).

⁶ The existing definition includes "Indian tribe," sec. 1 of the bill would amend that definition to read "Indian nation or tribe"

⁷ AS 25.20.050 (paternity); AS 25.27.230 (child support); AS 25.30.510 (child custody).

⁸ Compare sec. 301, Pub. L. 113 - 183 (requiring "states" to adopt the uniform act) with sec. 302, Pub. L. 113 - 183 (amending 42 U.S.C. 653(c)(1) to provide that an authorized representative of "any State or Indian tribe" has access to the federal parent locator service and amending 42 U.S.C. 1315(b) to specify that tribes may receive waivers to conduct demonstration or pilot child support recovery projects); see also *Child Support Handbook*, Office of Child Support Enforcement, Administration for Children and Families, United States Department of Health and Human Services, p. 33, available at: http://www.acf.hhs.gov/sites/default/files/programs/css/child_support_handbook_with_to_c.pdf.

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MEMORANDUM

March 2, 2015

SUBJECT: Committee substitute for governor's bill relating to Uniform Interstate Family Support Act
CSHB 106(STA); (Work Order No. 29-GH1897\W)

TO: Representative Bob Lynn
Chair of the House State and Regional Affairs Committee
Attn: Nancy Manly

FROM: Kate S. Glover
Legislative Counsel

Enclosed is a draft committee substitute for HB 106 that includes revisions to conform the bill to the *Manual of Legislative Drafting* as well as revisions that the Department of Law has told me they were asked to make by the federal uniform code committee. I understand that Cori Mills provided a copy of the Department of Law's revisions, in amendment form, to your office in an e-mail to Ms. Manly. I have incorporated all of those revisions in the enclosed draft, but will not discuss those revisions in this memo.

In addition to those changes, this draft reflects a number of revisions summarized below. Because some of these revisions require renumbering bill sections, I will use the statutory section numbers to make it easier to follow the changes. Some of the revisions were simply formatting changes. There are also a few changes to the lead-in phrases (i.e. "AS __ is amended by adding a new section to read," might be changed to "AS __ is amended by adding a new section to article _ to read"). I do not specifically discuss those changes in this memo. If you would like me to provide a line by line summary of the changes, please let me know.

AS 25.25.101: This section contains amendments to existing definitions and adds new definitions. For definitions, the *Manual of Legislative Drafting* explains that only the definitions being amended should be included in the bill, and new definitions should be added to the end of the existing definition list. If the bill is enacted, the revisor will alphabetize and renumber the definitions.¹ For that reason, this section has been rearranged and renumbered. Only two changes were made to the language of a definition. The first is in the definition of "support order" (sec. 14 of this draft). Version A of the bill read "a state or a foreign country" (p. 6, l. 2 of version A). Version W (the enclosed draft) eliminates the second "to" and reads "a state or foreign country." The

¹ Pages 16 - 17, *Manual of Legislative Drafting*.

Uniform Code is identical in this regard. Version A also read "the term support order" (p. 6, l. 5). Version W deletes "the term," because it is not needed. The Uniform Code uses only "the term." The second was in the definition of "register" which placed "issued in another state or foreign country" following "judgment." This change was discussed by the Revisor of Statutes with Susan Pollard and Stacy Steinberg.

AS 25.25.102(b): Page 6, line 12 of version A read "agency under AS 25.27.010." Version W reads "agency created in AS 25.27.010." This was changed to be consistent with drafting style.

AS 25.25.205(a): Sec. 26 of version W deletes a semicolon that followed "order" in Version A. Adds a comma after "and" on the same line.

AS 25.25.205(b)(2): Sec. 27 of version W changes "its" from version A to "the tribunal's" for clarity and to conform with style.

AS 25.25.207(b): Sec. 32 of version W reads "shall determine, by order." Sec. 17 of version A (p. 10, l. 29) read "by order shall determine." This was changed for clarity.

AS 25.25.207(e): Sec. 35 of version W includes a grammatical change. A comma was added following "determines."

AS 25.25.280: Sec. 40 of version W makes a grammatical change. A comma was added following "apply."

AS 25.25.304(b): Sec. 43 of version W, adds "the" following "under."

AS 25.25.307(b): Version A reads "within five days of receipt." Version W reads "within five days after receipt." This is consistent with the style of both the state statutes and the Uniform Code.

AS 25.25.307(d): Version A, p. 17, l. 3, read "for enforcement or for modification." Version W does not include the second "for."

AS 25.25.310: Version W adds "the" before "names and addresses."

AS 25.25.605(d): Version A, p. 27, l. 15, read: "two or more orders and the order." Version W reads: "the orders, the order." In addition, version W includes a comma after "order."

AS 25.25.611(a): Version W deletes a comma following "pleading" that was not included in version A and deletes a comma that was included in version A.

AS 25.25.615(a): Version A, p. 31, line 13 read: "jurisdiction of the tribunal whether." Version W reads "jurisdiction of the tribunal, regardless of." Version A, p. 31, l. 14, read

Representative Bob Lynn

March 2, 2015

Page 3

"given or whether the." Version W reads "given or the." This change was made to clarify the language.

AS 25.25.701: Version W includes changes to the statutory section numbers for the new sections related to child support orders. In Version A, AS 25.25.701 is repealed and reenacted. In current law, however, AS 25.25.701 is not a definitions section. The *Manual of Legislative Drafting* explains that, where the amendments are extensive, the existing section should simply be repealed and a new section added, with a different section number. Version W follows this convention. AS 25.25.701 is repealed in sec. 101 of version W. The sections that were added in sec. 80 and 81 of version A of the bill are renumbered accordingly as AS 25.25.702 - 25.25.714. All references in the bill to these new sections have been revised, and the remainder of the bill renumbered accordingly.

AS 25.25.702(7): P. 32, l. 21 - 22 of version A read "Secretary of the United States Department." Version W reads "United States Secretary of." This was changed to be consistent with other state statutes.

AS 25.25.705: Version A, p. 33, l. 12 read "no existing." Version W reads "not an existing." Version A, p. 33, l. 20 read "against which." Version W reads "against whom."

AS 25.25.706: Version A, p. 34, l. 8 - 9 read "that in the issuing country has benefited from free legal assistance." Version W reads "who has benefited from free legal assistance in the issuing country." This change was made for easier reading.

Additional Comments

1. We are also concerned with the definition of "outside this state" which is defined as "a location in another state or a country other than the United States...". Shouldn't this read "a location in another state or *in* a country other than the United States"? Without the second "in" it appears that a state also cannot be part of the United States.

2. In addition to the changes and concern outlined above, I have discussed with the attorneys at the Department of Law other potentially ambiguous language used in the uniform act incorporated into HB 106. For example, at page 24, lines 2 through 12 and page 25, lines 2, 16, and 17 the new language seems to make an unnecessary distinction between a "support order", an "income withholding order", and a "foreign support order." The definition of "support order" for purposes throughout the act, (including for purposes of this state, another state, or a foreign country), expressly includes income withholding. It is unclear therefore, and creates some ambiguity, why the provisions above refer to both a support order and an income withholding order for an order issued in "another state" but refer only to a "foreign support order" for orders issued by another country. A court may consider these distinctions relevant when trying to interpret those provisions and resolve the ambiguity in a way unintended by the drafters of the uniform act. In my opinion, better drafting technique would be to eliminate the separate reference to an

Representative Bob Lynn
March 2, 2015
Page 4

income withholding order altogether in these sections to avoid the ambiguity.

If I may be of further assistance, please advise.

KSG:ld
15-172.lnd

Enclosure

29-GH1897\W
Glover
3/2/15

CS FOR HOUSE BILL NO. 106(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction**
2 **by tribunals of the state, registration and proceedings related to support orders from**
3 **other state tribunals, foreign support orders, foreign tribunals, and certain persons**
4 **residing in foreign countries; relating to determination of parentage of a child; and**
5 **providing for an effective date."**

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

7 *** Section 1.** AS 25.25.101(2) is amended to read:

8 (2) "child support order" means a support order for a child, including a
9 child who has attained the age of majority under the law of the issuing state or foreign
10 country;

11 *** Sec. 2.** AS 25.25.101(4) is amended to read:

12 (4) "home state" means the state or the foreign country in which a
13 child lived with a parent or a person acting as a parent for at least six consecutive

1 months immediately preceding the time of filing of a complaint or comparable
2 pleading for support and, if a child is less than six months old, the state or the foreign
3 country in which the child lived from birth with a parent or person acting as a parent;
4 a period of temporary absence of a parent or person acting as a parent is counted as
5 part of the six-month or other period;

6 * **Sec. 3.** AS 25.25.101(8) is amended to read:

7 (8) "initiating tribunal" means the [AUTHORIZED] tribunal of a [IN
8 AN INITIATING] state or foreign country from which a complaint or comparable
9 pleading is forwarded or in which a complaint or comparable pleading is filed for
10 forwarding to another state or foreign country;

11 * **Sec. 4.** AS 25.25.101(9) is amended to read:

12 (9) "issuing state" means the state in which a tribunal issues a support
13 order or [RENDERS] a judgment determining parentage of a child;

14 * **Sec. 5.** AS 25.25.101(10) is amended to read:

15 (10) "issuing tribunal" means the tribunal of a state or foreign country
16 that issues a support order or [RENDERS] a judgment determining parentage of a child;

17 * **Sec. 6.** AS 25.25.101(12) is amended to read:

18 (12) "obligee" means

19 (A) an individual to whom a duty of support is or is alleged to
20 be owed or in whose favor a support order [HAS BEEN ISSUED] or a
21 judgment determining parentage of a child has been issued [RENDERED];

22 (B) a foreign country, state, or political subdivision of a state
23 to which the rights under a duty of support or support order have been assigned
24 or that has independent claims based on financial assistance provided to an
25 individual obligee in place of child support; [OR]

26 (C) an individual seeking a judgment determining parentage of
27 the individual's child; or

28 (D) a person that is a creditor in a proceeding under
29 AS 25.25.702 - 25.25.714;

30 * **Sec. 7.** AS 25.25.101(13) is amended to read:

31 (13) "obligor" means an individual or the estate of a decedent that

32 [WHO]

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- (A) owes or is alleged to owe a duty of support;
- (B) is alleged but has not been adjudicated to be a parent of a child; [OR]
- (C) is liable under a support order; or
- (D) is a debtor in a proceeding under AS 25.25.702 - 25.25.714;

* Sec. 8. AS 25.25.101(14) is amended to read:

(14) "register" means to file in a tribunal of this state a support order or judgment issued in another state or a foreign country determining parentage of a child [WITH A REGISTERING TRIBUNAL];

* Sec. 9. AS 25.25.101(15) is amended to read:

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

* Sec. 10. AS 25.25.101(16) is amended to read:

(16) "responding state" means a state in which a complaint or comparable pleading for support or to determine parentage of a child [PROCEEDING] is filed or to which a complaint or comparable pleading [PROCEEDING] is forwarded for filing from another [AN INITIATING] state or foreign country [UNDER THIS CHAPTER OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER, OR UNDER A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT];

* Sec. 11. AS 25.25.101(17) is amended to read:

(17) "responding tribunal" means the authorized tribunal in a responding state or foreign country;

* Sec. 12. AS 25.25.101(19) is amended to read:

(19) "state" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; the term "state" includes an Indian nation or tribe [AND A FOREIGN JURISDICTION THAT

1 HAS ENACTED A LAW OR ESTABLISHED PROCEDURES FOR ISSUANCE
 2 AND ENFORCEMENT OF SUPPORT ORDERS THAT ARE SUBSTANTIALLY
 3 SIMILAR TO THE PROCEDURES UNDER THIS CHAPTER OR UNDER THE
 4 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE
 5 REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT];

6 * **Sec. 13.** AS 25.25.101(20) is amended to read:

7 (20) "support enforcement agency" means a public official,
 8 **governmental entity**, or **private** agency authorized to [SEEK]

9 (A) **seek** enforcement of support orders or laws relating to the
 10 duty of support;

11 (B) **seek** establishment or modification of child support orders;

12 (C) **request** determination of parentage **of a child**; [OR]

13 (D) **attempt to locate** [THE LOCATION OF] obligors or their
 14 assets; **or**

15 **(E) request determination of the controlling child support**
 16 **order**;

17 * **Sec. 14.** AS 25.25.101(21) is amended to read:

18 (21) "support order" means a judgment, decree, [OR] order, **decision**,
 19 **or directive**, whether temporary, final, or subject to modification, **issued in a state or**
 20 **foreign country** for the benefit of a child, a spouse, or a former spouse, that provides
 21 for monetary support, health care, arrearages, **retroactive support**, or reimbursement
 22 **for financial assistance provided to an individual obligee in place of child**
 23 **support; "support order"** [, AND] may include related costs and fees, interest,
 24 income withholding, **automatic adjustment, reasonable** attorney fees, and other
 25 relief;

26 * **Sec. 15.** AS 25.25.101(22) is amended to read:

27 (22) "tribunal" means a court, administrative agency, or quasi-judicial
 28 entity authorized to establish, enforce, or modify support orders or to determine
 29 parentage **of a child**.

30 * **Sec. 16.** AS 25.25.101 is amended by adding new paragraphs to read:

31 (23) "convention" means the Convention on the International Recovery of
 32 Child Support and Other Forms of Family Maintenance, concluded at The Hague on

1 November 23, 2007;

2 (24) "foreign country" means a country, including a political subdivision
3 of a country, other than the United States, that authorizes the issuance of support orders
4 and

5 (A) that has been declared under the law of the United States to be
6 a foreign reciprocating country;

7 (B) that has established a reciprocal arrangement for child support
8 with this state as provided in AS 25.25.308(b);

9 (C) that has enacted a law or established procedures for the
10 issuance and enforcement of support orders that are substantially similar to the
11 procedures under this chapter; or

12 (D) in which the convention is in force with respect to the United
13 States;

14 (25) "foreign support order" means a support order of a foreign tribunal;

15 (26) "foreign tribunal" means a court, administrative agency, or quasi-
16 judicial entity of a foreign country that is authorized to establish, enforce, or modify
17 support orders or determine parentage of a child; "foreign tribunal" includes a competent
18 authority under the convention;

19 (27) "issuing foreign country" means the foreign country in which a
20 tribunal issues a support order or a judgment determining parentage of a child;

21 (28) "outside this state" means a location in another state or a country
22 other than the United States, whether or not the country is a foreign country;

23 (29) "person" means an individual, corporation, business trust, estate,
24 trust, partnership, limited liability company, association, joint venture, public corporation,
25 government or governmental subdivision, agency, or instrumentality, or any other legal or
26 commercial entity;

27 (30) "record" means information that is inscribed on a tangible medium or
28 that is stored in an electronic or other medium and is retrievable in perceivable form;

29 * **Sec. 17.** AS 25.25.102 is amended by adding a new subsection to read:

30 (b) The child support services agency created in AS 25.27.010 is the support
31 enforcement agency of this state.

32 * **Sec. 18.** AS 25.25.103 is amended to read:

33 **Sec. 25.25.103. Remedies cumulative.** Remedies provided by this chapter are

1 cumulative and do not affect the availability of remedies under other law or the
2 recognition of a support order on the basis of comity.

3 * **Sec. 19.** AS 25.25.103 is amended by adding a new subsection to read:

4 (b) This chapter does not

5 (1) provide the exclusive method of establishing or enforcing a support
6 order under the law of this state; or

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

9 * **Sec. 20.** AS 25.25 is amended by adding a new section to article 1 to read:

10 **Sec. 25.25.104. Application of this chapter to resident of foreign country and**
11 **foreign support proceeding.** (a) A tribunal of this state shall apply AS 25.25.101 -
12 25.25.616 and, as applicable, AS 25.25.702 - 25.25.714, to a support proceeding involving

13 (1) a foreign support order;

14 (2) a foreign tribunal; or

15 (3) an obligee, obligor, or child residing in a foreign country.

16 (b) A tribunal of this state that is requested to recognize and enforce a support
17 order on the basis of comity may apply the procedural and substantive provisions of
18 AS 25.25.101 - 25.25.616.

19 (c) AS 25.25.702 - 25.25.714 apply only to a support proceeding under the
20 convention. In such a proceeding if a provision of AS 25.25.702 - 25.25.714 is
21 inconsistent with AS 25.25.101 - 25.25.616, AS 25.25.702 - 25.25.714 controls.

22 * **Sec. 21.** AS 25.25.201 is amended to read:

23 **Sec. 25.25.201. Bases for jurisdiction over nonresident.** In a proceeding to
24 establish or [,] enforce [, OR MODIFY] a support order or to determine parentage of a
25 child, a tribunal of this state may exercise personal jurisdiction over a nonresident
26 individual or the individual's guardian or conservator if

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

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

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

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

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

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

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

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

11 * **Sec. 22.** AS 25.25.201 is amended by adding a new subsection to read:

12 (b) The bases of personal jurisdiction set out in (a) of this section or in any other
13 law of this state may not be used to acquire personal jurisdiction for a tribunal of this state
14 to modify a child support order of another state unless the requirements of AS 25.25.611
15 are met or, in the case of a foreign support order, unless the requirements of AS 25.25.615
16 are met.

17 * **Sec. 23.** AS 25.25.202 is repealed and reenacted to read:

18 **Sec. 25.25.202. Duration of personal jurisdiction.** Personal jurisdiction
19 acquired by a tribunal of this state in a proceeding under this chapter or other law of this
20 state relating to a support order continues as long as a tribunal of this state has continuing,
21 exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as
22 provided by AS 25.25.205, 25.25.206, and 25.25.281.

23 * **Sec. 24.** AS 25.25.203 is amended to read:

24 **Sec. 25.25.203. Initiating and responding tribunal of this state.** Under this
25 chapter, a tribunal of this state may serve as an initiating tribunal to forward
26 proceedings to a tribunal of another state and as a responding tribunal for proceedings
27 initiated in another state or a foreign country.

28 * **Sec. 25.** AS 25.25.204 is amended to read:

29 **Sec. 25.25.204. Simultaneous proceedings [IN ANOTHER STATE].** (a) A
30 tribunal of this state may exercise jurisdiction to establish a support order if the
31 complaint or comparable pleading is filed after a complaint or comparable pleading is
32 filed in another state or a foreign country only if

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

5 (2) the contesting party timely challenges the exercise of jurisdiction in
 6 the other state or the foreign country; and

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

8 (b) A tribunal of this state may not exercise jurisdiction to establish a support
 9 order if the complaint or comparable pleading is filed before a complaint or
 10 comparable pleading is filed in another state or a foreign country if

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

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

16 (3) if relevant, the other state or the foreign country is the home state
 17 of the child.

18 * **Sec. 26.** AS 25.25.205(a) is amended to read:

19 (a) A tribunal of this state that has issued a child [ISSUING A] support order
 20 consistent with the law of this state has and shall exercise continuing, exclusive
 21 jurisdiction to modify its [OVER A] child support order if the order is the
 22 controlling order and,

23 (1) at the time of the filing of a request for modification, [AS
 24 LONG AS] this state is [REMAINS] the residence of the obligor, the individual
 25 obligee, or the child for whose benefit the support order is issued; or

26 (2) even if this state is not the residence of the obligor, the individual
 27 obligee, or the child for whose benefit the support order is issued, the parties consent
 28 in a record or in open court that the tribunal of this state may continue to exercise
 29 jurisdiction to modify its order [UNTIL EACH INDIVIDUAL PARTY HAS FILED
 30 WRITTEN CONSENT WITH THE TRIBUNAL OF THIS STATE FOR A
 31 TRIBUNAL OF ANOTHER STATE TO MODIFY THE ORDER AND ASSUME
 32 CONTINUING, EXCLUSIVE JURISDICTION].

1 * **Sec. 27.** AS 25.25.205(b) is amended to read:

2 (b) A tribunal of this state **that has issued** [ISSUING] a child support order
3 consistent with the law of this state may not exercise [ITS] continuing, **exclusive**
4 jurisdiction to modify the order if

5 **(1) all of the parties who are individuals file consent in a record with**
6 **the tribunal of this state that a tribunal of another state that has jurisdiction over at**
7 **least one of the parties who is an individual or that is located in the state of residence**
8 **of the child may modify the order and assume continuing, exclusive jurisdiction; or**

9 **(2) the tribunal's order is not the controlling order** [THE ORDER
10 HAS BEEN MODIFIED BY A TRIBUNAL OF ANOTHER STATE UNDER A
11 LAW SUBSTANTIALLY SIMILAR TO THIS CHAPTER].

12 * **Sec. 28.** AS 25.25.205(c) is repealed and reenacted to read:

13 (c) If a tribunal of another state has issued a child support order under this chapter
14 or a law substantially similar to this chapter that modifies a child support order of a
15 tribunal of this state, a tribunal of this state shall recognize the continuing, exclusive
16 jurisdiction of the tribunal of the other state.

17 * **Sec. 29.** AS 25.25.205(d) is repealed and reenacted to read:

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

21 * **Sec. 30.** AS 25.25.206(a) is amended to read:

22 (a) A tribunal of this state **that has issued a child support order consistent**
23 **with the laws of this state** may serve as an initiating tribunal to request a tribunal of
24 another state to enforce

25 **(1) the order if the order is the controlling order and has not been**
26 **modified by a tribunal of another state that assumed jurisdiction under this chapter;**
27 **or**

28 **(2) a money judgment for arrears of support and interest on the**
29 **order accrued before a determination that an order of a tribunal of another state is**
30 **the controlling order** [OR MODIFY A SUPPORT ORDER ISSUED IN THAT
31 STATE].

32 * **Sec. 31.** AS 25.25.206(b) is amended to read:

1 (b) A tribunal of this state having continuing [, EXCLUSIVE] jurisdiction
2 over a support order may act as a responding tribunal to enforce [OR MODIFY] the
3 order. [IF A PARTY SUBJECT TO THE CONTINUING, EXCLUSIVE
4 JURISDICTION OF THE TRIBUNAL NO LONGER RESIDES IN THE ISSUING
5 STATE, IN SUBSEQUENT PROCEEDINGS THE TRIBUNAL MAY APPLY
6 AS 25.25.316 TO RECEIVE EVIDENCE FROM ANOTHER STATE AND
7 AS 25.25.318 TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF
8 ANOTHER STATE.]

9 * **Sec. 32.** AS 25.25.207(b) is amended to read:

10 (b) If a proceeding is brought under this chapter and two or more child support
11 orders have been issued by tribunals of this state, [OR] another state, or a foreign
12 country with regard to the same obligor and same child, a tribunal of this state having
13 personal jurisdiction over both the obligor and individual obligee shall apply the
14 following rules and shall determine, by order, [IN DETERMINING] which order
15 controls and must be recognized [TO RECOGNIZE FOR PURPOSES OF
16 CONTINUING, EXCLUSIVE JURISDICTION]:

17 (1) if only one of the tribunals would have continuing, exclusive
18 jurisdiction under this chapter, the order of that tribunal is controlling and shall be
19 recognized;

20 (2) if more than one of the tribunals would have continuing, exclusive
21 jurisdiction under this chapter,

22 (A) an order issued by a tribunal in the current home state of
23 the child controls; or

24 (B) [SHALL BE RECOGNIZED, BUT,] if an order has not
25 been issued in the current home state of the child, the order most recently
26 issued controls [IS CONTROLLING AND SHALL BE RECOGNIZED];

27 (3) if none of the tribunals would have continuing, exclusive
28 jurisdiction under this chapter, the tribunal of this state [HAVING JURISDICTION
29 OVER THE PARTIES] shall issue a child support order, which controls [IS
30 CONTROLLING AND SHALL BE RECOGNIZED].

31 * **Sec. 33.** AS 25.25.207(c) is amended to read:

1 (c) If two or more child support orders have been issued for the same obligor
2 and same child, upon request of a party who is an individual or that is a support
3 enforcement agency, [AND IF THE OBLIGOR OR THE INDIVIDUAL OBLIGEE
4 RESIDES IN THIS STATE, A PARTY MAY REQUEST] a tribunal of this state
5 having personal jurisdiction over both the obligor and the obligee who is an
6 individual shall [TO] determine which order controls [AND SHALL BE
7 RECOGNIZED] under (b) of this section. The request may be filed with a
8 registration for enforcement or a registration for modification under
9 AS 25.25.601 - 25.25.616 or may be filed as a separate proceeding [SHALL BE
10 ACCOMPANIED BY A CERTIFIED COPY OF EVERY SUPPORT ORDER IN
11 EFFECT. EVERY PARTY WHOSE RIGHTS MAY BE AFFECTED BY A
12 DETERMINATION OF THE CONTROLLING ORDER SHALL BE GIVEN
13 NOTICE OF THE REQUEST FOR THAT DETERMINATION].

14 * Sec. 34. AS 25.25.207(d) is amended to read:

15 (d) The tribunal that issued the controlling order [THAT SHALL BE
16 RECOGNIZED AS CONTROLLING] under (a), (b), or (c) of this section [IS THE
17 TRIBUNAL THAT] has continuing [, EXCLUSIVE] jurisdiction to the extent
18 provided in AS 25.25.205 or 25.25.206 [IN ACCORDANCE WITH AS 25.25.205].

19 * Sec. 35. AS 25.25.207(e) is amended to read:

20 (e) A tribunal of this state that determines, by order, which is [THE
21 IDENTITY OF] the controlling child support order under (b)(1) or (2) or (c) of this
22 section, or that issues a new controlling child support order under (b)(3) of this
23 section, shall include in that order

24 (1) the basis upon which the tribunal made its determination;

25 (2) the amount of prospective support, if any; and

26 (3) the total amount of consolidated arrears and accrued interest, if
27 any, under all of the orders after all payments made are credited as provided by
28 AS 25.25.209.

29 * Sec. 36. AS 25.25.207(f) is amended to read:

30 (f) Within 30 days after issuance of the order determining which is [THE
31 IDENTITY OF] the controlling order, the party obtaining that order shall file a
32 certified copy of that order in [WITH] each tribunal that had issued or registered an

1 earlier order of child support. Failure of the party or the support enforcement
2 agency obtaining the order to file a certified copy as required under this subsection
3 subjects that party to appropriate sanctions by a tribunal in which the issue of failure to
4 file arises, but that failure has no effect on the validity or enforceability of the
5 controlling order.

6 * **Sec. 37.** AS 25.25.207 is amended by adding new subsections to read:

7 (g) A request to determine which is the controlling order must be accompanied by
8 a copy of every child support order in effect and the applicable record of payments. The
9 requesting party shall give notice of the request to each party whose rights may be
10 affected by the determination.

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

14 * **Sec. 38.** AS 25.25.208 is amended to read:

15 **Sec. 25.25.208. Child [MULTIPLE CHILD] support orders for two or more**
16 **obligees.** In responding to [MULTIPLE] registrations or complaints for enforcement of
17 two or more child support orders in effect at the same time with regard to the same obligor
18 and different individual obligees, when at least one of the orders was issued by a tribunal
19 of another state or a foreign country, a tribunal of this state shall enforce those orders in
20 the same manner as if the [MULTIPLE] orders had been issued by a tribunal of this state.

21 * **Sec. 39.** AS 25.25.209 is amended to read:

22 **Sec. 25.25.209. Credit for payments. A tribunal of this state shall credit**
23 **amounts** [AMOUNTS] collected [AND CREDITED] for a particular period under
24 **any child support order against the amounts owed for the same period under any**
25 **other child support order for support of the same child** [A SUPPORT ORDER]
26 issued by a tribunal of this state, another state, or a foreign country [SHALL BE
27 CREDITED AGAINST THE AMOUNTS ACCRUING OR ACCRUED FOR THE
28 SAME PERIOD UNDER A SUPPORT ORDER ISSUED BY THE TRIBUNAL OF
29 THIS STATE].

30 * **Sec. 40.** AS 25.25 is amended by adding new sections to article 2 to read:

31 **Sec. 25.25.280. Application of this chapter to nonresident subject to**
32 **personal jurisdiction.** A tribunal of this state exercising personal jurisdiction over a

1 nonresident in a proceeding under this chapter, under other law of this state relating to
2 a support order, or recognizing a foreign support order may receive evidence from
3 outside this state under AS 25.25.316, communicate with a tribunal outside this state
4 under AS 25.25.317, and obtain discovery through a tribunal outside this state under
5 AS 25.25.318. In all other respects, AS 25.25.301 - 25.25.616 do not apply, and the
6 tribunal shall apply the procedural and substantive law of this state.

7 **Sec. 25.25.281. Continuing, exclusive jurisdiction to modify spousal**
8 **support order.** (a) A tribunal of this state issuing a spousal support order consistent
9 with the law of this state has continuing, exclusive jurisdiction to modify the spousal
10 support order throughout the existence of the support obligation.

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

14 (c) A tribunal of this state that has continuing, exclusive jurisdiction over a
15 spousal support order may serve as

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

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

20 * **Sec. 41.** AS 25.25.301(c) is amended to read:

21 (c) An individual or a support enforcement agency may **initiate**
22 [COMMENCE] a proceeding authorized under this chapter by filing a complaint or a
23 comparable pleading in an initiating tribunal for forwarding to a responding tribunal or
24 by filing a complaint or a comparable pleading directly in a tribunal of another state **or**
25 **a foreign country** that has or can obtain personal jurisdiction over the respondent.

26 * **Sec. 42.** AS 25.25.303 is amended to read:

27 **Sec. 25.25.303. Application of law of this state.** Except as otherwise provided
28 **in** [BY] this chapter, a responding tribunal of this state shall

29 (1) apply the procedural and substantive law [, INCLUDING THE
30 RULES ON CHOICE OF LAW,] generally applicable to similar proceedings
31 originating in this state and may exercise all powers and provide all remedies available

1 in those proceedings; and

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

4 * **Sec. 43.** AS 25.25.304 is amended to read:

5 **Sec. 25.25.304. Duties of initiating tribunal.** (a) Upon the filing of a
6 complaint or comparable pleading authorized by this chapter, an initiating tribunal of
7 this state shall forward [THREE COPIES OF] the complaint or comparable pleading
8 and its accompanying documents

9 (1) to the responding tribunal or appropriate support enforcement
10 agency in the responding state; or

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

14 (b) If requested by the responding tribunal [A RESPONDING STATE
15 HAS NOT ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR
16 TO THIS CHAPTER], a tribunal of this state shall [MAY] issue a certificate or other
17 documents and make findings required by the law of the responding state. If the
18 responding tribunal [STATE] is in a foreign country, upon request
19 [JURISDICTION], the tribunal of this state shall [MAY] specify the amount of
20 support sought, convert the amount into the equivalent amount in the foreign
21 currency under the applicable official or market exchange rate as publicly
22 reported, and provide any other documents necessary to satisfy the requirements of
23 the responding foreign tribunal [STATE].

24 * **Sec. 44.** AS 25.25.305(b) is amended to read:

25 (b) A responding tribunal of this state, to the extent not prohibited
26 [OTHERWISE SPECIFICALLY AUTHORIZED] by law, may do one or more of the
27 following:

28 (1) establish [ISSUE] or enforce a support order, modify a child
29 support order, determine the controlling child support order, or [RENDER A
30 JUDGMENT TO] determine parentage of the child;

31 (2) order an obligor to comply with a support order, specifying the

1 amount and the manner of compliance;

2 (3) order income withholding;

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

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

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

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

8 (8) order an obligor to keep the tribunal informed of the obligor's
9 current residential address, electronic mailing address, telephone number, employer,
10 address of employment, and telephone number at the place of employment;

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

14 (10) order the obligor to seek appropriate employment by specified
15 methods;

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

17 (12) grant any other available remedy.

18 * **Sec. 45.** AS 25.25.305 is amended by adding a new subsection to read:

19 (f) If requested to enforce a support order, arrears, or judgment or modify a
20 support order stated in a foreign currency, a responding tribunal of this state shall
21 convert the amount stated in the foreign currency to the equivalent amount in dollars
22 under the applicable official or market exchange rate as publicly reported.

23 * **Sec. 46.** AS 25.25.306 is amended to read:

24 **Sec. 25.25.306. Inappropriate tribunal.** If a complaint or comparable
25 pleading is received by an inappropriate tribunal of this state, the tribunal [IT] shall
26 forward the complaint or pleading, and accompanying documents, to an appropriate
27 tribunal in this state or another state and notify the petitioner where and when the
28 complaint or pleading was sent.

29 * **Sec. 47.** AS 25.25.307(b) is amended to read:

30 (b) In providing services under this chapter to the petitioner, the child support
31 services agency of this state shall [, AS APPROPRIATE,]

1 (1) take all steps necessary to enable an appropriate tribunal of [IN]
2 this state, [OR] another state, or a foreign country to obtain jurisdiction over the
3 respondent;

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

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

8 (4) send [WRITTEN] notice in a record from an initiating,
9 responding, or registering tribunal to the petitioner within five [TWO] days after [OF]
10 receipt, exclusive of Saturdays, Sundays, and legal holidays;

11 (5) send a copy of a [WRITTEN] communication in a record from the
12 respondent or the respondent's attorney to the petitioner within five [TWO] days after
13 [OF] receipt, exclusive of Saturdays, Sundays, and legal holidays; and

14 (6) notify the petitioner if jurisdiction over the respondent cannot be
15 obtained.

16 * **Sec. 48.** AS 25.25.307 is amended by adding new subsections to read:

17 (d) A support enforcement agency of this state that requests registration of a child
18 support order in this state for enforcement or modification shall make reasonable efforts

19 (1) to ensure that the order to be registered is the controlling order; or

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

23 (e) A support enforcement agency of this state that requests registration and
24 enforcement of a support order, arrears, or judgment stated in a foreign currency shall
25 convert the amounts stated in the foreign currency into the equivalent amounts in dollars
26 under the applicable official or market exchange rate as publicly reported.

27 (f) A support enforcement agency of this state shall issue or request a tribunal of
28 this state to issue a child support order and an income withholding order that redirect
29 payment of current support, arrears, and interest if requested to do so by a support
30 enforcement agency of another state under AS 25.25.319.

31 * **Sec. 49.** AS 25.25 is amended by adding a new section to read:

32 **Sec. 25.25.308. Duty of the Department of Revenue.** (a) If the Department of

1 Revenue determines that the support enforcement agency is neglecting or refusing to
2 provide services to an individual, the Department of Revenue may order the agency to
3 perform its duties under this chapter or may provide those services directly to the
4 individual.

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

8 * **Sec. 50.** AS 25.25.310 is amended to read:

9 **Sec. 25.25.310. Duties of state information and locator agency.** The child
10 support services agency is the state information agency under this chapter, and it shall

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

15 (2) maintain a register of the names and addresses of tribunals and
16 support enforcement agencies received from other states;

17 (3) forward to the appropriate tribunal in this state all documents
18 concerning a proceeding under this chapter received from another state or a foreign
19 country [AN INITIATING TRIBUNAL OR THE STATE INFORMATION AGENCY
20 OF THE INITIATING STATE]; and

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

27 * **Sec. 51.** AS 25.25.311(a) is amended to read:

28 (a) In a proceeding under this chapter, a [A] petitioner seeking to establish
29 [OR MODIFY] a support order [OR] to determine parentage of a child or to register
30 and modify a support order of a tribunal of another state or a foreign country
31 [IN A PROCEEDING UNDER THIS CHAPTER] shall file a [VERIFY THE]
32 complaint or comparable pleading. Unless otherwise ordered under AS 25.25.312, or
33 otherwise prohibited by law, the complaint or comparable pleading or accompanying

1 documents must provide, so far as known, the name, residential address, and social
2 security numbers of the obligor and the obligee or the parent and the alleged parent,
3 and the name, sex, residential address, social security number, and date of birth of
4 each child for whose benefit [WHOM] support is sought or whose parentage is to be
5 determined. Unless filed at the time of registration, the [. THE] complaint or
6 comparable pleading must be accompanied by a [CERTIFIED] copy of any support
7 order known to have been issued by another tribunal [IN EFFECT]. The complaint
8 or comparable pleading may include other information that may assist in locating or
9 identifying the respondent.

10 * **Sec. 52.** AS 25.25.312 is repealed and reenacted to read:

11 **Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.**

12 If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty
13 of a party or child would be jeopardized by disclosure of specific identifying information,
14 that information must be sealed and may not be disclosed to the other party or the public.
15 After a hearing in which a tribunal takes into consideration the health, safety, or liberty of
16 the party or child, the tribunal may order disclosure of information that the tribunal
17 determines to be in the interest of justice.

18 * **Sec. 53.** AS 25.25.313(b) is amended to read:

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

29 * **Sec. 54.** AS 25.25.314(a) is amended to read:

30 (a) Participation by a petitioner in a proceeding under this chapter before a
31 responding tribunal, whether in person, by private attorney, or through services
32 provided by the support enforcement agency, does not confer personal jurisdiction

1 over the petitioner in another proceeding.

2 * **Sec. 55.** AS 25.25.316(a) is amended to read:

3 (a) The physical presence of **a nonresident party who is an individual** [THE
4 PETITIONER] in a [RESPONDING] tribunal of this state is not required for the
5 establishment, enforcement, or modification of a support order or the rendition of a
6 judgment determining parentage **of a child**.

7 * **Sec. 56.** AS 25.25.316(b) is amended to read:

8 (b) **An** [A VERIFIED COMPLAINT OR COMPARABLE PLEADING,]
9 affidavit, **a** document substantially complying with federally mandated forms, **or**
10 [AND] a document incorporated by reference in any of them, **which would** not **be**
11 excluded under the hearsay rule if given in person, is admissible in evidence if given
12 under **penalty of perjury** [OATH] by a party or witness residing **outside this** [IN
13 ANOTHER] state.

14 * **Sec. 57.** AS 25.25.316(d) is amended to read:

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

19 * **Sec. 58.** AS 25.25.316(e) is amended to read:

20 (e) Documentary evidence transmitted from **outside this** [ANOTHER] state to
21 a tribunal of this state by telephone, **facsimile** [TELECOPIER], or other **electronic**
22 means that do not provide an original **record** [WRITING] may not be excluded from
23 evidence on an objection based on the means of transmission.

24 * **Sec. 59.** AS 25.25.316(f) is amended to read:

25 (f) In a proceeding under this chapter, a tribunal of this state **shall** [MAY]
26 permit a party or witness residing **outside this** [IN ANOTHER] state to be deposed or
27 to testify **under penalty of perjury** by telephone, audiovisual means, or other
28 electronic means at a designated tribunal or other location [IN THAT STATE]. A
29 tribunal of this state shall cooperate with **other** tribunals [OF OTHER STATES] in
30 designating an appropriate location for the deposition or testimony.

31 * **Sec. 60.** AS 25.25.316 is amended by adding a new subsection to read:

32 (j) A voluntary acknowledgment of paternity, certified as a true copy, is

1 admissible to establish parentage of the child.

2 * **Sec. 61.** AS 25.25.317 is amended to read:

3 **Sec. 25.25.317. Communications between tribunals.** A tribunal of this state may
4 communicate with a tribunal outside this [OF ANOTHER] state in a record [WRITING],
5 or by telephone, electronic mail, or other means, to obtain information concerning the
6 laws [OF THAT STATE], the legal effect of a judgment, decree, or order of that tribunal,
7 and the status of a proceeding [IN THE OTHER STATE]. A tribunal of this state may
8 furnish similar information by similar means to a tribunal outside this [OF ANOTHER]
9 state.

10 * **Sec. 62.** AS 25.25.318 is amended to read:

11 **Sec. 25.25.318. Assistance with discovery.** A tribunal of this state may

12 (1) request a tribunal outside this [OF ANOTHER] state to assist in
13 obtaining discovery; and

14 (2) upon request, compel a person over which [WHOM] it has
15 jurisdiction to respond to a discovery order issued by a tribunal outside this [OF
16 ANOTHER] state.

17 * **Sec. 63.** AS 25.25.319 is amended to read:

18 **Sec. 25.25.319. Receipt and disbursement of payments.** The child support
19 services agency of this state shall disburse promptly any amounts received under a
20 support order, as directed by the order. The agency shall furnish to a requesting party
21 or tribunal of another state or a foreign country a certified statement by the custodian
22 of the record of the amounts and dates of all payments received.

23 * **Sec. 64.** AS 25.25.319 is amended by adding new subsections to read:

24 (b) If neither the obligor, nor the obligee who is an individual, nor the child
25 resides in this state, upon request from the support enforcement agency of this state or
26 another state, the support enforcement agency of this state or a tribunal of this state shall

27 (1) direct that the support payment be made to the support enforcement
28 agency of the state in which the obligee is receiving services; and

29 (2) issue and send to the obligor's employer a conforming income
30 withholding order or an administrative notice of change of payee, reflecting the redirected
31 payments.

32 (c) The support enforcement agency of this state receiving redirected payments

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

4 * **Sec. 65.** AS 25.25.401(a) is amended to read:

5 (a) If a [CHILD] support order entitled to recognition under this chapter has not
6 been issued, a responding tribunal of this state **with personal jurisdiction over the**
7 **parties** may issue a [CHILD] support order if

8 (1) the individual seeking the order resides **outside this** [IN ANOTHER]
9 state; or

10 (2) the support enforcement agency seeking the order is located **outside**
11 **this** [IN ANOTHER] state.

12 * **Sec. 66.** AS 25.25.401(b) is repealed and reenacted to read:

13 (b) The tribunal may issue a temporary child support order if the tribunal
14 determines that an order is appropriate and the individual ordered to pay is

15 (1) a presumed father of the child;

16 (2) petitioning to have the individual's paternity adjudicated;

17 (3) identified as the father of the child through genetic testing;

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

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

20 (6) an acknowledged father under AS 25.20.050;

21 (7) the mother of the child; or

22 (8) an individual who has been ordered to pay child support in a previous
23 proceeding and the order has not been reversed or vacated.

24 * **Sec. 67.** AS 25.25 is amended by adding a new section to article 4 to read:

25 **Sec. 25.25.402. Proceeding to determine parentage.** A tribunal of this state
26 authorized to determine parentage of a child may serve as a responding tribunal in a
27 proceeding to determine parentage of a child brought under this chapter or a law or
28 procedure substantially similar to this chapter.

29 * **Sec. 68.** AS 25.25.501 is amended to read:

30 **Sec. 25.25.501. Employer's receipt of income withholding order of another**
31 **state.** An income withholding order issued in another state may be sent **by or on**
32 **behalf of the obligee, or by the support enforcement agency** to the person [OR

1 ENTITY] defined as the obligor's employer under AS 25.27 without first filing a
2 complaint or comparable pleading or registering the order with a tribunal of this state.

3 * **Sec. 69.** AS 25.25.502(c) is amended to read:

4 (c) Except as provided by (d) of this section and AS 25.25.503, the employer
5 shall withhold and distribute the funds as directed in the withholding order by
6 complying with the terms of the order, as applicable, that specify

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

9 (2) the person [OR AGENCY] designated to receive payments and the
10 address to which the payments are to be forwarded;

11 (3) medical support, whether in the form of periodic cash payment,
12 stated as a sum certain, or an order to the obligor to provide health insurance coverage
13 for the child under a policy available through the obligor's employment;

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

17 (5) the amount of periodic payments of arrearages and interest on
18 arrearages, stated as sums certain.

19 * **Sec. 70.** AS 25.25.503 is amended to read:

20 **Sec. 25.25.503. Employer's compliance [COMPLIANCE] with two or
21 more [MULTIPLE] income withholding orders.** If an obligor's employer receives
22 two or more [MULTIPLE] orders to withhold support from the earnings of the same
23 obligor, the employer shall be considered to have satisfied the terms of the
24 [MULTIPLE] orders if the employer complies with the law of the state of the obligor's
25 principal place of employment to establish the priorities for withholding and allocating
26 income withheld for two or more [MULTIPLE] child support obligees [ORDERS].

27 * **Sec. 71.** AS 25.25.504 is amended to read:

28 **Sec. 25.25.504. Immunity from civil liability.** An employer that [WHO]
29 complies with an income withholding order issued in another state in accordance with
30 AS 25.25.501 - 25.25.505 is not subject to civil liability to an individual or agency
31 with regard to the employer's withholding of child support from the obligor's income.

1 * **Sec. 72.** AS 25.25.505 is amended to read:

2 **Sec. 25.25.505. Penalties for noncompliance.** An employer that [WHO]
3 wilfully fails to comply with an income withholding order issued in [BY] another state
4 and received for enforcement is subject to the same penalties that may be imposed for
5 noncompliance with an order issued by a tribunal of this state.

6 * **Sec. 73.** AS 25.25.506 is amended to read:

7 **Sec. 25.25.506. Contest by obligor.** (a) An obligor may contest the validity or
8 enforcement of an income withholding order issued in another state and received
9 directly by an employer in this state by registering the order in a tribunal of this
10 state and filing a contest to that order as provided in AS 25.25.601 - 25.25.616 or
11 otherwise contesting the order in the same manner as if the order were issued by a
12 tribunal of this state. The provisions of AS 25.25.604 apply to the contest.

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

14 (1) a support enforcement agency providing services to the obligee;

15 (2) each employer that has directly received an income withholding
16 order relating to the obligor; and

17 (3) if

18 (A) a person [OR AN AGENCY] is designated to receive
19 payments in the income withholding order, to that person [OR AGENCY]; or

20 (B) no person [OR AGENCY] is designated to receive
21 payments in the income withholding order, to the obligee.

22 * **Sec. 74.** AS 25.25.507(a) is amended to read:

23 (a) A party or support enforcement agency seeking to enforce a support
24 order or an income withholding order, or both, issued in [BY A TRIBUNAL OF]
25 another state or a foreign support order may send the documents required for
26 registering the order to the child support services agency of this state.

27 * **Sec. 75.** AS 25.25.601 is amended to read:

28 **Sec. 25.25.601. Registration of order for enforcement.** A support order or
29 [AN] income withholding order issued in [BY A TRIBUNAL OF] another state or a
30 foreign support order may be registered in this state for enforcement.

31 * **Sec. 76.** AS 25.25.602(a) is amended to read:

1 (a) **Except as provided in AS 25.25.707, a** [A] support order or income
2 withholding order of another state **or a foreign support order** may be registered in
3 this state by sending the following **records** [DOCUMENTS AND INFORMATION]
4 to a tribunal of this state:

5 (1) a letter of transmittal to the tribunal requesting registration and
6 enforcement;

7 (2) two copies, including one certified copy, of **the order** [ALL
8 ORDERS] to be registered, including any modification of **the** [AN] order;

9 (3) a sworn statement by the **person requesting** [PARTY SEEKING]
10 registration or a certified statement by the custodian of the records showing the
11 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; and

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

18 (5) **except as otherwise provided in AS 25.25.312,** the name and
19 address of the obligee and, if applicable, the [AGENCY OR] person to whom support
20 payments are to be remitted.

21 * **Sec. 77.** AS 25.25.602(b) is amended to read:

22 (b) On receipt of a request for registration, the registering tribunal shall file the
23 order as **an order of a tribunal of another state or a foreign support order** [A
24 FOREIGN JUDGMENT], together with one copy of the documents and information,
25 regardless of their form.

26 * **Sec. 78.** AS 25.25.602 is amended by adding new subsections to read:

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

28 (1) furnish to the tribunal a copy of every support order asserted to be in
29 effect in addition to the documents specified in this section;

30 (2) specify the order alleged to be the controlling order, if any; and

31 (3) specify the amount of consolidated arrears, if any.

32 (e) A request for a determination of which is the controlling order may be filed

1 separately or with a request for registration and enforcement or for registration and
2 modification. The person requesting registration shall give notice of the request to each
3 party whose rights may be affected by the determination.

4 * **Sec. 79.** AS 25.25.603 is amended to read:

5 **Sec. 25.25.603. Effect of registration for enforcement.** (a) A support order or
6 income withholding order issued in another state or a foreign support order is
7 registered when the order is filed in the registering tribunal of this state.

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

11 (c) Except as otherwise provided in this chapter [AS 25.25.601 - 25.25.612], a
12 tribunal of this state shall recognize and enforce, but may not modify, a registered
13 support order if the issuing tribunal had jurisdiction.

14 * **Sec. 80.** AS 25.25.604 is amended to read:

15 **Sec. 25.25.604. Choice of law.** (a) Except as otherwise provided in (d) of
16 this section, the [THE] law of the issuing state or foreign country governs

17 (1) the nature, extent, amount, and duration of current payments under
18 a registered support order;

19 (2) [AND OTHER OBLIGATIONS OF SUPPORT AND] the
20 computation and payment of arrearages and accrual of interest on the arrearages
21 under the support order; and

22 (3) the existence and satisfaction of other obligations under the
23 support order.

24 (b) In a proceeding for arrears under a registered support order
25 [ARREARAGES], the statute of limitation [UNDER THE LAWS] of this state or of
26 the issuing state or foreign country, whichever is longer, applies.

27 * **Sec. 81.** AS 25.25.604 is amended by adding new subsections to read:

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

31 (d) After a tribunal of this state or another state determines which is the
32 controlling order and issues an order consolidating arrears, if any, a tribunal of this

1 state shall prospectively apply the law of the state or foreign country issuing the
2 controlling order, including its law on interest on arrears, on current and future
3 support, and on consolidated arrears.

4 * **Sec. 82.** AS 25.25.605 is amended to read:

5 **Sec. 25.25.605. Notice of registration of order.** (a) When a support order or
6 income withholding order issued in another state or a foreign support order is
7 registered, the registering tribunal of this state shall notify the nonregistering party.
8 The notice must be accompanied by a copy of the registered order and the documents
9 and relevant information accompanying the order.

10 (b) A [THE] notice must inform the nonregistering party

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

13 (2) that a hearing to contest the validity or enforcement of the
14 registered order must be requested within 20 days after notice unless the registered
15 order is under AS 25.25.708;

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

20 (4) of the amount of alleged arrearages.

21 (c) Upon registration of an income withholding order for enforcement, the
22 support enforcement agency or the registering tribunal shall notify the obligor's
23 employer under AS 25.27.

24 * **Sec. 83.** AS 25.25.605 is amended by adding a new subsection to read:

25 (d) If the registering party asserts that two or more orders are in effect, a
26 notice must also

27 (1) identify the orders, the order alleged by the registering party to be
28 the controlling order, and the consolidated arrears, if any;

29 (2) notify the nonregistering party of the right to a determination of
30 which is the controlling order;

31 (3) state that the procedures provided in (b) of this section apply to the

1 determination of which is the controlling order; and

2 (4) state that failure to contest the validity or enforcement of the order
3 alleged to be the controlling order in a timely manner may result in confirmation that
4 the order is the controlling order.

5 * **Sec. 84.** AS 25.25.606(a) is amended to read:

6 (a) A nonregistering party seeking to contest the validity or enforcement of a
7 registered order in this state shall request a hearing within **the time required by**
8 **AS 25.25.605** [20 DAYS AFTER THE NOTICE OF THE REGISTRATION]. The
9 nonregistering party may seek to vacate the registration, to assert a defense to an
10 allegation of noncompliance with the registered order, or to contest the remedies being
11 sought or the amount of alleged arrearages under AS 25.25.607.

12 * **Sec. 85.** AS 25.25.606(b) is amended to read:

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

16 * **Sec. 86.** AS 25.25.607 is amended to read:

17 **Sec. 25.25.607. Contest of registration or enforcement.** (a) A party
18 contesting the validity or enforcement of a registered **support** order or seeking to
19 vacate the registration has the burden of proving one or more of the following
20 defenses:

21 (1) the issuing tribunal lacked personal jurisdiction over the contesting
22 party;

23 (2) the order was obtained by fraud;

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

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

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

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

28 (7) the statute of limitation under AS 25.25.604 precludes enforcement
29 of some or all of the **alleged** arrearages; **or**

30 **(8) the alleged controlling order is not the controlling order.**

31 (b) If a party presents evidence establishing a full or partial defense under (a)

1 of this section, the tribunal may stay enforcement of a [THE] registered support
2 order, continue the proceeding to permit production of additional relevant evidence,
3 and issue other appropriate orders. An uncontested portion of the registered support
4 order may be enforced by all remedies available under the law of this state.

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

8 * **Sec. 87.** AS 25.25.608 is amended to read:

9 **Sec. 25.25.608. Confirmed order.** Confirmation of a registered support order,
10 whether by operation of law or after notice and hearing, precludes further contest of
11 the order with respect to a matter that could have been asserted at the time of
12 registration.

13 * **Sec. 88.** AS 25.25.610 is amended to read:

14 **Sec. 25.25.610. Effect of registration for modification.** A tribunal of this
15 state may enforce a child support order of another state registered for purposes of
16 modification in the same manner as if the order had been issued by a tribunal of this
17 state, but the registered support order may be modified only if the requirements of
18 AS 25.25.611 or 25.25.613 have been met.

19 * **Sec. 89.** AS 25.25.611(a) is amended to read:

20 (a) If AS 25.25.613 does not apply, upon complaint or comparable
21 pleading, a tribunal of this state may modify [AFTER] a child support order issued
22 in another state that is [HAS BEEN] registered in this state, [UNLESS THE
23 PROVISIONS OF AS 25.25.613 APPLY, THE RESPONDING TRIBUNAL OF
24 THIS STATE MAY MODIFY THAT ORDER ONLY] if, after notice and an
25 opportunity for hearing, the tribunal [IT] finds that

26 (1) the following requirements are met:

27 (A) neither the child, nor the [INDIVIDUAL] obligee who is
28 an individual, nor [, AND] the obligor resides [DO NOT RESIDE] in the
29 issuing state;

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

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

3 (2) **this state is the residence of** the child, or a party who is an
4 individual [,] is subject to the personal jurisdiction of the tribunal and all of the parties
5 who are individuals have filed **consents in a record** [A WRITTEN CONSENT] in the
6 issuing tribunal providing that a tribunal of this state may modify the support order
7 and assume continuing, exclusive jurisdiction [OVER THE ORDER; HOWEVER, IF
8 THE ISSUING STATE IS A FOREIGN JURISDICTION THAT HAS NOT
9 ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS
10 CHAPTER, THE WRITTEN CONSENT OF AN INDIVIDUAL RESIDING IN THIS
11 STATE IS NOT REQUIRED FOR THE TRIBUNAL TO ASSUME JURISDICTION
12 TO MODIFY THE CHILD SUPPORT ORDER].

13 * **Sec. 90.** AS 25.25.611(c) is amended to read:

14 (c) A tribunal of this state may not modify any aspect of a child support order
15 that may not be modified under the law of the issuing state, **including the duration of**
16 **the obligation of support**. If two or more tribunals have issued child support orders
17 for the same obligor and child, the order that is controlling and must be recognized
18 under the provisions of AS 25.25.207 establishes the nonmodifiable aspects of the
19 support order.

20 * **Sec. 91.** AS 25.25.611(d) is amended to read:

21 (d) On issuance of an order **by a tribunal of this state** modifying a child
22 support order issued in another state, **the** [A] tribunal of this state becomes the tribunal
23 of continuing, exclusive jurisdiction.

24 * **Sec. 92.** AS 25.25.611 is amended by adding new subsections to read:

25 (f) In a proceeding to modify a child support order, the law of the state that is
26 determined to have issued the initial controlling order governs the duration of the
27 obligation of support. The obligor's fulfillment of the duty of support established by
28 that order precludes imposition of a further obligation of support by a tribunal of this
29 state.

30 (g) Notwithstanding (a) - (d) and (f) of this section and AS 25.25.201(b), a
31 tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this

1 state if

2 (1) one party resides in another state; and

3 (2) the other party resides outside the United States.

4 * **Sec. 93.** AS 25.25.612 is amended to read:

5 **Sec. 25.25.612. Recognition of order modified in another state. If a child**
6 **support order issued by a** [A] tribunal of this state **is modified** [SHALL
7 RECOGNIZE A MODIFICATION OF ITS EARLIER CHILD SUPPORT ORDER]
8 by a tribunal of another state that assumed jurisdiction under **the Uniform Interstate**
9 **Family and Support Act, a tribunal of this state** [THIS CHAPTER OR A LAW OR
10 PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER AND, UPON
11 REQUEST, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, SHALL]

12 (1) **may** enforce **its** [THE] order that was modified only as to **arrears**
13 **and interest** [AMOUNTS] accruing before the modification;

14 (2) **may** [ENFORCE ONLY NONMODIFIABLE ASPECTS OF
15 THAT ORDER;

16 (3)] provide [OTHER] appropriate relief [ONLY] for violations of **its**
17 [THAT] order that occurred before the effective date of the modification; and

18 **(3) shall** [(4)] recognize the modifying order of the other state, upon
19 registration, for the purpose of enforcement.

20 * **Sec. 94.** AS 25.25.613(b) is amended to read:

21 (b) A tribunal of this state exercising jurisdiction as provided in this section
22 shall apply the provisions of AS 25.25.101 - 25.25.209 and 25.25.601 - 25.25.614 to
23 the enforcement or modification proceeding. AS 25.25.301 - 25.25.507, **25.25.702 -**
24 **25.25.714** [25.25.701], 25.25.801, and 25.25.802 do not apply, and the tribunal shall
25 apply the procedural and substantive law of this state.

26 * **Sec. 95.** AS 25.25 is amended by adding new sections to read:

27 **Sec. 25.25.615. Jurisdiction to modify child support order of foreign**
28 **country.** (a) Except as otherwise provided in AS 25.25.712, if a foreign country lacks
29 or refuses to exercise jurisdiction to modify its child support order under its laws, a
30 tribunal of this state may assume jurisdiction to modify the child support order and
31 bind all individuals subject to the personal jurisdiction of the tribunal, regardless of

1 whether the consent to modification of a child support order otherwise required of the
2 individual under AS 25.25.611 has been given or the individual seeking modification
3 is a resident of this state or of the foreign country.

4 (b) An order issued by a tribunal of this state modifying a foreign child
5 support order under this section is the controlling order.

6 **Sec. 25.25.616. Procedure to register child support order of foreign**
7 **country for modification.** A party or support enforcement agency seeking to modify,
8 or to modify and enforce, a foreign child support order not under the convention may
9 register that order in this state under AS 25.25.601 - 25.25.608 if the order has not
10 been registered. A complaint or comparable pleading for modification may be filed at
11 the same time as a request for registration, or at another time. The complaint or
12 comparable pleading must specify the grounds for modification.

13 * **Sec. 96.** AS 25.25 is amended by adding new sections to read:

14 **Article 7A. Support Proceedings under Convention.**

15 **Sec. 25.25.702. Definitions.** In AS 25.25.702 - 25.25.714,

16 (1) "application" means a request under the convention by an obligee
17 or obligor, or on behalf of a child, made through a central authority for assistance from
18 another central authority;

19 (2) "central authority" means the entity designated by the United States
20 or a foreign country described in AS 25.25.101(24)(D) to perform the functions
21 specified in the convention;

22 (3) "convention support order" means a support order of a tribunal of a
23 foreign country described in AS 25.25.101(24)(D);

24 (4) "direct request" means a complaint or comparable pleading filed by
25 an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or
26 child residing outside the United States;

27 (5) "foreign central authority" means the entity designated by a foreign
28 country described in AS 25.25.101(24)(D) to perform the functions specified in the
29 convention;

30 (6) "foreign support agreement"

31 (A) means an agreement for support in a record that

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(i) is enforceable as a support order in the country of origin;

(ii) has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by, or concluded, registered, or filed with, a foreign tribunal; and

(iii) may be reviewed and modified by a foreign tribunal;

(B) includes a maintenance arrangement or authentic instrument under the convention;

(7) "United States central authority" means the United States Secretary of Health and Human Services.

Sec. 25.25.703. Applicability. AS 25.25.702 - 25.25.714 apply only to a support proceeding under the convention. In such a proceeding, if a provision of AS 25.25.702 - 25.25.714 is inconsistent with AS 25.25.101 - 25.25.616, AS 25.25.702 - 25.25.714 controls.

Sec. 25.25.704. Relationship of child support services agency to United States central authority. The child support services agency of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

Sec. 25.25.705. Initiation by child support services agency of support proceeding under convention. (a) In a support proceeding under AS 25.25.702 - 25.25.714, the child support services agency of this state shall

- (1) transmit and receive applications; and
- (2) initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

(b) The following support proceedings are available to an obligee under the convention:

- (1) recognition or recognition and enforcement of a foreign support order;
- (2) enforcement of a support order issued or recognized in this state;
- (3) establishment of a support order if there is not an existing order,

1 including, if necessary, determination of parentage of a child;

2 (4) establishment of a support order if recognition of a foreign support
3 order is refused under AS 25.25.709(b)(2), (4), or (9);

4 (5) modification of a support order of a tribunal of this state; and

5 (6) modification of a support order of a tribunal of another state or a
6 foreign country.

7 (c) The following support proceedings are available under the convention to
8 an obligor against whom there is an existing support order:

9 (1) recognition of an order suspending or limiting enforcement of an
10 existing support order of a tribunal of this state;

11 (2) modification of a support order of a tribunal of this state; and

12 (3) modification of a support order of a tribunal of another state or a
13 foreign country.

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

17 **Sec. 25.25.706. Direct request.** (a) An individual may file a direct request
18 seeking establishment or modification of a support order or determination of parentage
19 of a child. In the proceeding, the law of this state applies.

20 (b) An individual may file a direct request seeking recognition and
21 enforcement of a support order or support agreement. In the proceeding, AS 25.25.707
22 - 25.25.714 apply.

23 (c) In a direct request for recognition and enforcement of a convention support
24 order or foreign support agreement,

25 (1) a security, bond, or deposit is not required to guarantee the
26 payment of costs and expenses; and

27 (2) an obligee or obligor who has benefited from free legal assistance
28 in the issuing country is entitled to benefit, at least to the same extent, from any free
29 legal assistance provided for by the law of this state under the same circumstances.

30 (d) An individual filing a direct request is not entitled to assistance from the
31 child support services agency.

1 (e) AS 25.25.702 - 25.25.714 do not prevent the application of laws of this
2 state that provide simplified, more expeditious rules regarding a direct request for
3 recognition and enforcement of a foreign support order or foreign support agreement.

4 **Sec. 25.25.707. Registration of convention support order.** (a) Except as
5 otherwise provided in AS 25.25.702 - 25.25.714, a party who is an individual or a
6 support enforcement agency seeking recognition of a convention support order shall
7 register the order in this state as provided in AS 25.25.601 - 25.25.616.

8 (b) Notwithstanding AS 25.25.311 and 25.25.602(a), a request for registration
9 of a convention support order must be accompanied by

10 (1) a complete text of the support order or an abstract or extract of the
11 support order drawn up by the issuing foreign tribunal, which may be in the form
12 recommended by the Hague Conference on Private International Law;

13 (2) a record stating that the support order is enforceable in the issuing
14 country;

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

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

22 (5) a record showing a requirement for automatic adjustment of the
23 amount of support, if any, and the information necessary to make the appropriate
24 calculations; and

25 (6) if necessary, a record showing the extent to which the applicant
26 received free legal assistance in the issuing country.

27 (c) A request for registration of a convention support order may seek
28 recognition and partial enforcement of the order.

29 (d) A tribunal of this state may vacate the registration of a convention support
30 order without the filing of a contest under AS 25.25.708 only if, acting on its own
31 motion, the tribunal finds that recognition and enforcement of the order would be

1 manifestly incompatible with public policy.

2 (e) The tribunal shall promptly notify the parties of the registration or the
3 order vacating the registration of a convention support order.

4 **Sec. 25.25.708. Contest of registered convention support order.** (a) Except
5 as otherwise provided in AS 25.25.702 - 25.25.714, AS 25.25.605 - 25.25.608 apply to
6 a contest of a registered convention support order.

7 (b) A party contesting a registered convention support order shall file a contest
8 not later than 30 days after notice of the registration, but if the contesting party does
9 not reside in the United States, the contest must be filed not later than 60 days after
10 notice of the registration.

11 (c) If the nonregistering party fails to contest the registered convention support
12 order by the time specified in (b) of this section, the order is enforceable.

13 (d) A contest of a registered convention support order may be based only on
14 grounds set out in AS 25.25.709. The contesting party bears the burden of proof.

15 (e) In a contest of a registered convention support order, a tribunal of this state

16 (1) is bound by the findings of fact on which the foreign tribunal based
17 its jurisdiction; and

18 (2) may not review the merits of the order.

19 (f) A tribunal of this state deciding a contest of a registered convention
20 support order shall promptly notify the parties of its decision.

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

23 **Sec. 25.25.709. Recognition and enforcement of registered convention**
24 **support order.** (a) Except as otherwise provided in (b) of this section, a tribunal of
25 this state shall recognize and enforce a registered convention support order.

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

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

1 (2) the issuing tribunal lacked personal jurisdiction consistent with
2 AS 25.25.201;

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

4 (4) the order was obtained by fraud in connection with a matter of
5 procedure;

6 (5) a record transmitted in accordance with AS 25.25.707 lacks
7 authenticity or integrity;

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

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

14 (8) payment, to the extent alleged arrears have been paid, in whole or
15 in part;

16 (9) in a case in which the respondent neither appeared nor was
17 represented in the proceeding in the issuing foreign country,

18 (A) if the law of that country provides for prior notice of
19 proceedings, the respondent did not have proper notice of the proceedings and
20 an opportunity to be heard; or

21 (B) if the law of that country does not provide for prior notice
22 of the proceedings, the respondent did not have proper notice of the order and
23 an opportunity to be heard in a challenge or appeal on fact or law before a
24 tribunal; or

25 (10) the order was made in violation of AS 25.25.712.

26 (c) If a tribunal of this state does not recognize a convention support order
27 under (b)(2), (4), or (9) of this section,

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

31 (2) the child support services agency shall take all appropriate

1 measures to request a child support order for the obligee if the application for
2 recognition and enforcement was received under AS 25.25.705.

3 **Sec. 25.25.710. Partial enforcement.** If a tribunal of this state does not
4 recognize and enforce a convention support order in its entirety, it shall enforce any
5 severable part of the order. An application or direct request may seek recognition and
6 partial enforcement of a convention support order.

7 **Sec. 25.25.711. Foreign support agreement.** (a) Except as otherwise provided
8 in (c) and (d) of this section, a tribunal of this state shall recognize and enforce a
9 foreign support agreement registered in this state.

10 (b) An application or direct request for recognition and enforcement of a
11 foreign support agreement must be accompanied by

12 (1) a complete text of the foreign support agreement; and

13 (2) a record stating that the foreign support agreement is enforceable as
14 an order of support in the issuing country.

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

18 (d) In a contest of a foreign support agreement, a tribunal of this state may
19 refuse recognition and enforcement of the agreement if it finds

20 (1) recognition and enforcement of the agreement is manifestly
21 incompatible with public policy;

22 (2) the agreement was obtained by fraud or falsification;

23 (3) the agreement is incompatible with a support order involving the
24 same parties and having the same purpose in this state, another state, or a foreign
25 country if the support order is entitled to recognition and enforcement under this
26 chapter in this state; or

27 (4) the record submitted under (b) of this section lacks authenticity or
28 integrity.

29 (e) A proceeding for recognition and enforcement of a foreign support
30 agreement must be suspended during the pendency of a challenge to or appeal of the
31 agreement before a tribunal of another state or a foreign country.

1 **Sec. 25.25.712. Modification of convention child support order.** (a) A
2 tribunal of this state may not modify a convention child support order if the obligee
3 remains a resident of the foreign country where the support order was issued unless

4 (1) the obligee submits to the jurisdiction of a tribunal of this state,
5 either expressly or by defending on the merits of the case, without objecting to the
6 jurisdiction at the first available opportunity; or

7 (2) the foreign tribunal lacks or refuses to exercise jurisdiction to
8 modify its support order or issue a new support order.

9 (b) If a tribunal of this state does not modify a convention child support order
10 because the order is not recognized in this state, AS 25.25.709(c) applies.

11 **Sec. 25.25.713. Personal information; limit on use.** Personal information
12 gathered or transmitted under AS 25.25.702 - 25.25.714 may be used only for the
13 purposes for which it was gathered or transmitted.

14 **Sec. 25.25.714. Record original language; English translation.** A record
15 filed with a tribunal of this state under AS 25.25.702 - 25.25.714 must be in the
16 original language and, if not in English, must be accompanied by an English
17 translation.

18 * **Sec. 97.** AS 25.25.801(a) is amended to read:

19 (a) The governor or a designee of the governor may

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

23 (2) on the demand of [BY] the governor of another state, surrender an
24 individual found in this state who is charged criminally in the other state with having
25 failed to provide for the support of an obligee.

26 * **Sec. 98.** AS 25.25.802(a) is amended to read:

27 (a) Before making a demand that the governor of another state surrender an
28 individual charged criminally in this state with having failed to provide for the support
29 of an obligee, the governor of this state or the designee of the governor may require a
30 prosecutor of this state to demonstrate that the obligee had initiated proceedings for
31 support under this chapter at least 60 days previously or that the proceeding would be

1 of no avail.

2 * **Sec. 99.** AS 25.25.802(b) is amended to read:

3 (b) If, under this chapter or a law substantially similar to this chapter, or the
4 former provisions of this chapter, [THE UNIFORM RECIPROCAL
5 ENFORCEMENT OF SUPPORT ACT, OR THE REVISED UNIFORM
6 RECIPROCAL ENFORCEMENT OF SUPPORT ACT,] the governor of another state
7 makes a demand that the governor of this state surrender an individual charged
8 criminally in that state with having failed to provide for the support of a child or other
9 individual to whom a duty of support is owed, the governor or a designee of the
10 governor may require a prosecutor to investigate the demand and report whether a
11 proceeding for support has been initiated or would be effective. If it appears that a
12 proceeding would be effective but has not been initiated, the governor or designee
13 may delay honoring the demand for a reasonable time to permit the initiation of a
14 proceeding.

15 * **Sec. 100.** AS 25.25.901 is amended to read:

16 **Sec. 25.25.901. Uniformity of application and construction.** In applying
17 and construing this [THIS] chapter consideration must be given to the need to
18 promote uniformity of [SHALL BE APPLIED AND CONSTRUED TO
19 EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM] the law with
20 respect to its [THE] subject matter [OF THIS CHAPTER] among states that enact
21 [ENACTING] it.

22 * **Sec. 101.** AS 25.25.101(7), 25.25.205(f), 25.25.206(c), 25.25.301(b), 25.25.401(c), and
23 25.25.701 are repealed.

24 * **Sec. 102.** The uncodified law of the State of Alaska is amended by adding a new section
25 to read:

26 APPLICABILITY. This Act applies to proceedings begun on or after the effective
27 date of this section to establish a support order or determine parentage of a child or to register,
28 recognize, enforce, or modify a prior support order, determination, or agreement, whenever
29 issued or entered.

30 * **Sec. 103.** The uncodified law of the State of Alaska is amended by adding a new section
31 to read:

1 TRANSITION: REGULATIONS. The Department of Revenue may adopt regulations
2 necessary to implement the changes made by this Act. The regulations take effect under
3 AS 44.62 (Administrative Procedure Act), but not before July 1, 2015.

4 * **Sec. 104.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the

7 (1) heading of art. 4 of AS 25.25 from "Establishment of Support Order" to
8 "Establishment of Support Order or Determination of Parentage";

9 (2) heading of art. 5 of AS 25.25 from "Direct Enforcement of Order of
10 Another State Without Registration" to "Enforcement of Support Order Without
11 Registration";

12 (3) heading of art. 6 of AS 25.25 "Enforcement and Modification of Support
13 Order After Registration" to "Registration, Enforcement, and Modification of Support Order";

14 (4) catch line for AS 25.25.102 from "Tribunals of this state" to "State tribunal
15 and support enforcement";

16 (5) catch line for AS 25.25.205 from "Continuing, exclusive jurisdiction" to
17 "Continuing, exclusive jurisdiction to modify child support order";

18 (6) catch line for AS 25.25.206 from "Enforcement and modification of
19 support order by tribunal having continuing jurisdiction" to "Continuing jurisdiction to
20 enforce child support order";

21 (7) catch line for AS 25.25.207 from "Recognition of controlling child support
22 order" to "Determination of controlling child support order";

23 (8) catch line for AS 25.25.302 from "Action by minor parent" to "Proceeding
24 by minor parent";

25 (9) catch line for AS 25.25.401 from "Complaint to establish support order" to
26 "Establishment of support order";

27 (10) catch line for AS 25.25.606 from "Procedure to contest validity or
28 enforcement of registered order" to "Procedure to contest validity or enforcement of
29 registered support order";

30 (11) catch line for AS 25.25.902 from "Severability clause" to "Severability."

31 * **Sec. 105.** Section 103 of this Act takes effect immediately under AS 01.10.070(c).

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* **Sec. 106.** Except as provided in sec. 105 of this Act, this Act takes effect July 1, 2015.

Additional Documents *for*
HB 106

- **CS (not included here) is forthcoming as well as an explanation of changes. These changes are supposed to be technical in nature and are being worked out between Department of Law and our Legal Services.**

- LETTER – Department Revenue Child Support Services Division
- SUPPORT DOCUMENT: Exhibit 1 – Uniform Law Commentary
- SUPPORT DOCUMENT: Exhibit 2 – US Senate Report
- SUPPORT DOCUMENT: Exhibit 3 – Hague Convention
- SUPPORT DOCUMENT: Exhibit 4 – Status Table
- SUPPORT DOCUMENT: Exhibit 5 – US State Department Press Releases
- SUPPORT DOCUMENT: Exhibit 6 – Public Law
- SUPPORT DOCUMENT: Exhibit 7 – 42 USC 666
- TESTIMONY – Lindsay Beaver Legislative Law Uniform Law Commission



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Revenue
CHILD SUPPORT SERVICES DIVISION

Please Reply To:

MS _____
550 W. 7th Avenue, Suite 310
Anchorage, Alaska 99510-6699

Representative Bob Lynn
Chair, House State Affairs Committee
State Capitol, Room 108
Juneau, AK 99801

February 25, 2015

Re: *Uniform Interstate Family Support Act 2008 Amendments*
HB 106

Dear Chair Lynn and Committee Members:

During the House State Affairs committee hearing on February 20, the committee raised several questions about HB 106, the bill to amend Alaska's Uniform Interstate Family Support Act (UIFSA). This bill updates Alaska's UIFSA with the 2008 amendments by the Uniform Law Commission and focuses on enforcement of child support orders in international cases. Passage of the bill is vital for Alaska's children.

The committee inquired about the following areas:

1. How many international cases is the Child Support Services Division (CSSD) enforcing?

About 33% of CSSD's caseload is comprised of "intergovernmental" cases, i.e. cases with another state, jurisdiction, or foreign country. About 300 cases have one parent living in a foreign country with approximately 42% with foreign support orders, based on statistical sampling.

Nationwide, the federal Office of Child Support Enforcement (OCSE) estimates there are 150,000 pre-Convention cases with 26 reciprocating countries. Post-ratification of the Convention, OCSE estimates there will be 288,000 cases with 48 foreign Convention countries and expect that number to grow as more countries ratify the Convention.

2. Is there an example of an international case that this bill would help?

Example 1: Implementation of UIFSA 2008 and ratification of the Convention will save translation costs and delay for CSSD. CSSD recently had a foreign order and had to pay \$500 to translate the order. If the request for enforcement had been from a Convention country and UIFSA 2008 was in place, the foreign country would have been required to provide the English translation.

Example 2: In another case, a support modification was delayed two years due to jurisdiction disputes that UIFSA 2008 and the Convention would eliminate. Alaska issued a child support order and both parents left Alaska. The custodial parent and child moved to Japan and the non-custodial parent moved to Italy, although he claimed Virginia residency. The custodial parent requested a modification of the support order. UIFSA requires the modification to be completed by the non-requesting parent's state/country. Virginia would not modify the order because the non-custodial parent did not physically reside in its state. Italy would not modify the order. Ultimately, Alaska modified the order because neither Virginia nor Italy would, but this jurisdictional dispute resulted in a two-year delay in modifying the order.

3. Why does Alaska need to amend its UIFSA?

Amendment of Alaska's UIFSA is necessary for the United States to implement the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention). It is also necessary to ensure the continued federal funding of Alaska's CSSD. CSSD is 66% federally funded and receives about \$19 million in federal funds to operate its program. The federal IV-D block grant for Temporary Assistance to Needy Families (TANF), about \$45 million, could also be at risk. *See* Uniform Law Commission commentary UIFSA 2008, p. 97-98, Exhibit 1; *See* also US Senate Report 113-137, Calendar No. 279, p. 40-44, Exhibit 2.

4. What are the terms of the Convention?

The Convention provides a structure for enforcement and modification of child and spousal support orders among the ratifying and acceding countries. A copy of the Convention is attached as Exhibit 3.

5. What countries have signed the Convention?

Thirty-three countries, including the United States, have signed or approved the Convention. *See* Status Table attached as Exhibit 4.

6. Did Mexico and Central America sign the Convention?

South American countries participated in the Convention negotiations. A country cannot ratify the Convention until it has implementing legislation in place. This ensures the country can actually

provide the child support services that the Convention requires. According to the federal Office of Child Support Enforcement, a number of South American countries are working toward that goal.

7. How does Alaska enforce orders from foreign countries that have not acceded or ratified the Convention?

Currently, registration and enforcement of a child support order issued by a foreign country is registered under AS 25.25.601-614 like orders from other states. This is because the current definition of "state" can include a foreign jurisdiction that has law substantially similar to our UIFSA law. House Bill 106 adds a new definition for "foreign country." The new article 7 addressing foreign child support orders from Convention countries will provide more efficient and effective methods for registering, enforcing and modifying child support orders from these foreign countries. For example, the foreign country must provide an English translation of the order. Also, the bill provides when Alaska can modify a foreign child support order. See Uniform Law Commission commentary, UIFSA 2008, p. 96, Exhibit 1.

8. What is the Congressional support for the Convention? Is it likely Congress will ratify the Convention?

Congress ratified the Convention in 2010. On September 29, 2010, the US Senate approved the Resolution of Advice and Consent regarding the Convention. Congress then passed the Preventing Sex Trafficking and Strengthening Families Act of 2014 requiring states to enact implementing legislation. This Congressional action requires Alaska to amend its UIFSA with the 2008 version and prompted introduction of HB106. Until all 50 states adopt UIFSA 2008, the President cannot complete the final steps to ratify the treaty and deposit the instruments of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, the depositary of the Convention. See State Department press releases, Exhibit 5; See US Senate Report 113-137, Calendar No. 279, excerpt pp 40-44, Exhibit 2.

9. Where is the legal requirement for states to adopt UIFSA 2008?

42 USC 666(f) as amended by PL 113-183

Attached is the Preventing Sex Trafficking and Strengthening Families Act of 2014 (Exhibit 6) and 42 USC 666(f) (Exhibit 7); See also US Senate Report 113-137, Calendar No. 279, excerpt p. 44, Exhibit 2.

10. What is the amount of federal funds at risk?

About \$19 million for CSSD, and possibly \$45 million for the federal IV-D block grant for Temporary Assistance to Needy Families (TANF).

CSSD is a federally-approved child support program, qualifying for 66% federal funds with a 34% state match. CSSD received about \$19 million in federal funds in FY2014. Alaska also received about \$45 million for the federal IV-D block grant for TANF.

11. What is the level of federal child support program funding at the local and national level?

\$19 million for Alaska's Child Support Services Division; \$5.7 billion nation-wide.

12. Where does it require Alaska to adopt UIFSA 2008 verbatim?

42 USC 666(f) as amended by PL 113-183 (Exhibits 3 and 4); *See also* US Senate Report 113-137, Calendar No. 279, p. 44, Exhibit 2.

We are working closely with the regional federal Office of Child Support Enforcement to ensure the bill wording is in compliance. The verbatim requirement ensures consistency among all the states and ensures all states have the necessary language to implement the Convention. We have reviewed the UIFSA 2008 amendments and are comfortable that the changes are limited and do not have any adverse effect on Alaskan interests.

13. What is the time deadline for states to adopt UIFSA 2008?

July 1, 2015 for Alaska.

Section 301(f)(3)(A) of PL 113-183 requires that UIFSA 2008 must be in effect in every state "no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act." *See* Exhibit 6.

14. What happens if one state does not enact UIFSA 2008?

The state risks loss of its federal child support funding and the United States may not be able to ratify the Convention. However, based on past history, it is highly likely that every state will adopt UIFSA 2008 by the deadline. In the 1990's, Congress required all states to adopt UIFSA 1996 and all states adopted it by 1998.

Currently, 12 states have enacted UIFSA 2008, 19 states (including Alaska) have introduced legislation, and the remaining states are in the bill drafting stage.

15. When does the new Article 7, addressing international child support orders from Convention countries, take effect?

Article 7 takes effect when the United States ratifies the Convention and deposits its instruments of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, the depositary of the Convention. See Uniform Law Commission Introductory Comment, UIFSA 2008, Article 7, pp 97-98, Exhibit 1.


Sincerely,

DEPARTMENT OF REVENUE
CHILD SUPPORT SERVICES DIVISION

By: 

Carol Beecher
Director

CRAIG W. RICHARDS
ATTORNEY GENERAL

By: 

Stacy K. Steinberg
Chief Assistant Attorney General

Enclosures:

- Exhibit 1- Uniform Law Commission Commentary, UIFSA 2008 (Excerpt pp 96-98)
- Exhibit 2- US Senate Report 113-137, Calendar No. 279 (Excerpt pp 40-54)
- Exhibit 3-Convention
- Exhibit 4-Status Table
- Exhibit 5-US State Department Press Releases
- Exhibit 6-PL 113-183 (Excerpt)
- Exhibit 7-42 USC 666

HB106 Supporting Docs – Exhibit 1
Uniform Law Commission Commentary, UIFSA 2008 (Excerpt pp 96-98)

UNIFORM INTERSTATE FAMILY SUPPORT ACT

(Last Amended or Revised in 2008)

*2008 AMENDMENTS TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT
ARE INDICATED BY UNDERSCORE AND STRIKEOUT*

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-SEVENTEENTH YEAR
IN BIG SKY, MONTANA
JULY 18 – 25, 2008

WITH PREFATORY NOTE AND COMMENTS

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By

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

July 20, 2011

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UNIFORM INTERSTATE FAMILY SUPPORT ACT (2001)**

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Comment

The procedure for registration and enforcement set forth in sections 601 through 608 is applicable to a child-support order from a non-Convention country. This section provides coverage for modification in that situation. Presumptively, the general law of the state regarding modification of a child-support order will apply because, by their terms, sections 609 through 614 apply only to modification of a child-support order by a state tribunal. The rationale is that modification is available because the foreign order is not founded on the principles of continuing, exclusive jurisdiction and a controlling order. *See* sections 205 through 207.

ARTICLE 7

DETERMINATION OF PARENTAGE

SUPPORT PROCEEDING UNDER CONVENTION

Introductory Comment

This article contains provisions adapted from the Convention that could not be readily integrated into the existing body of Articles 1 through 6. For the most part, extending the coverage of UIFSA (2008) to foreign countries was a satisfactory solution to merge the appropriate Convention terms into this act. In understanding this process, it must be clearly stated that the terms of the Convention are not substantive law. When the Senate has given its advice and consent, the Convention has been ratified by the President, and certain formal procedures have been completed, the Convention will become a multilateral treaty between the United States and the other Convention countries. As such, it will be the law of the land; but the treaty is not self-executing. *See, Medellin v. Texas*, 552 U.S. ___, 128 S.Ct. 1346, 170 L.Ed.2d 190 (2008). Thus, the ultimate enforcement of the treaty in the United States will be dependent on the enactment of both federal and state legislation. This act is predicated on the principle that the enactment of UIFSA (2008) will effectively implement the Convention through state law by amending Articles 1 through 6, plus the addition of this article. This will encourage international cooperation by emulating the interstate effect of UIFSA for international cases, especially those affected by the Convention.

In relatively few instances, the provisions of the Convention are sufficiently specific that a choice was made between amending UIFSA accordingly, with a disproportionate effect on all support orders enforced under state law, or accommodating potential conflicts by creating a separate article to apply only to Convention support orders. The choice was to draft this article as state law to minimize disruption to interstate support orders, which constitute the vast majority of orders processed by under UIFSA. Note that this act is the substantive and procedural state law for: (1) responding to an application for establishment, recognition and enforcement, or modification of a Convention support order; and, (2) initiating an application to a Convention country for similar action.

The four Hague maintenance conventions that preceded the 2007 Convention, and the three prior versions of UIFSA, have common goals. The distinctions between the jurisdictional rules in the common-law tradition in the United States, and the civil law systems in most of the countries that were parties to the earlier maintenance conventions, were obstacles to participation of the United States in any of the multilateral maintenance treaties (until recently). As the world has grown smaller and globalization has become the order of the day, reconciling the differences has become more and more important. Understanding the necessity for accommodation has made the task easier. This is not to say easy, as evidenced by the fact that the formal negotiations leading to the final text of the Convention spanned from May, 2003, to November, 2007. As of this writing, it remains unclear when the Convention will enter into force in the United States. Nonetheless, signing the Convention by the executive branch of the federal government on

November 23, 2007, and approval of the UIFSA (2008) by the annual conference of the Uniform Law Commission in July 2008, marked important milestones toward eventual adoption of both the Convention and UIFSA (2008).

This act and the 2007 Convention have far more in common than did former uniform acts and maintenance conventions, and, in fact, many provisions of the Convention are modeled on UIFSA principles. The negotiations demonstrated that it is possible to draft an international convention, which incorporates core UIFSA principles into a system for the establishment and enforcement of child support and spousal-support orders across international borders, and creates an efficient, economical, and expeditious procedure to accomplish these goals. Matters in common, however, go far beyond identical goals. The negotiations provided an opportunity for an extended interchange of ideas about how to adapt legal mechanisms to facilitate child support enforcement between otherwise disparate legal systems.

International cross-border enforcement has been far more important in Western Europe, and more recently, throughout the countries of the European Union than has been the case in the United States. On the other hand, experience with establishment and enforcement of interstate child support orders in the United States has been building since 1950, and accelerated rapidly with enactment of Title IV-D of the Social Security Act in 1975. Clearly, the issues are far easier to deal with nationally because of the common language, currency, and legal system, and, since 1996, with the Title IV-D requirement that all states enact the same version of UIFSA. In fact, since the advent of UIFSA and Title IV-D, millions of interstate cases have been processed through the child support enforcement system and integration of a few thousand foreign support orders has been less of a challenge in the United States. The entry into force of the Convention is designed to further improve the process and may lead in a few years to a substantial increase in international cases, both incoming and outgoing.

To create UIFSA (2008), it was necessary to integrate the texts of UIFSA (2001) and the Convention. This did not present a significant drafting challenge for the most part. By far the most common amendment in Articles 1 through 6 is to substitute "state or foreign country" for the term "state." These simple amendments expanded a majority of this act to cover foreign support orders. In this article statutory directions are given to "a tribunal of this state," and also to a "governmental entity, individual petitioner, support enforcement agency, or a party."

~~**SECTION 701. PROCEEDING TO DETERMINE PARENTAGE.** A court of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage brought under this [Act] or a law or procedure substantially similar to this [Act].~~

SECTION 701. DEFINITIONS. In this [article]:

(1) "Application" means a request under the Convention by an obligee or obligor, or on

HB106 Supporting Docs – Exhibit 2
US Senate Report 113-137, Calendar No. 279 (Excerpt pp 40-54)

Calendar No. 279

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-137

THE SUPPORTING AT-RISK KIDS ACT

FEBRUARY 6, 2014.—Ordered to be printed

Mr. BAUCUS, from the Committee on Finance,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany S. 1870]

[Including cost estimate of the Congressional Budget Office]

The Committee on Finance, having considered an original bill, S. 1870, to reauthorize and restructure adoption incentive payments, to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, to increase the reliability of child support for children, and for other purposes, reports favorably thereon and recommends that the bill do pass.

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I. BACKGROUND AND NEED FOR LEGISLATIVE ACTION

The Finance Committee has demonstrated a commitment to working in a bipartisan fashion on issues that affect the nation's children and youth. In the 112th and 113th Congresses the Finance Committee continued its commitment to children and young people through a series of roundtables, hearings, and legislative actions initiated by committee members. These activities of the Senate Finance Committee and its members culminated in the "Supporting At-Risk Kids Act of 2013" that seeks to address improved permanency for children in foster care, identify and provide services to youth at risk for domestic sex traffic and to prevent the trafficking of vulnerable children and youth, as well as to encourage parental involvement both fiscally and socially in the lives of children for whom child support is owed.

TITLE I--STRENGTHENING AND FINDING FAMILIES FOR CHILDREN ADOPTION INCENTIVE GRANT PROGRAM

The Adoption Incentive Payment program distributes federal bonuses to states when they increase adoptions of children in foster care. Under current law, states earn \$4,000 for each adoption of a foster child that is above the number of foster child adoptions finalized by the state in FY 2007 and \$8,000 for each adoption of an

*Funding**Present law*

Provides certain mandatory funds for the Census Bureau to carry out the Survey of Income and Program Participants (SIPP).

Committee bill

Would transfer \$400,000 of unobligated mandatory funds for the SIPP to establish the commission and allow it to carry out its duties. The \$400,000 would not be subject to reduction under a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985. Any amounts made available for the commission that are unobligated on the date on which the committee terminates would be returned to the Treasury.

TITLE III—CHILD SUPPORT ENFORCEMENT

Title III of the Committee Bill will be cited as the Child Support Improvement and Work Promotion Act.

SUBTITLE A—INCREASED RELIABILITY OF CHILD SUPPORT

SEC. 311. COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS

Secretary's authority to ensure compliance with multilateral child support convention

Present law

The United States has generally dealt with international child support enforcement cases by negotiating bilateral agreements with individual countries. The U.S. currently has bilateral agreements with 15 countries and 12 Canadian provinces/territories. Unlike multilateral agreements, the procedures and forms of bilateral agreements vary from country to country. Although courts and child support enforcement agencies in the United States already recognize and enforce most foreign child support orders, many foreign countries have not been processing child support requests from the United States.

On November 23, 2007, after four years of deliberation, the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (referred to herein as the Convention) was adopted at the conclusion of the Twenty-First Diplomatic Session of The Hague Conference on Private International Law at The Hague, The Netherlands. The United States delegation was the first country to sign the Convention. Other signatories currently include Albania, Bosnia and Herzegovina, the European Union, Norway, and Ukraine. The Convention offers the United States the opportunity to join a multilateral treaty, saving the time and expense that would otherwise be required to negotiate bilateral agreements with individual countries around the world. The Convention is expected to result in more U.S. children receiving the financial support they need from their noncustodial parents, regardless of where the parents live.

The Convention does not affect intrastate or interstate child support cases in the United States. It only applies to cases where the

custodial parent and child live in one country and the noncustodial parent lives in another country.

On September 29, 2010, the U.S. Senate approved the Resolution of Advice and Consent regarding the Convention. In order for the Convention to enter into force for the United States, Congress must adopt, and there must be enacted, implementing legislation for the Convention.

Committee bill

The Committee Bill would require the Secretary of HHS to use federal and, if necessary, state child support enforcement methods to ensure compliance with any U.S. treaty obligations associated with any multilateral child support convention to which the United States is a party.

Access to the Federal Parent Locator Service

Present law

Under current federal law, the Federal Parent Locator Service (FPLS) is only allowed to transmit information in its databases to "authorized persons," which include (1) child support enforcement agencies (and their attorneys and agents); (2) courts; (3) the resident parent, legal guardian, attorney, or agent of a child owed child support; and (4) foster care and adoption agencies.

The FPLS is an assembly of computer systems operated by the Office of Child Support Enforcement (OCSE), to assist states in locating noncustodial parents, putative fathers, and custodial parties for the establishment of paternity and child support obligations, as well as the enforcement and modification of orders for child support, custody, and visitation. The FPLS assists federal and state agencies to identify overpayments and fraud, and assists with assessing benefits. Developed in cooperation with the states, employers, federal agencies, and the judiciary, the FPLS was expanded by P.L. 104 193 (the Personal Responsibility Work Opportunity Reconciliation Act of 1996) to include the following:

- The National Directory of New Hires (NDNH): a central repository of employment, unemployment insurance, and wage data from State Directories of New Hires, State Workforce Agencies, and federal agencies.
- The Federal Case Registry (FCR): a national database that contains information on individuals in child support cases and child support orders.
- The Federal Offset Program (FOP): a program that collects past-due child support payments from the tax refunds of parents who have been ordered to pay child support.
- The Federal Administrative Offset Program (FAOP): a program that intercepts certain federal payments in order to collect past-due child support.
- The Passport Denial Program (PDP): a program that works with the Secretary of State in denying passports of any person that has been certified as owing a child support debt greater than \$2,500.
- The Multistate Financial Institution Data Match (MSFIDM): a program that allows child support agencies a means of locating financial assets of individuals owing child support.

In addition, the FPLS also has access to external sources for locating information such as the Internal Revenue Service (IRS), the Social Security Administration (SSA), the Department of Veterans Affairs (VA), the Department of Defense (DOD), National Security Agency (NSA), and the Federal Bureau of Investigation (FBI).

Committee bill

The Committee Bill would expand the definition of an "authorized person" to include an entity designated as a Central Authority for child support enforcement in a "foreign reciprocating country" or in a "foreign treaty country" in cases involving international enforcement of child support.

State option to require individuals in foreign countries to apply through their country's appropriate central authority

Present law

A CSE state plan must provide that any request for CSE services by a foreign reciprocating country or a foreign country with which the state has an arrangement must be treated as a request by a state.

Committee bill

The Committee Bill would give states the option to require individuals in foreign countries to apply for CSE services through their country's appropriate central authority for child support enforcement. If the individual resides in a foreign country that is not a "reciprocating" or "treaty" country, the state may choose to accept or reject the application for CSE services.

The Committee Bill would include requests for CSE services by a "foreign treaty country" that has a reciprocal arrangement with a state as though it is a request by a state. It would include a "foreign treaty country" and a "foreign individual" as entities that do not have to provide applications, and against whom no costs will be assessed, for CSE services.

Note

The Committee Report corrects an error in the Chairman's Mark. The Paragraph describing that the Mark "Would give states the option to require individuals in foreign countries to apply for CSE services through their country's appropriate central authority for child support enforcement. If the individual resides in a foreign country that is not a "reciprocating" or "treaty" country, the state may choose to accept or reject the application for CSE services." was omitted from the Chairman's Mark and the paragraph directly following was repeated twice. The corresponding legislative text is correct.

Amendments to international support enforcement provisions

Present law

P.L. 104 193 (the Personal Responsibility Work Opportunity Reconciliation Act of 1996) established procedures for international enforcement of child support. The Secretary of State, with the concurrence of the Secretary of HHS, is authorized to declare reciprocity

with foreign countries having requisite procedures for establishing and enforcing child support orders.

Committee bill

The Committee Bill would establish a definition for three terms: (1) "foreign reciprocating country," (2) "foreign treaty country," and (3) "2007 Family Maintenance Convention."

- It would define a "foreign reciprocating country" as a foreign country (or political subdivision thereof) with respect to which the HHS Secretary has declared as having or implementing procedures to establish and enforce duties of support for residents of the United States at no cost or at low cost.

- It would define a "foreign treaty country" as a foreign country for which the 2007 Family Maintenance Convention is in force.

- It would define the term "2007 Family Maintenance Convention" to mean the Hague Convention of November 23, 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.

The Committee Bill would make it the responsibility of the HHS Secretary to facilitate support enforcement in cases involving residents of the United States and residents of "foreign reciprocating countries" or "foreign treaty countries."

The Committee Bill would include "foreign treaty countries" as entities which can receive notification as to the state of residence of the person being sought for child support enforcement purposes. It would include "foreign reciprocating countries" and "foreign treaty countries" as entities that states may enter into reciprocal arrangements with for the establishment and enforcement of child support obligations.

Collection of past-due support from federal tax refunds

Present law

The Federal Income Tax Refund Offset program collects past-due child support payments from the income tax refunds of noncustodial parents who have been ordered to pay child support. The program is a cooperative effort between the federal Office of Child Support Enforcement (OCSE), the Internal Revenue Service (IRS), and state CSE agencies. Under the Federal Income Tax Refund Offset program, the IRS, operating on request from a state filed through the Secretary of HHS, intercepts tax returns and deducts the amount of certified child support arrearages. The money is then sent to the state CSE agency for distribution.

Committee bill

The Committee Bill would amend federal law so that the federal income tax refund offset program is available for use by a state to handle CSE requests from foreign reciprocating countries and foreign treaty countries.

State law requirement concerning the Uniform Interstate Family Support Act (UIFSA)

Present law

In the past, collecting child support across state lines was difficult. Laws varied from state to state, often causing complications

that delayed the establishment and/or enforcement of child support orders. Congress recognized this problem and mandated (pursuant to P.L. 104-193) that all states adopt UIFSA to facilitate collecting child support across state lines. (Section 466(f) P.L. 104-193 required that the 1996 version of UIFSA be adopted. It has been adopted in every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

The National Conference of Commissioners on Uniform State Laws (NCCUSL) approved additional amendments to UIFSA in August 2001. However, there is no federal mandate for states to enact the 2001 amendments. To date, only 21 states and the District of Columbia have adopted the 2001 amendments to UIFSA. In July 2008, the NCCUSL approved amendments to the 2001 UIFSA (referred to as UIFSA 2008), to integrate the appropriate provisions of the Convention. Similarly, there is no federal mandate for states to enact UIFSA 2008. To date, only 11 states have adopted the 2008 amendments to UIFSA. States that have adopted UIFSA 2008 now stand ready to immediately implement the Convention if it is ratified.

Committee bill

The Committee Bill would require that for a state to receive federal CSE funding, each state's UIFSA must include verbatim any amendments officially adopted as of September 30, 2008, by the National Conference of Commissioners on Uniform State Laws (NCCUSL). States would be required to adopt the 2008 amendments verbatim to ensure uniformity of procedures, requirements, and reporting forms.

Full faith and credit for child support orders

Present Law

Federal law requires states to treat past-due child support obligations as final judgments that are entitled to full faith and credit in every state. This means that a person who has a child support order in one state does not have to obtain a second order in another state to obtain child support due should the noncustodial parent move from the issuing court's jurisdiction. Congress passed P.L. 103-383, the Full Faith and Credit for Child Support Orders Act (FFCCSOA), in 1994 because of concerns about the growing number of child support cases involving disputes between parents who lived in different states and the ease with which noncustodial parents could reduce the amount of the obligation or evade enforcement by moving across state lines. P.L. 103-383 required courts of all United States territories, states, and tribes to accord full faith and credit to a child support order issued by another state or tribe that properly exercised jurisdiction over the parties and the subject matter. P.L. 103-383 addressed the need to determine, in cases with more than one child support order issued for the same obligor and child, which order to recognize for purposes of continuing, exclusive jurisdiction and enforcement. P.L. 103-383 restricted a state court's ability to modify a child support order issued by another state unless the child and the custodial parent have moved to the state where the modification is sought or have agreed to the modification. The 1996 welfare reform law (P.L. 104-193) clarified

HB106 Supporting Docs – Exhibit 3
Hague Convention



**38. CONVENTION ON THE INTERNATIONAL RECOVERY
OF CHILD SUPPORT AND OTHER FORMS OF FAMILY
MAINTENANCE¹**

(Concluded 23 November 2007)

The States signatory to the present Convention,
Desiring to improve co-operation among States for the international recovery of child support and other forms of family maintenance,
Aware of the need for procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair,
Wishing to build upon the best features of existing Hague Conventions and other international instruments, in particular the United Nations *Convention on the Recovery Abroad of Maintenance* of 20 June 1956,
Seeking to take advantage of advances in technologies and to create a flexible system which can continue to evolve as needs change and further advances in technology create new opportunities,
Recalling that, in accordance with Articles 3 and 27 of the United Nations *Convention on the Rights of the Child* of 20 November 1989,
– in all actions concerning children the best interests of the child shall be a primary consideration,
– every child has a right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development,
– the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development, and
– States Parties should take all appropriate measures, including the conclusion of international agreements, to secure the recovery of maintenance for the child from the parent(s) or other responsible persons, in particular where such persons live in a State different from that of the child,
Have resolved to conclude this Convention and have agreed upon the following provisions –

CHAPTER I – OBJECT, SCOPE AND DEFINITIONS

Article 1
Object

The object of the present Convention is to ensure the effective international recovery of child support and other forms of family maintenance, in particular by –

- a) establishing a comprehensive system of co-operation between the authorities of the Contracting States;
- b) making available applications for the establishment of maintenance decisions;
- c) providing for the recognition and enforcement of maintenance decisions; and
- d) requiring effective measures for the prompt enforcement of maintenance decisions.

¹ This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law (www.hcch.net), under "Conventions". For the full history of the Convention, see Hague Conference on Private International Law, *Proceedings of the Twenty-First Session* [to be published].

Article 2
Scope

- (1) This Convention shall apply –
 - a) to maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years;
 - b) to recognition and enforcement or enforcement of a decision for spousal support when the application is made with a claim within the scope of sub-paragraph a); and
 - c) with the exception of Chapters II and III, to spousal support.
- (2) Any Contracting State may reserve, in accordance with Article 62, the right to limit the application of the Convention under sub-paragraph 1 a), to persons who have not attained the age of 18 years. A Contracting State which makes this reservation shall not be entitled to claim the application of the Convention to persons of the age excluded by its reservation.
- (3) Any Contracting State may declare in accordance with Article 63 that it will extend the application of the whole or any part of the Convention to any maintenance obligation arising from a family relationship, parentage, marriage or affinity, including in particular obligations in respect of vulnerable persons. Any such declaration shall give rise to obligations between two Contracting States only in so far as their declarations cover the same maintenance obligations and parts of the Convention.
- (4) The provisions of this Convention shall apply to children regardless of the marital status of the parents.

Article 3
Definitions

For the purposes of this Convention –

- a) "creditor" means an individual to whom maintenance is owed or is alleged to be owed;
- b) "debtor" means an individual who owes or who is alleged to owe maintenance;
- c) "legal assistance" means the assistance necessary to enable applicants to know and assert their rights and to ensure that applications are fully and effectively dealt with in the requested State. The means of providing such assistance may include as necessary legal advice, assistance in bringing a case before an authority, legal representation and exemption from costs of proceedings;
- d) "agreement in writing" means an agreement recorded in any medium, the information contained in which is accessible so as to be usable for subsequent reference;
- e) "maintenance arrangement" means an agreement in writing relating to the payment of maintenance which –
 - i) has been formally drawn up or registered as an authentic instrument by a competent authority; or
 - ii) has been authenticated by, or concluded, registered or filed with a competent authority, and may be the subject of review and modification by a competent authority;
- f) "vulnerable person" means a person who, by reason of an impairment or insufficiency of his or her personal faculties, is not able to support him or herself.

CHAPTER II – ADMINISTRATIVE CO-OPERATION

Article 4
Designation of Central Authorities

- (1) A Contracting State shall designate a Central Authority to discharge the duties that are imposed by the Convention on such an authority.
- (2) Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and shall specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.
- (3) The designation of the Central Authority or Central Authorities, their contact details, and where appropriate the extent of their functions as specified in paragraph 2, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law at the time when the instrument of ratification or accession is deposited or when a

declaration is submitted in accordance with Article 61. Contracting States shall promptly inform the Permanent Bureau of any changes.

Article 5
General functions of Central Authorities

Central Authorities shall –

- a) co-operate with each other and promote co-operation amongst the competent authorities in their States to achieve the purposes of the Convention;
- b) seek as far as possible solutions to difficulties which arise in the application of the Convention.

Article 6
Specific functions of Central Authorities

- (1) Central Authorities shall provide assistance in relation to applications under Chapter III. In particular they shall –
 - a) transmit and receive such applications;
 - b) initiate or facilitate the institution of proceedings in respect of such applications.
- (2) In relation to such applications they shall take all appropriate measures –
 - a) where the circumstances require, to provide or facilitate the provision of legal assistance;
 - b) to help locate the debtor or the creditor;
 - c) to help obtain relevant information concerning the income and, if necessary, other financial circumstances of the debtor or creditor, including the location of assets;
 - d) to encourage amicable solutions with a view to obtaining voluntary payment of maintenance, where suitable by use of mediation, conciliation or similar processes;
 - e) to facilitate the ongoing enforcement of maintenance decisions, including any arrears;
 - f) to facilitate the collection and expeditious transfer of maintenance payments;
 - g) to facilitate the obtaining of documentary or other evidence;
 - h) to provide assistance in establishing parentage where necessary for the recovery of maintenance;
 - i) to initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application;
 - j) to facilitate service of documents.
- (3) The functions of the Central Authority under this Article may, to the extent permitted under the law of its State, be performed by public bodies, or other bodies subject to the supervision of the competent authorities of that State. The designation of any such public bodies or other bodies, as well as their contact details and the extent of their functions, shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law. Contracting States shall promptly inform the Permanent Bureau of any changes.
- (4) Nothing in this Article or Article 7 shall be interpreted as imposing an obligation on a Central Authority to exercise powers that can be exercised only by judicial authorities under the law of the requested State.

Article 7
Requests for specific measures

- (1) A Central Authority may make a request, supported by reasons, to another Central Authority to take appropriate specific measures under Article 6(2) b), c), g), h), i) and j) when no application under Article 10 is pending. The requested Central Authority shall take such measures as are appropriate if satisfied that they are necessary to assist a potential applicant in making an application under Article 10 or in determining whether such an application should be initiated.
- (2) A Central Authority may also take specific measures on the request of another Central Authority in relation to a case having an international element concerning the recovery of maintenance pending in the requesting State.

Article 8
Central Authority costs

- (1) Each Central Authority shall bear its own costs in applying this Convention.
- (2) Central Authorities may not impose any charge on an applicant for the provision of their services under the Convention save for exceptional costs arising from a request for a specific measure under Article 7.
- (3) The requested Central Authority may not recover the costs of the services referred to in paragraph 2 without the prior consent of the applicant to the provision of those services at such cost.

CHAPTER III – APPLICATIONS THROUGH CENTRAL AUTHORITIES

Article 9
Application through Central Authorities

An application under this Chapter shall be made through the Central Authority of the Contracting State in which the applicant resides to the Central Authority of the requested State. For the purpose of this provision, residence excludes mere presence.

Article 10
Available applications

- (1) The following categories of application shall be available to a creditor in a requesting State seeking to recover maintenance under this Convention –
 - a) recognition or recognition and enforcement of a decision;
 - b) enforcement of a decision made or recognised in the requested State;
 - c) establishment of a decision in the requested State where there is no existing decision, including where necessary the establishment of parentage;
 - d) establishment of a decision in the requested State where recognition and enforcement of a decision is not possible, or is refused, because of the lack of a basis for recognition and enforcement under Article 20, or on the grounds specified in Article 22 b) or e);
 - e) modification of a decision made in the requested State;
 - f) modification of a decision made in a State other than the requested State.
- (2) The following categories of application shall be available to a debtor in a requesting State against whom there is an existing maintenance decision –
 - a) recognition of a decision, or an equivalent procedure leading to the suspension, or limiting the enforcement, of a previous decision in the requested State;
 - b) modification of a decision made in the requested State;
 - c) modification of a decision made in a State other than the requested State.
- (3) Save as otherwise provided in this Convention, the applications in paragraphs 1 and 2 shall be determined under the law of the requested State, and applications in paragraphs 1 c) to f) and 2 b) and c) shall be subject to the jurisdictional rules applicable in the requested State.

Article 11
Application contents

- (1) All applications under Article 10 shall as a minimum include –
 - a) a statement of the nature of the application or applications;
 - b) the name and contact details, including the address and date of birth of the applicant;
 - c) the name and, if known, address and date of birth of the respondent;
 - d) the name and date of birth of any person for whom maintenance is sought;
 - e) the grounds upon which the application is based;
 - f) in an application by a creditor, information concerning where the maintenance payment should be sent or electronically transmitted;
 - g) save in an application under Article 10(1) a) and (2) a), any information or document specified by declaration in accordance with Article 63 by the requested State;
 - h) the name and contact details of the person or unit from the Central Authority of the requesting State responsible for processing the application.

- (2) As appropriate, and to the extent known, the application shall in addition in particular include --
 - a) the financial circumstances of the creditor;
 - b) the financial circumstances of the debtor, including the name and address of the employer of the debtor and the nature and location of the assets of the debtor;
 - c) any other information that may assist with the location of the respondent.
- (3) The application shall be accompanied by any necessary supporting information or documentation including documentation concerning the entitlement of the applicant to free legal assistance. In the case of applications under Article 10(1) a) and (2) a), the application shall be accompanied only by the documents listed in Article 25.
- (4) An application under Article 10 may be made in the form recommended and published by the Hague Conference on Private International Law.

Article 12
Transmission, receipt and processing of applications and
cases through Central Authorities

- (1) The Central Authority of the requesting State shall assist the applicant in ensuring that the application is accompanied by all the information and documents known by it to be necessary for consideration of the application.
- (2) The Central Authority of the requesting State shall, when satisfied that the application complies with the requirements of the Convention, transmit the application on behalf of and with the consent of the applicant to the Central Authority of the requested State. The application shall be accompanied by the transmittal form set out in Annex 1. The Central Authority of the requesting State shall, when requested by the Central Authority of the requested State, provide a complete copy certified by the competent authority in the State of origin of any document specified under Articles 16(3), 25(1) a), b) and d) and (3) b) and 30(3).
- (3) The requested Central Authority shall, within six weeks from the date of receipt of the application, acknowledge receipt in the form set out in Annex 2, and inform the Central Authority of the requesting State what initial steps have been or will be taken to deal with the application, and may request any further necessary documents and information. Within the same six-week period, the requested Central Authority shall provide to the requesting Central Authority the name and contact details of the person or unit responsible for responding to inquiries regarding the progress of the application.
- (4) Within three months after the acknowledgement, the requested Central Authority shall inform the requesting Central Authority of the status of the application.
- (5) Requesting and requested Central Authorities shall keep each other informed of --
 - a) the person or unit responsible for a particular case;
 - b) the progress of the case,
 and shall provide timely responses to enquiries.
- (6) Central Authorities shall process a case as quickly as a proper consideration of the issues will allow.
- (7) Central Authorities shall employ the most rapid and efficient means of communication at their disposal.
- (8) A requested Central Authority may refuse to process an application only if it is manifest that the requirements of the Convention are not fulfilled. In such case, that Central Authority shall promptly inform the requesting Central Authority of its reasons for refusal.
- (9) The requested Central Authority may not reject an application solely on the basis that additional documents or information are needed. However, the requested Central Authority may ask the requesting Central Authority to provide these additional documents or information. If the requesting Central Authority does not do so within three months or a longer period specified by the requested Central Authority, the requested Central Authority may decide that it will no longer process the application. In this case, it shall inform the requesting Central Authority of this decision.

Article 13
Means of communication

Any application made through Central Authorities of the Contracting States in accordance with this Chapter, and any document or information appended thereto or provided by a Central Authority, may not be challenged by the respondent by reason only of the medium or means of communication employed between the Central Authorities concerned.

Article 14
Effective access to procedures

- (1) The requested State shall provide applicants with effective access to procedures, including enforcement and appeal procedures, arising from applications under this Chapter.
- (2) To provide such effective access, the requested State shall provide free legal assistance in accordance with Articles 14 to 17 unless paragraph 3 applies.
- (3) The requested State shall not be obliged to provide such free legal assistance if and to the extent that the procedures of that State enable the applicant to make the case without the need for such assistance, and the Central Authority provides such services as are necessary free of charge.
- (4) Entitlements to free legal assistance shall not be less than those available in equivalent domestic cases.
- (5) No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in proceedings under the Convention.

Article 15
Free legal assistance for child support applications

- (1) The requested State shall provide free legal assistance in respect of all applications by a creditor under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.
- (2) Notwithstanding paragraph 1, the requested State may, in relation to applications other than those under Article 10(1) a) and b) and the cases covered by Article 20(4), refuse free legal assistance if it considers that, on the merits, the application or any appeal is manifestly unfounded.

Article 16
Declaration to permit use of child-centred means test

- (1) Notwithstanding Article 15(1), a State may declare, in accordance with Article 63, that it will provide free legal assistance in respect of applications other than under Article 10(1) a) and b) and the cases covered by Article 20(4), subject to a test based on an assessment of the means of the child.
- (2) A State shall, at the time of making such a declaration, provide information to the Permanent Bureau of the Hague Conference on Private International Law concerning the manner in which the assessment of the child's means will be carried out, including the financial criteria which would need to be met to satisfy the test.
- (3) An application referred to in paragraph 1, addressed to a State which has made the declaration referred to in that paragraph, shall include a formal attestation by the applicant stating that the child's means meet the criteria referred to in paragraph 2. The requested State may only request further evidence of the child's means if it has reasonable grounds to believe that the information provided by the applicant is inaccurate.
- (4) If the most favourable legal assistance provided for by the law of the requested State in respect of applications under this Chapter concerning maintenance obligations arising from a parent-child relationship towards a child is more favourable than that provided for under paragraphs 1 to 3, the most favourable legal assistance shall be provided.

Article 17
Applications not qualifying under Article 15 or Article 16

- In the case of all applications under this Convention other than those under Article 15 or Article 16 –
- a) the provision of free legal assistance may be made subject to a means or a merits test;
 - b) an applicant, who in the State of origin has benefited from free legal assistance, shall be entitled, in any proceedings for recognition or enforcement, to benefit, at least to the same extent, from free legal assistance as provided for by the law of the State addressed under the same circumstances.

CHAPTER IV – RESTRICTIONS ON BRINGING PROCEEDINGS

Article 18 Limit on proceedings

- (1) Where a decision is made in a Contracting State where the creditor is habitually resident, proceedings to modify the decision or to make a new decision cannot be brought by the debtor in any other Contracting State as long as the creditor remains habitually resident in the State where the decision was made.
- (2) Paragraph 1 shall not apply –
 - a) where, except in disputes relating to maintenance obligations in respect of children, there is agreement in writing between the parties to the jurisdiction of that other Contracting State;
 - b) where the creditor submits to the jurisdiction of that other Contracting State either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;
 - c) where the competent authority in the State of origin cannot, or refuses to, exercise jurisdiction to modify the decision or make a new decision; or
 - d) where the decision made in the State of origin cannot be recognised or declared enforceable in the Contracting State where proceedings to modify the decision or make a new decision are contemplated.

CHAPTER V – RECOGNITION AND ENFORCEMENT

Article 19 Scope of the Chapter

- (1) This Chapter shall apply to a decision rendered by a judicial or administrative authority in respect of a maintenance obligation. The term "decision" also includes a settlement or agreement concluded before or approved by such an authority. A decision may include automatic adjustment by indexation and a requirement to pay arrears, retroactive maintenance or interest and a determination of costs or expenses.
- (2) If a decision does not relate solely to a maintenance obligation, the effect of this Chapter is limited to the parts of the decision which concern maintenance obligations.
- (3) For the purpose of paragraph 1, "administrative authority" means a public body whose decisions, under the law of the State where it is established –
 - a) may be made the subject of an appeal to or review by a judicial authority; and
 - b) have a similar force and effect to a decision of a judicial authority on the same matter.
- (4) This Chapter also applies to maintenance arrangements in accordance with Article 30.
- (5) The provisions of this Chapter shall apply to a request for recognition and enforcement made directly to a competent authority of the State addressed in accordance with Article 37.

Article 20 Bases for recognition and enforcement

- (1) A decision made in one Contracting State ("the State of origin") shall be recognised and enforced in other Contracting States if –
 - a) the respondent was habitually resident in the State of origin at the time proceedings were instituted;
 - b) the respondent has submitted to the jurisdiction either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity;
 - c) the creditor was habitually resident in the State of origin at the time proceedings were instituted;
 - d) the child for whom maintenance was ordered was habitually resident in the State of origin at the time proceedings were instituted, provided that the respondent has lived with the child in that State or has resided in that State and provided support for the child there;

- e) except in disputes relating to maintenance obligations in respect of children, there has been agreement to the jurisdiction in writing by the parties; or
 - f) the decision was made by an authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.
- (2) A Contracting State may make a reservation, in accordance with Article 62, in respect of paragraph 1 c), e) or f).
 - (3) A Contracting State making a reservation under paragraph 2 shall recognise and enforce a decision if its law would in similar factual circumstances confer or would have conferred jurisdiction on its authorities to make such a decision.
 - (4) A Contracting State shall, if recognition of a decision is not possible as a result of a reservation under paragraph 2, and if the debtor is habitually resident in that State, take all appropriate measures to establish a decision for the benefit of the creditor. The preceding sentence shall not apply to direct requests for recognition and enforcement under Article 19(5) or to claims for support referred to in Article 2(1) b).
 - (5) A decision in favour of a child under the age of 18 years which cannot be recognised by virtue only of a reservation in respect of paragraph 1 c), e) or f) shall be accepted as establishing the eligibility of that child for maintenance in the State addressed.
 - (6) A decision shall be recognised only if it has effect in the State of origin, and shall be enforced only if it is enforceable in the State of origin.

Article 21

Severability and partial recognition and enforcement

- (1) If the State addressed is unable to recognise or enforce the whole of the decision, it shall recognise or enforce any severable part of the decision which can be so recognised or enforced.
- (2) Partial recognition or enforcement of a decision can always be applied for.

Article 22

Grounds for refusing recognition and enforcement

Recognition and enforcement of a decision may be refused if –

- a) recognition and enforcement of the decision is manifestly incompatible with the public policy ("*ordre public*") of the State addressed;
- b) the decision was obtained by fraud in connection with a matter of procedure;
- c) proceedings between the same parties and having the same purpose are pending before an authority of the State addressed and those proceedings were the first to be instituted;
- d) the decision is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed;
- e) in a case where the respondent has neither appeared nor was represented in proceedings in the State of origin –
 - i) when the law of the State of origin provides for notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or
 - ii) when the law of the State of origin does not provide for notice of the proceedings, the respondent did not have proper notice of the decision and an opportunity to challenge or appeal it on fact and law; or
- f) the decision was made in violation of Article 18.

Article 23

Procedure on an application for recognition and enforcement

- (1) Subject to the provisions of the Convention, the procedures for recognition and enforcement shall be governed by the law of the State addressed.
- (2) Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either –

- a) refer the application to the competent authority which shall without delay declare the decision enforceable or register the decision for enforcement; or
- b) if it is the competent authority take such steps itself.
- (3) Where the request is made directly to a competent authority in the State addressed in accordance with Article 19(5), that authority shall without delay declare the decision enforceable or register the decision for enforcement.
- (4) A declaration or registration may be refused only on the ground set out in Article 22 a). At this stage neither the applicant nor the respondent is entitled to make any submissions.
- (5) The applicant and the respondent shall be promptly notified of the declaration or registration, made under paragraphs 2 and 3, or the refusal thereof in accordance with paragraph 4, and may bring a challenge or appeal on fact and on a point of law.
- (6) A challenge or an appeal is to be lodged within 30 days of notification under paragraph 5. If the contesting party is not resident in the Contracting State in which the declaration or registration was made or refused, the challenge or appeal shall be lodged within 60 days of notification.
- (7) A challenge or appeal may be founded only on the following --
 - a) the grounds for refusing recognition and enforcement set out in Article 22;
 - b) the bases for recognition and enforcement under Article 20;
 - c) the authenticity or integrity of any document transmitted in accordance with Article 25(1) a), b) or d) or (3) b).
- (8) A challenge or an appeal by a respondent may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.
- (9) The applicant and the respondent shall be promptly notified of the decision following the challenge or the appeal.
- (10) A further appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.
- (11) In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

Article 24

Alternative procedure on an application for recognition and enforcement

- (1) Notwithstanding Article 23(2) to (11), a State may declare, in accordance with Article 63, that it will apply the procedure for recognition and enforcement set out in this Article.
- (2) Where an application for recognition and enforcement of a decision has been made through Central Authorities in accordance with Chapter III, the requested Central Authority shall promptly either --
 - a) refer the application to the competent authority which shall decide on the application for recognition and enforcement; or
 - b) if it is the competent authority, take such a decision itself.
- (3) A decision on recognition and enforcement shall be given by the competent authority after the respondent has been duly and promptly notified of the proceedings and both parties have been given an adequate opportunity to be heard.
- (4) The competent authority may review the grounds for refusing recognition and enforcement set out in Article 22 a), c) and d) of its own motion. It may review any grounds listed in Articles 20, 22 and 23(7) c) if raised by the respondent or if concerns relating to those grounds arise from the face of the documents submitted in accordance with Article 25.
- (5) A refusal of recognition and enforcement may also be founded on the fulfilment of the debt to the extent that the recognition and enforcement relates to payments that fell due in the past.
- (6) Any appeal, if permitted by the law of the State addressed, shall not have the effect of staying the enforcement of the decision unless there are exceptional circumstances.
- (7) In taking any decision on recognition and enforcement, including any appeal, the competent authority shall act expeditiously.

Article 25

Documents

- (1) An application for recognition and enforcement under Article 23 or Article 24 shall be accompanied by the following --
 - a) a complete text of the decision;
 - b) a document stating that the decision is enforceable in the State of origin and, in the case

- of a decision by an administrative authority, a document stating that the requirements of Article 19(3) are met unless that State has specified in accordance with Article 57 that decisions of its administrative authorities always meet those requirements;
- c) if the respondent did not appear and was not represented in the proceedings in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or appeal it on fact and law;
 - d) where necessary, a document showing the amount of any arrears and the date such amount was calculated;
 - e) where necessary, in the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations;
 - f) where necessary, documentation showing the extent to which the applicant received free legal assistance in the State of origin.
- (2) Upon a challenge or appeal under Article 23(7) c) or upon request by the competent authority in the State addressed, a complete copy of the document concerned, certified by the competent authority in the State of origin, shall be provided promptly –
- a) by the Central Authority of the requesting State, where the application has been made in accordance with Chapter III;
 - b) by the applicant, where the request has been made directly to a competent authority of the State addressed.
- (3) A Contracting State may specify in accordance with Article 57 –
- a) that a complete copy of the decision certified by the competent authority in the State of origin must accompany the application;
 - b) circumstances in which it will accept, in lieu of a complete text of the decision, an abstract or extract of the decision drawn up by the competent authority of the State of origin, which may be made in the form recommended and published by the Hague Conference on Private International Law; or
 - c) that it does not require a document stating that the requirements of Article 19(3) are met.

Article 26
Procedure on an application for recognition

This Chapter shall apply *mutatis mutandis* to an application for recognition of a decision, save that the requirement of enforceability is replaced by the requirement that the decision has effect in the State of origin.

Article 27
Findings of fact

Any competent authority of the State addressed shall be bound by the findings of fact on which the authority of the State of origin based its jurisdiction.

Article 28
No review of the merits

There shall be no review by any competent authority of the State addressed of the merits of a decision.

Article 29
Physical presence of the child or the applicant not required

The physical presence of the child or the applicant shall not be required in any proceedings in the State addressed under this Chapter.

Article 30
Maintenance arrangements

- (1) A maintenance arrangement made in a Contracting State shall be entitled to recognition and enforcement as a decision under this Chapter provided that it is enforceable as a decision in the State of origin.
- (2) For the purpose of Article 10(1) a) and b) and (2) a), the term "decision" includes a maintenance arrangement.
- (3) An application for recognition and enforcement of a maintenance arrangement shall be accompanied by the following –
 - a) a complete text of the maintenance arrangement; and
 - b) a document stating that the particular maintenance arrangement is enforceable as a decision in the State of origin.
- (4) Recognition and enforcement of a maintenance arrangement may be refused if –
 - a) the recognition and enforcement is manifestly incompatible with the public policy of the State addressed;
 - b) the maintenance arrangement was obtained by fraud or falsification;
 - c) the maintenance arrangement is incompatible with a decision rendered between the same parties and having the same purpose, either in the State addressed or in another State, provided that this latter decision fulfils the conditions necessary for its recognition and enforcement in the State addressed.
- (5) The provisions of this Chapter, with the exception of Articles 20, 22, 23(7) and 25(1) and (3), shall apply *mutatis mutandis* to the recognition and enforcement of a maintenance arrangement save that –
 - a) a declaration or registration in accordance with Article 23(2) and (3) may be refused only on the ground set out in paragraph 4 a);
 - b) a challenge or appeal as referred to in Article 23(6) may be founded only on the following –
 - i) the grounds for refusing recognition and enforcement set out in paragraph 4;
 - ii) the authenticity or integrity of any document transmitted in accordance with paragraph 3;
 - c) as regards the procedure under Article 24(4), the competent authority may review of its own motion the ground for refusing recognition and enforcement set out in paragraph 4 a) of this Article. It may review all grounds listed in paragraph 4 of this Article and the authenticity or integrity of any document transmitted in accordance with paragraph 3 if raised by the respondent or if concerns relating to those grounds arise from the face of those documents.
- (6) Proceedings for recognition and enforcement of a maintenance arrangement shall be suspended if a challenge concerning the arrangement is pending before a competent authority of a Contracting State.
- (7) A State may declare, in accordance with Article 63, that applications for recognition and enforcement of a maintenance arrangement shall only be made through Central Authorities.
- (8) A Contracting State may, in accordance with Article 62, reserve the right not to recognise and enforce a maintenance arrangement.

Article 31
Decisions produced by the combined effect
of provisional and confirmation orders

Where a decision is produced by the combined effect of a provisional order made in one State and an order by an authority in another State ("the confirming State") confirming the provisional order –

- a) each of those States shall be deemed for the purposes of this Chapter to be a State of origin;
- b) the requirements of Article 22 e) shall be met if the respondent had proper notice of the proceedings in the confirming State and an opportunity to oppose the confirmation of the provisional order;
- c) the requirement of Article 20(6) that a decision be enforceable in the State of origin shall be met if the decision is enforceable in the confirming State; and
- d) Article 18 shall not prevent proceedings for the modification of the decision being commenced in either State.

CHAPTER VI – ENFORCEMENT BY THE STATE ADDRESSED

Article 32
Enforcement under internal law

- (1) Subject to the provisions of this Chapter, enforcement shall take place in accordance with the law of the State addressed.
- (2) Enforcement shall be prompt.
- (3) In the case of applications through Central Authorities, where a decision has been declared enforceable or registered for enforcement under Chapter V, enforcement shall proceed without the need for further action by the applicant.
- (4) Effect shall be given to any rules applicable in the State of origin of the decision relating to the duration of the maintenance obligation.
- (5) Any limitation on the period for which arrears may be enforced shall be determined either by the law of the State of origin of the decision or by the law of the State addressed, whichever provides for the longer limitation period.

Article 33
Non-discrimination

The State addressed shall provide at least the same range of enforcement methods for cases under the Convention as are available in domestic cases.

Article 34
Enforcement measures

- (1) Contracting States shall make available in internal law effective measures to enforce decisions under this Convention.
- (2) Such measures may include –
 - a) wage withholding;
 - b) garnishment from bank accounts and other sources;
 - c) deductions from social security payments;
 - d) lien on or forced sale of property;
 - e) tax refund withholding;
 - f) withholding or attachment of pension benefits;
 - g) credit bureau reporting;
 - h) denial, suspension or revocation of various licenses (for example, driving licenses);
 - i) the use of mediation, conciliation or similar processes to bring about voluntary compliance.

Article 35
Transfer of funds

- (1) Contracting States are encouraged to promote, including by means of international agreements, the use of the most cost-effective and efficient methods available to transfer funds payable as maintenance.
- (2) A Contracting State, under whose law the transfer of funds is restricted, shall accord the highest priority to the transfer of funds payable under this Convention.

CHAPTER VII – PUBLIC BODIES

Article 36
Public bodies as applicants

- (1) For the purposes of applications for recognition and enforcement under Article 10(1) a) and b) and cases covered by Article 20(4), "creditor" includes a public body acting in place of an individual to whom maintenance is owed or one to which reimbursement is owed for benefits

- provided in place of maintenance.
- (2) The right of a public body to act in place of an individual to whom maintenance is owed or to seek reimbursement of benefits provided to the creditor in place of maintenance shall be governed by the law to which the body is subject.
 - (3) A public body may seek recognition or claim enforcement of –
 - a) a decision rendered against a debtor on the application of a public body which claims payment of benefits provided in place of maintenance;
 - b) a decision rendered between a creditor and debtor to the extent of the benefits provided to the creditor in place of maintenance.
 - (4) The public body seeking recognition or claiming enforcement of a decision shall upon request furnish any document necessary to establish its right under paragraph 2 and that benefits have been provided to the creditor.

CHAPTER VIII – GENERAL PROVISIONS

Article 37

Direct requests to competent authorities

- (1) The Convention shall not exclude the possibility of recourse to such procedures as may be available under the internal law of a Contracting State allowing a person (an applicant) to seise directly a competent authority of that State in a matter governed by the Convention including, subject to Article 18, for the purpose of having a maintenance decision established or modified.
- (2) Articles 14(5) and 17 b) and the provisions of Chapters V, VI, VII and this Chapter, with the exception of Articles 40(2), 42, 43(3), 44(3), 45 and 55, shall apply in relation to a request for recognition and enforcement made directly to a competent authority in a Contracting State.
- (3) For the purpose of paragraph 2, Article 2(1) a) shall apply to a decision granting maintenance to a vulnerable person over the age specified in that sub-paragraph where such decision was rendered before the person reached that age and provided for maintenance beyond that age by reason of the impairment.

Article 38

Protection of personal data

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which they were gathered or transmitted.

Article 39

Confidentiality

Any authority processing information shall ensure its confidentiality in accordance with the law of its State.

Article 40

Non-disclosure of information

- (1) An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person.
- (2) A determination to this effect made by one Central Authority shall be taken into account by another Central Authority, in particular in cases of family violence.
- (3) Nothing in this Article shall impede the gathering and transmitting of information by and between authorities in so far as necessary to carry out the obligations under the Convention.

Article 41

No legalisation

No legalisation or similar formality may be required in the context of this Convention.

Article 42
Power of attorney

The Central Authority of the requested State may require a power of attorney from the applicant only if it acts on his or her behalf in judicial proceedings or before other authorities, or in order to designate a representative so to act.

Article 43
Recovery of costs

- (1) Recovery of any costs incurred in the application of this Convention shall not take precedence over the recovery of maintenance.
- (2) A State may recover costs from an unsuccessful party.
- (3) For the purposes of an application under Article 10(1) *b*) to recover costs from an unsuccessful party in accordance with paragraph 2, the term "creditor" in Article 10(1) shall include a State.
- (4) This Article shall be without prejudice to Article 8.

Article 44
Language requirements

- (1) Any application and related documents shall be in the original language, and shall be accompanied by a translation into an official language of the requested State or another language which the requested State has indicated, by way of declaration in accordance with Article 63, it will accept, unless the competent authority of that State dispenses with translation.
- (2) A Contracting State which has more than one official language and cannot, for reasons of internal law, accept for the whole of its territory documents in one of those languages shall, by declaration in accordance with Article 63, specify the language in which such documents or translations thereof shall be drawn up for submission in the specified parts of its territory.
- (3) Unless otherwise agreed by the Central Authorities, any other communications between such Authorities shall be in an official language of the requested State or in either English or French. However, a Contracting State may, by making a reservation in accordance with Article 62, object to the use of either English or French.

Article 45
Means and costs of translation

- (1) In the case of applications under Chapter III, the Central Authorities may agree in an individual case or generally that the translation into an official language of the requested State may be made in the requested State from the original language or from any other agreed language. If there is no agreement and it is not possible for the requesting Central Authority to comply with the requirements of Article 44(1) and (2), then the application and related documents may be transmitted with translation into English or French for further translation into an official language of the requested State.
- (2) The cost of translation arising from the application of paragraph 1 shall be borne by the requesting State unless otherwise agreed by Central Authorities of the States concerned.
- (3) Notwithstanding Article 8, the requesting Central Authority may charge an applicant for the costs of translation of an application and related documents, except in so far as those costs may be covered by its system of legal assistance.

Article 46
Non-unified legal systems – interpretation

- (1) In relation to a State in which two or more systems of law or sets of rules of law with regard to any matter dealt with in this Convention apply in different territorial units –
 - a) any reference to the law or procedure of a State shall be construed as referring, where appropriate, to the law or procedure in force in the relevant territorial unit;
 - b) any reference to a decision established, recognised, recognised and enforced, enforced or modified in that State shall be construed as referring, where appropriate, to a decision

- established, recognised, recognised and enforced, enforced or modified in the relevant territorial unit;
- c) any reference to a judicial or administrative authority in that State shall be construed as referring, where appropriate, to a judicial or administrative authority in the relevant territorial unit;
 - d) any reference to competent authorities, public bodies, and other bodies of that State, other than Central Authorities, shall be construed as referring, where appropriate, to those authorised to act in the relevant territorial unit;
 - e) any reference to residence or habitual residence in that State shall be construed as referring, where appropriate, to residence or habitual residence in the relevant territorial unit;
 - f) any reference to location of assets in that State shall be construed as referring, where appropriate, to the location of assets in the relevant territorial unit;
 - g) any reference to a reciprocity arrangement in force in a State shall be construed as referring, where appropriate, to a reciprocity arrangement in force in the relevant territorial unit;
 - h) any reference to free legal assistance in that State shall be construed as referring, where appropriate, to free legal assistance in the relevant territorial unit;
 - i) any reference to a maintenance arrangement made in a State shall be construed as referring, where appropriate, to a maintenance arrangement made in the relevant territorial unit;
 - j) any reference to recovery of costs by a State shall be construed as referring, where appropriate, to the recovery of costs by the relevant territorial unit.
- (2) This Article shall not apply to a Regional Economic Integration Organisation.

Article 47

Non-unified legal systems – substantive rules

- (1) A Contracting State with two or more territorial units in which different systems of law apply shall not be bound to apply this Convention to situations which involve solely such different territorial units.
- (2) A competent authority in a territorial unit of a Contracting State with two or more territorial units in which different systems of law apply shall not be bound to recognise or enforce a decision from another Contracting State solely because the decision has been recognised or enforced in another territorial unit of the same Contracting State under this Convention.
- (3) This Article shall not apply to a Regional Economic Integration Organisation.

Article 48

Co-ordination with prior Hague Maintenance Conventions

In relations between the Contracting States, this Convention replaces, subject to Article 56(2), the *Hague Convention of 2 October 1973 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations* and the *Hague Convention of 15 April 1958 concerning the recognition and enforcement of decisions relating to maintenance obligations towards children* in so far as their scope of application as between such States coincides with the scope of application of this Convention.

Article 49

Co-ordination with the 1956 New York Convention

In relations between the Contracting States, this Convention replaces the *United Nations Convention on the Recovery Abroad of Maintenance* of 20 June 1956, in so far as its scope of application as between such States coincides with the scope of application of this Convention.

Article 50

Relationship with prior Hague Conventions on service of documents and taking of evidence

This Convention does not affect the *Hague Convention of 1 March 1954 on civil procedure*, the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents* in

Article 51

Co-ordination of instruments and supplementary agreements

- (1) This Convention does not affect any international instrument concluded before this Convention to which Contracting States are Parties and which contains provisions on matters governed by this Convention.
- (2) Any Contracting State may conclude with one or more Contracting States agreements, which contain provisions on matters governed by the Convention, with a view to improving the application of the Convention between or among themselves, provided that such agreements are consistent with the objects and purpose of the Convention and do not affect, in the relationship of such States with other Contracting States, the application of the provisions of the Convention. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.
- (3) Paragraphs 1 and 2 shall also apply to reciprocity arrangements and to uniform laws based on special ties between the States concerned.
- (4) This Convention shall not affect the application of instruments of a Regional Economic Integration Organisation that is a Party to this Convention, adopted after the conclusion of the Convention, on matters governed by the Convention provided that such instruments do not affect, in the relationship of Member States of the Regional Economic Integration Organisation with other Contracting States, the application of the provisions of the Convention. As concerns the recognition or enforcement of decisions as between Member States of the Regional Economic Integration Organisation, the Convention shall not affect the rules of the Regional Economic Integration Organisation, whether adopted before or after the conclusion of the Convention.

Article 52

Most effective rule

- (1) This Convention shall not prevent the application of an agreement, arrangement or international instrument in force between the requesting State and the requested State, or a reciprocity arrangement in force in the requested State that provides for –
 - a) broader bases for recognition of maintenance decisions, without prejudice to Article 22 *f*) of the Convention;
 - b) simplified, more expeditious procedures on an application for recognition or recognition and enforcement of maintenance decisions;
 - c) more beneficial legal assistance than that provided for under Articles 14 to 17; or
 - d) procedures permitting an applicant from a requesting State to make a request directly to the Central Authority of the requested State.
- (2) This Convention shall not prevent the application of a law in force in the requested State that provides for more effective rules as referred to in paragraph 1 a) to c). However, as regards simplified, more expeditious procedures referred to in paragraph 1 b), they must be compatible with the protection offered to the parties under Articles 23 and 24, in particular as regards the rights of the parties to be duly notified of the proceedings and be given adequate opportunity to be heard and as regards the effects of any challenge or appeal.

Article 53

Uniform Interpretation

In the interpretation of this Convention, regard shall be had to its international character and to the need to promote uniformity in its application.

Article 54

Review of practical operation of the Convention

- (1) The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the

- Convention and to encourage the development of good practices under the Convention.
- (2) For the purpose of such review, Contracting States shall co-operate with the Permanent Bureau of the Hague Conference on Private International Law in the gathering of information, including statistics and case law, concerning the practical operation of the Convention.

Article 55
Amendment of forms

- (1) The forms annexed to this Convention may be amended by a decision of a Special Commission convened by the Secretary General of the Hague Conference on Private International Law to which all Contracting States and all Members shall be invited. Notice of the proposal to amend the forms shall be included in the agenda for the meeting.
- (2) Amendments adopted by the Contracting States present at the Special Commission shall come into force for all Contracting States on the first day of the seventh calendar month after the date of their communication by the depositary to all Contracting States.
- (3) During the period provided for in paragraph 2 any Contracting State may by notification in writing to the depositary make a reservation, in accordance with Article 62, with respect to the amendment. The State making such reservation shall, until the reservation is withdrawn, be treated as a State not Party to the present Convention with respect to that amendment.

Article 56
Transitional provisions

- (1) The Convention shall apply in every case where –
 - a) a request pursuant to Article 7 or an application pursuant to Chapter III has been received by the Central Authority of the requested State after the Convention has entered into force between the requesting State and the requested State;
 - b) a direct request for recognition and enforcement has been received by the competent authority of the State addressed after the Convention has entered into force between the State of origin and the State addressed.
- (2) With regard to the recognition and enforcement of decisions between Contracting States to this Convention that are also Parties to either of the Hague Maintenance Conventions mentioned in Article 48, if the conditions for the recognition and enforcement under this Convention prevent the recognition and enforcement of a decision given in the State of origin before the entry into force of this Convention for that State, that would otherwise have been recognised and enforced under the terms of the Convention that was in effect at the time the decision was rendered, the conditions of that Convention shall apply.
- (3) The State addressed shall not be bound under this Convention to enforce a decision or a maintenance arrangement, in respect of payments falling due prior to the entry into force of the Convention between the State of origin and the State addressed, except for maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years.

Article 57
Provision of information concerning laws, procedures and services

- (1) A Contracting State, by the time its instrument of ratification or accession is deposited or a declaration is submitted in accordance with Article 61 of the Convention, shall provide the Permanent Bureau of the Hague Conference on Private International Law with –
 - a) a description of its laws and procedures concerning maintenance obligations;
 - b) a description of the measures it will take to meet the obligations under Article 6;
 - c) a description of how it will provide applicants with effective access to procedures, as required under Article 14;
 - d) a description of its enforcement rules and procedures, including any limitations on enforcement, in particular debtor protection rules and limitation periods;
 - e) any specification referred to in Article 25(1) b) and (3).
- (2) Contracting States may, in fulfilling their obligations under paragraph 1, utilise a country profile form recommended and published by the Hague Conference on Private International Law.
- (3) Information shall be kept up to date by the Contracting States.

CHAPTER IX – FINAL PROVISIONS

Article 58 Signature, ratification and accession

- (1) The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Twenty-First Session and by the other States which participated in that Session.
- (2) It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.
- (3) Any other State or Regional Economic Integration Organisation may accede to the Convention after it has entered into force in accordance with Article 60(1).
- (4) The instrument of accession shall be deposited with the depositary.
- (5) Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the 12 months after the date of the notification referred to in Article 65. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

Article 59 Regional Economic Integration Organisations

- (1) A Regional Economic Integration Organisation which is constituted solely by sovereign States and has competence over some or all of the matters governed by this Convention may similarly sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that the Organisation has competence over matters governed by the Convention.
- (2) The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, notify the depositary in writing of the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Organisation shall promptly notify the depositary in writing of any changes to its competence as specified in the most recent notice given under this paragraph.
- (3) At the time of signature, acceptance, approval or accession, a Regional Economic Integration Organisation may declare in accordance with Article 63 that it exercises competence over all the matters governed by this Convention and that the Member States which have transferred competence to the Regional Economic Integration Organisation in respect of the matter in question shall be bound by this Convention by virtue of the signature, acceptance, approval or accession of the Organisation.
- (4) For the purposes of the entry into force of this Convention, any instrument deposited by a Regional Economic Integration Organisation shall not be counted unless the Regional Economic Integration Organisation makes a declaration in accordance with paragraph 3.
- (5) Any reference to a "Contracting State" or "State" in this Convention shall apply equally to a Regional Economic Integration Organisation that is a Party to it, where appropriate. In the event that a declaration is made by a Regional Economic Integration Organisation in accordance with paragraph 3, any reference to a "Contracting State" or "State" in this Convention shall apply equally to the relevant Member States of the Organisation, where appropriate.

Article 60 Entry into force

- (1) The Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the second instrument of ratification, acceptance or approval referred to in Article 58.
- (2) Thereafter the Convention shall enter into force –
 - a) for each State or Regional Economic Integration Organisation referred to in Article 59(1) subsequently ratifying, accepting or approving it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance or approval;

- b) for each State or Regional Economic Integration Organisation referred to in Article 58(3) on the day after the end of the period during which objections may be raised in accordance with Article 58(5);
- c) for a territorial unit to which the Convention has been extended in accordance with Article 61, on the first day of the month following the expiration of three months after the notification referred to in that Article.

Article 61

Declarations with respect to non-unified legal systems

- (1) If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in the Convention, it may at the time of signature, ratification, acceptance, approval or accession declare in accordance with Article 63 that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
- (2) Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.
- (3) If a State makes no declaration under this Article, the Convention shall extend to all territorial units of that State.
- (4) This Article shall not apply to a Regional Economic Integration Organisation.

Article 62

Reservations

- (1) Any Contracting State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 61, make one or more of the reservations provided for in Articles 2(2), 20(2), 30(8), 44(3) and 55(3). No other reservation shall be permitted.
- (2) Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the depositary.
- (3) The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in paragraph 2.
- (4) Reservations under this Article shall have no reciprocal effect with the exception of the reservation provided for in Article 2(2).

Article 63

Declarations

- (1) Declarations referred to in Articles 2(3), 11(1) g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1), may be made upon signature, ratification, acceptance, approval or accession or at any time thereafter, and may be modified or withdrawn at any time.
- (2) Declarations, modifications and withdrawals shall be notified to the depositary.
- (3) A declaration made at the time of signature, ratification, acceptance, approval or accession shall take effect simultaneously with the entry into force of this Convention for the State concerned.
- (4) A declaration made at a subsequent time, and any modification or withdrawal of a declaration, shall take effect on the first day of the month following the expiration of three months after the date on which the notification is received by the depositary.

Article 64

Denunciation

- (1) A Contracting State to the Convention may denounce it by a notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a multi-unit State to which the Convention applies.
- (2) The denunciation shall take effect on the first day of the month following the expiration of 12 months after the date on which the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall

take effect upon the expiration of such longer period after the date on which the notification is received by the depositary.

Article 65
Notification

The depositary shall notify the Members of the Hague Conference on Private International Law, and other States and Regional Economic Integration Organisations which have signed, ratified, accepted, approved or acceded in accordance with Articles 58 and 59 of the following –

- a) the signatures, ratifications, acceptances and approvals referred to in Articles 58 and 59;
- b) the accessions and objections raised to accessions referred to in Articles 58(3) and (5) and 59;
- c) the date on which the Convention enters into force in accordance with Article 60;
- d) the declarations referred to in Articles 2(3), 11(1) g), 16(1), 24(1), 30(7), 44(1) and (2), 59(3) and 61(1);
- e) the agreements referred to in Article 51(2);
- f) the reservations referred to in Articles 2(2), 20(2), 30(8), 44(3) and 55(3), and the withdrawals referred to in Article 62(2);
- g) the denunciations referred to in Article 64.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at The Hague, on the 23rd day of November 2007, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of the Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the Members of the Hague Conference on Private International Law at the date of its Twenty-First Session and to each of the other States which have participated in that Session.

**HB106 Supporting Docs – Exhibit 4
Status Table**



The World Organisation for Cross-border Co-operation in Civil and Commercial Matters
L'Organisation mondiale pour la coopération transfrontalière en matière civile et commerciale

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- Vacancies / Internships

Status table

38: Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance

Entry into force. 1-1-2013

Last update: 8-X-2014
Number of States and REIOs bound by this Convention: 32
(This is the number of States that have ratified, acceded or succeeded to the Convention, or which are bound by the Convention as a result of an approval by an REIO, including the actual approval by the REIO)

View and/or print full status report

- 1) S Signature
- 2) R-A*Ap*Su Ratification, Accession, Approval by an REIO or Succession
- 3) Type R. Ratification
 - A Accession,
 - A* Accession giving rise to an acceptance procedure click on A* for details of acceptances of the accession,
 - Ap Approval by an REIO,
 - Ap* State bound as a result of an approval by an REIO,
 - C Continuation,
 - Su Succession,
 - Den Denunciation.
- 4) EIF Entry into force
- 5) Ext Extensions of application
- 6) Auth Designation of Authorities
- 7) Res: D/N Reservations, declarations or notifications

- For this Convention
- Full text
- Status table
- Authorities
- Preliminary Documents
- Country Profiles
- 1956 New York Convention
- Practical operation documents
- Questionnaires & Responses
- HCCH Publications
- Translations
- Bibliography
- Miscellaneous

Members of the Organisation (click here for the non Member States)

State / REIO	S ¹	RIA/Ap/Su ²	Type ³	EIF ⁴	Ext ⁵	Auth ⁶	Res/D/N ⁷
Albania	21-X-2011	11-IX-2012	R	1-I-2013		1	
Austria			Ap*	1-VIII-2014		1	
Belgium			Ap*	1-VIII-2014		1	
Bosnia and Herzegovina	5-VII-2011	25-X-2012	R	1-II-2013		1	
Bulgaria			Ap*	1-VIII-2014			
Burkina Faso	7-I-2009						
Croatia			Ap*	1-VIII-2014		1	
Cyprus			Ap*	3-VIII-2014			
Czech Republic			Ap*	1-VIII-2014		1	
Estonia			Ap*	1-VIII-2014		1	
European Union	6-IV-2011	9-IV-2014	Ap	1-VIII-2014			1-1-13
Finland			Ap*	1-VIII-2014		1	
France			Ap*	1-VIII-2014			
Germany			Ap*	1-VIII-2014		1	
Greece			Ap*	1-VIII-2014			1
Hungary			Ap*	1-VIII-2014			
Ireland			Ap*	1-VIII-2014			
Italy			Ap*	1-VIII-2014		1	
Latvia			Ap*	1-VIII-2014		1	
Lithuania			Ap*	1-VIII-2014		1	
Luxembourg			Ap*	1-VIII-2014		1	
Malta			Ap*	1-VIII-2014		1	
Netherlands			Ap*	1-VIII-2014		1	
Norway	5-VI-2010	6-IV-2011	R	1-I-2013		1	
Poland			Ap*	1-VIII-2014			

Portugal		Ap*	1 VIII 2014	1	
Romania		Ap*	1 VIII 2014	1	
Slovakia		Ap*	1 VIII 2014	1	
Slovenia		Ap*	1 VIII 2014		
Spain		Ap*	1 VIII 2014		
Sweden		Ap*	1 VIII 2014	1	
Ukraine	7 VII 2010 21 VII 2013	R	1-XI 2013		
United Kingdom of Great Britain and Northern Ireland		Ap*	1-VIII-2014	1	
United States of America	13-XI-2007				

Non Member States of the Organisation (click here for the Members)

No results.

- 1) S Signature
- 2) R/A/Ap/Su Ratification, Accession, Approval by an REIO or Succession
- 3) Type R, Ratification
 - A Accession,
 - A* Accession giving rise to an acceptance procedure click on A* for details of acceptances of the accession.
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 - Su Succession,
 - Den Denunciation.
- 4) EIF Entry into force
- 5) Ext Extensions of application
- 6) Auth Designation of Authorities
- 7) Res/D/N Reservations, declarations or notifications



HB106 Supporting Docs – Exhibit 5
US State Department Press Releases



Senate Approval of the Hague Convention on the
International Recovery of Child Support and Other Forms of
Family Maintenance

Remarks
Hillary Rodham Clinton
Secretary of State
Washington, DC
October 1, 2010

On Wednesday September 29, the U.S. Senate approved the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The United States has been active in the Convention's development since negotiations began in 2003, and we were the first country to sign the Convention in 2007. This week, we have taken another step toward ratification, again reaffirming our commitment to protecting the welfare of children around the world.

Protecting our most vulnerable citizens, especially children, is one of the primary duties of any government. When a child and one parent are in one country while the other parent is in a different country, recovering child support can be difficult and often impossible. The United States has a comprehensive system in place to establish, recognize, and enforce domestic and international child support obligations. The Convention requires that all treaty partners develop similar systems to facilitate the recovery of funds between nations. This will help more children around the world receive the support they need more expeditiously than ever before.

The Department of State will continue to work closely with the Department of Health and Human Services as we continue toward ratification by the full Senate and the United States becoming a party to the Convention.

We look forward to working with the Hague Conference and other countries to implement this important Convention worldwide.

1001 1001 1001



President Obama Signs Implementing Legislation for the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance

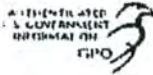
Press Statement
John Kerry
Secretary of State
Washington, DC
September 30, 2014

I was the Chairman of the Foreign Relations Committee when the Senate unanimously gave its advice and consent to ratify the Child Support Convention.

Back when I was a prosecutor, I saw how hard too many families had to scrape and claw just to receive their just support, and I saw how far the United States came in the last decades of fighting that wrong. It was the right thing to do to help families in the United States and other countries get what is rightfully theirs. I am grateful to Congress for passing this important implementing legislation. It's a reminder of how the Administration and Congress can work together across party lines to help lead the international community on issues that really matter in people's lives.

The United States was the first country to sign the Convention in 2007. Protection of our most vulnerable citizens, our children, is fundamental to who we are. We stick up for kids. We protect the innocent. Every child deserves to be supported by both parents. We know that recovering child support when the child and one parent are in one country and the other parent is in another is difficult and too often impossible. The United States has a comprehensive system to establish, recognize and enforce domestic and international child support obligations. The Convention just requires that all treaty partners have similar systems in place and as a result, more children in the United States and abroad will be receiving more support, more expeditiously than ever before.

HB106 Supporting Docs – Exhibit 6
Public Law 113-183 (Excerpt)



PUBLIC LAW 113-183—SEPT. 29, 2014

128 STAT. 1919

Public Law 113-183
113th Congress

An Act

To prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.

Sept. 29, 2014
(H.R. 4980)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Sex Trafficking and Strengthening Families Act".

Preventing Sex
Trafficking and
Strengthening
Families Act.
42 USC 1305
note.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX
TRAFFICKING

Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex
Trafficking

- Sec. 101. Identifying, documenting, and determining services for children and youth at risk of sex trafficking.
- Sec. 102. Reporting instances of sex trafficking.
- Sec. 103. Including sex trafficking data in the Adoption and Foster Care Analysis and Reporting System.
- Sec. 104. Locating and responding to children who run away from foster care.
- Sec. 105. Increasing information on children in foster care to prevent sex trafficking.

Subtitle B—Improving Opportunities for Children in Foster Care and Supporting
Permanency

- Sec. 111. Supporting normalcy for children in foster care.
- Sec. 112. Improving another planned permanent living arrangement as a permanency option.
- Sec. 113. Empowering foster children age 14 and older in the development of their own case plan and transition planning for a successful adulthood.
- Sec. 114. Ensuring foster children have a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or equivalent State-issued identification card.
- Sec. 115. Information on children in foster care in annual reports using AFCARS data; consultation.

Subtitle C—National Advisory Committee

- Sec. 121. Establishment of a national advisory committee on the sex trafficking of children and youth in the United States.

TITLE II—IMPROVING ADOPTION INCENTIVES AND EXTENDING FAMILY
CONNECTION GRANTS

Subtitle A—Improving Adoption Incentive Payments

- Sec. 201. Extension of program through fiscal year 2016.

- Sec. 202. Improvements to award structure.
 Sec. 203. Renaming of program.
 Sec. 204. Limitation on use of incentive payments.
 Sec. 205. Increase in period for which incentive payments are available for expenditure.
 Sec. 206. State report on calculation and use of savings resulting from the phase-out of eligibility requirements for adoption assistance; requirement to spend 30 percent of savings on certain services.
 Sec. 207. Preservation of eligibility for kinship guardianship assistance payments with a successor guardian.
 Sec. 208. Data collection on adoption and legal guardianship disruption and dissolution.
 Sec. 209. Encouraging the placement of children in foster care with siblings.
 Sec. 210. Effective dates.

Subtitle B—Extending the Family Connection Grant Program

- Sec. 221. Extension of family connection grant program.

TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

- Sec. 301. Amendments to ensure access to child support services for international child support cases.
 Sec. 302. Child support enforcement programs for Indian tribes.
 Sec. 303. Sense of the Congress regarding offering of voluntary parenting time arrangements.
 Sec. 304. Data exchange standardization for improved interoperability.
 Sec. 305. Report to Congress.
 Sec. 306. Required electronic processing of income withholding.

TITLE IV—BUDGETARY EFFECTS

- Sec. 401. Determination of budgetary effects.

SEC. 3. REFERENCES.

Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—PROTECTING CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING

Subtitle A—Identifying and Protecting Children and Youth at Risk of Sex Trafficking

SEC. 101. IDENTIFYING, DOCUMENTING, AND DETERMINING SERVICES FOR CHILDREN AND YOUTH AT RISK OF SEX TRAFFICKING.

(a) IN GENERAL.—Section 471(a)(9) (42 U.S.C. 671(a)(9)) is amended—

- (1) in subparagraph (A), by striking “and”;
- (2) in subparagraph (B), by inserting “and” after the semicolon; and
- (3) by adding at the end the following:

“(C) not later than—

“(i) 1 year after the date of enactment of this subparagraph, demonstrate to the Secretary that the State agency has developed, in consultation with State and local law enforcement, juvenile justice systems, health care providers, education agencies, and organizations with experience in dealing with at-risk

Deadlines.

- (1) by striking “and” before “private”; and
- (2) by inserting “and institutions of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)),” after “arrangements,”.
- (c) FINDING FAMILIES FOR FOSTER CHILDREN WHO ARE PARENTS.—Section 427(a)(1)(E) (42 U.S.C. 627(a)(1)(E)) is amended by inserting “and other individuals who are willing and able to be foster parents for children in foster care under the responsibility of the State who are themselves parents” after “kinship care families”.
- (d) RESERVATION OF FUNDS.—Section 427(g) (42 U.S.C. 627(g)) is amended—
- (1) by striking paragraph (1); and
- (2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.
- (e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on October 1, 2013. 42 USC 627 note.

TITLE III—IMPROVING INTERNATIONAL CHILD SUPPORT RECOVERY

SEC. 301. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.

(a) AUTHORITY OF THE SECRETARY OF HHS TO ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS.—

(1) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (l) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

“(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.”.

(2) CONFORMING AMENDMENT.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking “452(l)” and inserting “452(m)”.

(b) ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).”.

(c) STATE OPTION TO REQUIRE INDIVIDUALS IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUNTRY’S APPROPRIATE CENTRAL AUTHORITY.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon “(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign

treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application); and (2) in paragraph (32)—

(A) in subparagraph (A), by inserting ", a foreign treaty country," after "a foreign reciprocating country"; and

(B) in subparagraph (C), by striking "or foreign obligee" and inserting ", foreign treaty country, or foreign individual".

(d) AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

"(e) REFERENCES.—In this part:

"(1) FOREIGN RECIPROCATING COUNTRY.—The term 'foreign reciprocating country' means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

"(2) FOREIGN TREATY COUNTRY.—The term 'foreign treaty country' means a foreign country for which the 2007 Family Maintenance Convention is in force.

"(3) 2007 FAMILY MAINTENANCE CONVENTION.—The term '2007 Family Maintenance Convention' means the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "foreign countries that are the subject of a declaration under this section" and inserting "foreign reciprocating countries or foreign treaty countries"; and

(B) in paragraph (2), by inserting "and foreign treaty countries" after "foreign reciprocating countries"; and

(3) in subsection (d), by striking "the subject of a declaration pursuant to subsection (a)" and inserting "foreign reciprocating countries or foreign treaty countries".

(e) COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C. 664(a)(2)(A)) is amended by striking "under section 454(4)(A)(ii)" and inserting "under paragraph (4)(A)(ii) or (32) of section 454".

(f) STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA).—

(1) IN GENERAL.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking "on and after January 1, 1998,";

(B) by striking "and as in effect on August 22, 1996,";

and

(C) by striking "adopted as of such date" and inserting "adopted as of September 30, 2008".

(2) CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking "individual contestant" and inserting "individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order,";

(B) in subsection (e)(2)(A), by striking "individual contestant" and inserting "individual contestant and the

parties have not consented in a record or open court that the tribunal of the other State may continue to exercise jurisdiction to modify its order"; and

(C) in subsection (b)—

(i) by striking "child' means" and inserting "(1) The term 'child' means";

(ii) by striking "child's State' means" and inserting "(2) The term 'child's State' means";

(iii) by striking "child's home State' means" and inserting "(3) The term 'child's home State' means";

(iv) by striking "child support' means" and inserting "(4) The term 'child support' means";

(v) by striking "child support order" and inserting "(5) The term 'child support order'";

(vi) by striking "contestant' means" and inserting "(6) The term 'contestant' means";

(vii) by striking "court' means" and inserting "(7) The term 'court' means";

(viii) by striking "modification' means" and inserting "(8) The term 'modification' means"; and

(ix) by striking "State' means" and inserting "(9) The term 'State' means".

(3) EFFECTIVE DATE; GRACE PERIOD FOR STATE LAW CHANGES.—

(A) PARAGRAPH (1).—(i) The amendments made by paragraph (1) shall take effect with respect to a State no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

42 USC 666 note.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) PARAGRAPH (2).—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance enters into force for the United States.

28 USC 1738B note.

(ii) The amendments made by subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

SEC. 302. CHILD SUPPORT ENFORCEMENT PROGRAMS FOR INDIAN TRIBES.

(a) TRIBAL ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by inserting "or Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), " after "any State".

(b) WAIVER AUTHORITY FOR INDIAN TRIBES OR TRIBAL ORGANIZATIONS OPERATING CHILD SUPPORT ENFORCEMENT PROGRAMS.—Section 1115(b) (42 U.S.C. 1315(b)) is amended—

HB106 Supporting Docs – Exhibit 7
42 USC 666

42 USC 666: Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement

Text contains those laws in effect on February 22, 2015

From Title 42-THE PUBLIC HEALTH AND WELFARE**CHAPTER 7-SOCIAL SECURITY****SUBCHAPTER IV-GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES****Part D-Child Support and Establishment of Paternity****Jump To:**[Source Credit](#)[Future Amendments](#)[References in Text](#)[Codification](#)[Amendments](#)[Effective Date](#)[Miscellaneous](#)**§666. Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement****(a) Types of procedures required**

In order to satisfy section 654(20)(A) of this title, each State must have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part:

(1)(A) Procedures described in subsection (b) of this section for the withholding from income of amounts payable as support in cases subject to enforcement under the State plan.

(B) Procedures under which the income of a person with a support obligation imposed by a support order issued (or modified) in the State before January 1, 1994, if not otherwise subject to withholding under subsection (b) of this section, shall become subject to withholding as provided in subsection (b) of this section if arrearages occur, without the need for a judicial or administrative hearing.

(2) Expedited administrative and judicial procedures (including the procedures specified in subsection (c) of this section) for establishing paternity and for establishing, modifying, and enforcing support obligations. The Secretary may waive the provisions of this paragraph with respect to one or more political subdivisions within the State on the basis of the effectiveness and timeliness of support order issuance and enforcement or paternity establishment within the political subdivision (in accordance with the general rule for exemptions under subsection (d) of this section).

(3) Procedures under which the State child support enforcement agency shall request, and the State shall provide, that for the purpose of enforcing a support order under any State plan approved under this part-

(A) any refund of State income tax which would otherwise be payable to a noncustodial parent will be reduced, after notice has been sent to that noncustodial parent of the proposed reduction and the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State), by the amount of any overdue support owed by such noncustodial parent;

(B) the amount by which such refund is reduced shall be distributed in accordance with section 657 of this title in the case of overdue support assigned to a State pursuant to section 608(a)(3) or 671(a)(17) of this title, or, in any other case, shall be distributed, after deduction of any fees imposed by the State to cover the costs of collection, to the child or parent to whom such support is owed; and

(C) notice of the noncustodial parent's social security account number (or numbers, if he has more than one such number) and home address shall be furnished to the State agency requesting the refund offset, and to the State agency enforcing the order.

(4) Liens.-Procedures under which-

(A) liens arise by operation of law against real and personal property for amounts of overdue support owed by a noncustodial parent who resides or owns property in the State; and

(B) the State accords full faith and credit to liens described in subparagraph (A) arising in another State, when the State agency, party, or other entity seeking to enforce such a lien complies with the procedural rules relating to recording or serving liens that arise within the State, except that such rules may not require judicial notice or hearing prior to the enforcement of such a lien.

(5) Procedures concerning paternity establishment.-

(A) Establishment process available from birth until age 18.-

(i) Procedures which permit the establishment of the paternity of a child at any time before the child attains 18 years of age.

(ii) As of August 16, 1984, clause (i) shall also apply to a child for whom paternity has not been established or for whom a paternity action was brought but dismissed because a statute of limitations of less than 18 years was then in effect in the State.

(B) Procedures concerning genetic testing.-

(i) Genetic testing required in certain contested cases.-Procedures under which the State is required, in a contested paternity case (unless otherwise barred by State law) to require the child and all other parties (other than individuals found under section 654(29) of this title to have good cause and other exceptions for refusing to cooperate) to submit to genetic tests upon the request of any such party, if the request is supported by a sworn statement by the party-

(I) alleging paternity, and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties; or

(II) denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

(ii) Other requirements.-Procedures which require the State agency, in any case in which the agency orders genetic testing-

(I) to pay costs of such tests, subject to recoupment (if the State so elects) from the alleged father if paternity is established; and

(II) to obtain additional testing in any case if an original test result is contested, upon request and advance payment by the contestant.

(C) Voluntary paternity acknowledgment.-

(i) Simple civil process.-Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and a putative father can sign an acknowledgment of paternity, the mother and the putative father must be given notice, orally, or through the use of video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights (including, if 1 parent is a minor, any rights afforded due to minority status) and responsibilities that arise from, signing the acknowledgment.

(ii) Hospital-based program.-Such procedures must include a hospital-based program for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child.

(iii) Paternity establishment services.-

(I) State-offered services.-Such procedures must require the State agency responsible for maintaining birth records to offer voluntary paternity establishment services.

(II) Regulations.-

(aa) Services offered by hospitals and birth record agencies.-The Secretary shall prescribe regulations governing voluntary paternity establishment services offered by hospitals and birth record agencies.

(bb) Services offered by other entities.-The Secretary shall prescribe regulations specifying the types of other entities that may offer voluntary paternity establishment services, and governing the provision of such services, which shall include a requirement that such an entity must use the same notice provisions used by, use the same materials used by, provide the personnel providing such services with the same training provided by, and evaluate the provision of such services in the same manner as the provision of such services is evaluated by, voluntary paternity establishment programs of hospitals and birth record agencies.

(iv) Use of paternity acknowledgment affidavit.-Such procedures must require the State to develop and use an affidavit for the voluntary acknowledgment of paternity which includes the minimum requirements of the affidavit specified by the Secretary under section 652(a)(7) of this title for the voluntary acknowledgment of paternity, and to give full faith and credit to such an affidavit signed in any other State according to its procedures.

(D) Status of signed paternity acknowledgment.-

(i) Inclusion in birth records.-Procedures under which the name of the father shall be included on the record of birth of the child of unmarried parents only if-

(I) the father and mother have signed a voluntary acknowledgment of paternity; or

(II) a court or an administrative agency of competent jurisdiction has issued an adjudication of paternity.

Nothing in this clause shall preclude a State agency from obtaining an admission of paternity from the father for submission in a judicial or administrative proceeding, or prohibit the issuance of an order in a judicial or administrative proceeding which bases a legal finding of paternity on an admission of paternity by the father and any other additional showing required by State law.

(ii) Legal finding of paternity.-Procedures under which a signed voluntary acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of-

- (I) 60 days; or
- (II) the date of an administrative or judicial proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party.

(iii) Contest.-Procedures under which, after the 60-day period referred to in clause (ii), a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

(E) Bar on acknowledgment ratification proceedings.-Procedures under which judicial or administrative proceedings are not required or permitted to ratify an unchallenged acknowledgment of paternity.

(F) Admissibility of genetic testing results.-Procedures-

(i) requiring the admission into evidence, for purposes of establishing paternity, of the results of any genetic test that is-

- (I) of a type generally acknowledged as reliable by accreditation bodies designated by the Secretary; and
- (II) performed by a laboratory approved by such an accreditation body;

(ii) requiring an objection to genetic testing results to be made in writing not later than a specified number of days before any hearing at which the results may be introduced into evidence (or, at State option, not later than a specified number of days after receipt of the results); and

(iii) making the test results admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy, unless objection is made.

(G) Presumption of paternity in certain cases.-Procedures which create a rebuttable or, at the option of the State, conclusive presumption of paternity upon genetic testing results indicating a threshold probability that the alleged father is the father of the child.

(H) Default orders.-Procedures requiring a default order to be entered in a paternity case upon a showing of service of process on the defendant and any additional showing required by State law.

(I) No right to jury trial.-Procedures providing that the parties to an action to establish paternity are not entitled to a trial by jury.

(J) Temporary support order based on probable paternity in contested cases.-Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, if there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

(K) Proof of certain support and paternity establishment costs.-Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child.

(L) Standing of putative fathers.-Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.

(M) Filing of acknowledgments and adjudications in state registry of birth records.-Procedures under which voluntary acknowledgments and adjudications of paternity by judicial or administrative processes are filed with the State registry of birth records for comparison with information in the State case registry.

(6) Procedures which require that a noncustodial parent give security, post a bond, or give some other guarantee to secure payment of overdue support, after notice has been sent to such noncustodial parent of the proposed action and of the procedures to be followed to contest it (and after full compliance with all procedural due process requirements of the State).

(7) Reporting arrearages to credit bureaus.-

(A) In general.-Procedures (subject to safeguards pursuant to subparagraph (B)) requiring the State to report periodically to consumer reporting agencies (as defined in section 1681a(f) of title 15) the name of any noncustodial parent who is delinquent in the payment of support, and the amount of overdue support owed by such parent.

(B) Safeguards.-Procedures ensuring that, in carrying out subparagraph (A), information with respect to a noncustodial parent is reported-

- (i) only after such parent has been afforded all due process required under State law, including notice and a reasonable opportunity to contest the accuracy of such information; and
- (ii) only to an entity that has furnished evidence satisfactory to the State that the entity is a consumer reporting agency (as so defined).

(8)(A) Procedures under which all child support orders not described in subparagraph (B) will include provision for withholding from income, in order to assure that withholding as a means of collecting child support is available if arrearages occur without the necessity of filing application for services under this part.

(B) Procedures under which all child support orders which are initially issued in the State on or after January 1, 1994, and are not being enforced under this part will include the following requirements:

(i) The income of a noncustodial parent shall be subject to withholding, regardless of whether support payments by such parent are in arrears, on the effective date of the order; except that such income shall not be subject to withholding under this clause in any case where (I) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate income withholding, or (II) a written agreement is reached between both parties which provides for an alternative arrangement.

(ii) The requirements of subsection (b)(1) of this section (which shall apply in the case of each noncustodial parent against whom a support order is or has been issued or modified in the State, without regard to whether the order is being enforced under the State plan).

(iii) The requirements of paragraphs (2), (5), (6), (7), (8), (9), and (10) of subsection (b) of this section, where applicable.

(iv) Withholding from income of amounts payable as support must be carried out in full compliance with all procedural due process requirements of the State.

(9) Procedures which require that any payment or installment of support under any child support order, whether ordered through the State judicial system or through the expedited processes required by paragraph (2), is (on and after the date it is due)-

- (A) a judgment by operation of law, with the full force, effect, and attributes of a judgment of the State, including the ability to be enforced,
- (B) entitled as a judgment to full faith and credit in such State and in any other State, and
- (C) not subject to retroactive modification by such State or by any other State;

except that such procedures may permit modification with respect to any period during which there is pending a petition for modification, but only from the date that notice of such petition has been given, either directly or through the appropriate agent, to the obligee or (where the obligee is the petitioner) to the obligor.

(10) Review and adjustment of support orders upon request.-

(A) 3-year cycle.-

(i) In general.-Procedures under which every 3 years (or such shorter cycle as the State may determine), upon the request of either parent or if there is an assignment under part A of this subchapter, the State shall with respect to a support order being enforced under this part, taking into account the best interests of the child involved-

(I) review and, if appropriate, adjust the order in accordance with the guidelines established pursuant to section 667(a) of this title if the amount of the child support award under the order differs from the amount that would be awarded in accordance with the guidelines;

(II) apply a cost-of-living adjustment to the order in accordance with a formula developed by the State; or

(III) use automated methods (including automated comparisons with wage or State income tax data) to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the appropriate adjustment to the orders eligible for adjustment under any threshold that may be established by the State.

(ii) Opportunity to request review or adjustment.-If the State elects to conduct the review under subclause (II) or (III) of clause (i), procedures which permit either party to contest the adjustment,

within 30 days after the date of the notice of the adjustment, by making a request for review and, if appropriate, adjustment of the order in accordance with the child support guidelines established pursuant to section 667(a) of this title.

(iii) No proof of change in circumstances necessary in 3-year cycle review.-Procedures which provide that any adjustment under clause (i) shall be made without a requirement for proof or showing of a change in circumstances.

(B) Proof of substantial change in circumstances necessary in request for review outside 3-year cycle.-Procedures under which, in the case of a request for a review, and if appropriate, an adjustment outside the 3-year cycle (or such shorter cycle as the State may determine) under clause (i), the State shall review and, if the requesting party demonstrates a substantial change in circumstances, adjust the order in accordance with the guidelines established pursuant to section 667(a) of this title.

(C) Notice of right to review.-Procedures which require the State to provide notice not less than once every 3 years to the parents subject to the order informing the parents of their right to request the State to review and, if appropriate, adjust the order pursuant to this paragraph. The notice may be included in the order.

(11) Procedures under which a State must give full faith and credit to a determination of paternity made by any other State, whether established through voluntary acknowledgment or through administrative or judicial processes.

(12) Locator information from interstate networks.-Procedures to ensure that all Federal and State agencies conducting activities under this part have access to any system used by the State to locate an individual for purposes relating to motor vehicles or law enforcement.

(13) Recording of social security numbers in certain family matters.-Procedures requiring that the social security number of-

(A) any applicant for a professional license, driver's license, occupational license, recreational license, or marriage license be recorded on the application;

(B) any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment be placed in the records relating to the matter; and

(C) any individual who has died be placed in the records relating to the death and be recorded on the death certificate.

For purposes of subparagraph (A), if a State allows the use of a number other than the social security number to be used on the face of the document while the social security number is kept on file at the agency, the State shall so advise any applicants.

(14) High-volume, automated administrative enforcement in interstate cases.-

(A) In general.-Procedures under which-

(i) the State shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by another State to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting State;

(ii) the State may, by electronic or other means, transmit to another State a request for assistance in enforcing support orders through high-volume, automated administrative enforcement, which request-

(I) shall include such information as will enable the State to which the request is transmitted to compare the information about the cases to the information in the data bases of the State; and

(II) shall constitute a certification by the requesting State-

(aa) of the amount of support under an order the payment of which is in arrears; and

(bb) that the requesting State has complied with all procedural due process requirements applicable to each case;

(iii) if the State provides assistance to another State pursuant to this paragraph with respect to a case, neither State shall consider the case to be transferred to the caseload of such other State (but the assisting State may establish a corresponding case based on such other State's request for assistance); and

(iv) the State shall maintain records of-

(I) the number of such requests for assistance received by the State;

(II) the number of cases for which the State collected support in response to such a request; and

(III) the amount of such collected support.

(B) High-volume automated administrative enforcement.-In this part, the term "high-volume automated administrative enforcement", in interstate cases, means, on request of another State, the identification by a State, through automated data matches with financial institutions and other entities

where assets may be found, of assets owned by persons who owe child support in other States, and the seizure of such assets by the State, through levy or other appropriate processes.

(15) Procedures to ensure that persons owing overdue support work or have a plan for payment of such support.-Procedures under which the State has the authority, in any case in which an individual owes overdue support with respect to a child receiving assistance under a State program funded under part A of this subchapter, to issue an order or to request that a court or an administrative process established pursuant to State law issue an order that requires the individual to-

(A) pay such support in accordance with a plan approved by the court, or, at the option of the State, a plan approved by the State agency administering the State program under this part; or

(B) if the individual is subject to such a plan and is not incapacitated, participate in such work activities (as defined in section 607(d) of this title) as the court, or, at the option of the State, the State agency administering the State program under this part, deems appropriate.

(16) Authority to withhold or suspend licenses.-Procedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational and sporting licenses of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.

(17) Financial institution data matches.-

(A) In general.-Procedures under which the State agency shall enter into agreements with financial institutions doing business in the State-

(i) to develop and operate, in coordination with such financial institutions, and the Federal Parent Locator Service in the case of financial institutions doing business in two or more States, a data match system, using automated data exchanges to the maximum extent feasible, in which each such financial institution is required to provide for each calendar quarter the name, record address, social security number or other taxpayer identification number, and other identifying information for each noncustodial parent who maintains an account at such institution and who owes past-due support, as identified by the State by name and social security number or other taxpayer identification number; and

(ii) in response to a notice of lien or levy, encumber or surrender, as the case may be, assets held by such institution on behalf of any noncustodial parent who is subject to a child support lien pursuant to paragraph (4).

(B) Reasonable fees.-The State agency may pay a reasonable fee to a financial institution for conducting the data match provided for in subparagraph (A)(i), not to exceed the actual costs incurred by such financial institution.

(C) Liability.-A financial institution shall not be liable under any Federal or State law to any person-

(i) for any disclosure of information to the State agency under subparagraph (A)(i);

(ii) for encumbering or surrendering any assets held by such financial institution in response to a notice of lien or levy issued by the State agency as provided for in subparagraph (A)(ii); or

(iii) for any other action taken in good faith to comply with the requirements of subparagraph (A).

(D) Definitions.-For purposes of this paragraph-

(i) Financial institution.-The term "financial institution" has the meaning given to such term by section 669A(d)(1) of this title.

(ii) Account.-The term "account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.

(18) Enforcement of orders against paternal or maternal grandparents.-Procedures under which, at the State's option, any child support order enforced under this part with respect to a child of minor parents, if the custodial parent of such child is receiving assistance under the State program under part A of this subchapter, shall be enforceable, jointly and severally, against the parents of the noncustodial parent of such child.

(19) Health care coverage.-Procedures under which-

(A) effective as provided in section 401(c)(3) of the Child Support Performance and Incentive Act of 1998, all child support orders enforced pursuant to this part shall include a provision for medical support for the child to be provided by either or both parents, and shall be enforced, where appropriate, through the use of the National Medical Support Notice promulgated pursuant to section 401(b) of the Child Support Performance and Incentive Act of 1998 (and referred to in section 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1169(a)(5)(C)] in connection with group

health plans covered under title I of such Act [29 U.S.C. 1001 et seq.], in section 401(e) of the Child Support Performance and Incentive Act of 1998 in connection with State or local group health plans, and in section 401(f) of such Act in connection with church group health plans);

(B) unless alternative coverage is allowed for in any order of the court (or other entity issuing the child support order), in any case in which a parent is required under the child support order to provide such health care coverage and the employer of such parent is known to the State agency-

(i) the State agency uses the National Medical Support Notice to transfer notice of the provision for the health care coverage of the child to the employer;

(ii) within 20 business days after the date of the National Medical Support Notice, the employer is required to transfer the Notice, excluding the severable employer withholding notice described in section 401(b)(2)(C) of the Child Support Performance and Incentive Act of 1998, to the appropriate plan providing any such health care coverage for which the child is eligible;

(iii) in any case in which the parent is a newly hired employee entered in the State Directory of New Hires pursuant to section 653a(e) of this title, the State agency provides, where appropriate, the National Medical Support Notice, together with an income withholding notice issued pursuant to subsection (b), within two days after the date of the entry of such employee in such Directory; and

(iv) in any case in which the employment of the parent with any employer who has received a National Medical Support Notice is terminated, such employer is required to notify the State agency of such termination; and

(C) any liability of the obligated parent to such plan for employee contributions which are required under such plan for enrollment of the child is effectively subject to appropriate enforcement, unless the obligated parent contests such enforcement based on a mistake of fact.

Notwithstanding section 654(20)(B) of this title, the procedures which are required under paragraphs (3), (4), (6), (7), and (15) need not be used or applied in cases where the State determines (using guidelines which are generally available within the State and which take into account the payment record of the noncustodial parent, the availability of other remedies, and other relevant considerations) that such use or application would not carry out the purposes of this part or would be otherwise inappropriate in the circumstances.

(b) Withholding from income of amounts payable as support

The procedures referred to in subsection (a)(1)(A) of this section (relating to the withholding from income of amounts payable as support) must provide for the following:

(1) In the case of each noncustodial parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of such parent's income must be withheld, in accordance with the succeeding provisions of this subsection, as is necessary to comply with the order and provide for the payment of any fee to the employer which may be required under paragraph (6)(A), up to the maximum amount permitted under section 1673(b) of title 15. If there are arrearages to be collected, amounts withheld to satisfy such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 1673(b), but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

(2) Such withholding must be provided without the necessity of any application therefor in the case of a child (whether or not eligible for assistance under a State program funded under part A of this subchapter) with respect to whom services are already being provided under the State plan under this part, and must be provided in accordance with this subsection on the basis of an application for services under the State plan in the case of any other child in whose behalf a support order has been issued or modified in the State. In either case such withholding must occur without the need for any amendment to the support order involved or for any further action (other than those actions required under this part) by the court or other entity which issued such order.

(3)(A) The income of a noncustodial parent shall be subject to such withholding, regardless of whether support payments by such parent are in arrears, in the case of a support order being enforced under this part that is issued or modified on or after the first day of the 25th month beginning after October 13, 1988, on the effective date of the order; except that such income shall not be subject to such withholding under this subparagraph in any case where (i) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate income withholding, or (ii) a written agreement is reached between both parties which provides for an alternative arrangement.

(B) The income of a noncustodial parent shall become subject to such withholding, in the case of income not subject to withholding under subparagraph (A), on the date on which the payments which the noncustodial parent has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to whether there is an arrearage, the earliest of-

(i) the date as of which the noncustodial parent requests that such withholding begin,

- (ii) the date as of which the custodial parent requests that such withholding begin, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved, or
- (iii) such earlier date as the State may select.

(4)(A) Such withholding must be carried out in full compliance with all procedural due process requirements of the State, and the State must send notice to each noncustodial parent to whom paragraph (1) applies-

- (i) that the withholding has commenced; and
- (ii) of the procedures to follow if the noncustodial parent desires to contest such withholding on the grounds that the withholding or the amount withheld is improper due to a mistake of fact.

(B) The notice under subparagraph (A) of this paragraph shall include the information provided to the employer under paragraph (6)(A).

(5) Such withholding must be administered by the State through the State disbursement unit established pursuant to section 654b of this title, in accordance with the requirements of section 654b of this title.

(6)(A)(i) The employer of any noncustodial parent to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such noncustodial parent's income the amount specified by such notice (which may include a fee, established by the State, to be paid to the employer unless waived by such employer) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the State disbursement unit within 7 business days after the date the amount would (but for this subsection) have been paid or credited to the employee, for distribution in accordance with this part. The employer shall withhold funds as directed in the notice, except that when an employer receives an income withholding order issued by another State, the employer shall apply the income withholding law of the State of the obligor's principal place of employment in determining-

- (I) the employer's fee for processing an income withholding order;
- (II) the maximum amount permitted to be withheld from the obligor's income;
- (III) the time periods within which the employer must implement the income withholding order and forward the child support payment;
- (IV) the priorities for withholding and allocating income withheld for multiple child support obligees;
- and
- (V) any withholding terms or conditions not specified in the order.

An employer who complies with an income withholding notice that is regular on its face shall not be subject to civil liability to any individual or agency for conduct in compliance with the notice.

(ii) The notice given to the employer shall be in a standard format prescribed by the Secretary, and contain only such information as may be necessary for the employer to comply with the withholding order.

(iii) As used in this subparagraph, the term "business day" means a day on which State offices are open for regular business.

(B) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate agency or entity (with the portion thereof which is attributable to each individual employee being separately designated).

(C) The employer must be held liable to the State for any amount which such employer fails to withhold from income due an employee following receipt by such employer of proper notice under subparagraph (A), but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

(D) Provision must be made for the imposition of a fine against any employer who-

- (i) discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer; or
- (ii) fails to withhold support from income or to pay such amounts to the State disbursement unit in accordance with this subsection.

(7) Support collection under this subsection must be given priority over any other legal process under State law against the same income.

(8) For purposes of subsection (a) of this section and this subsection, the term "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, worker's compensation, disability, payments pursuant to a pension or retirement program, and interest.

(9) The State must extend its withholding system under this subsection so that such system will include

withholding from income derived within such State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by noncustodial parents in such State or any other State will be collected without regard to the residence of the child for whom the support is payable or of such child's custodial parent.

(10) Provision must be made for terminating withholding.

(11) Procedures under which the agency administering the State plan approved under this part may execute a withholding order without advance notice to the obligor, including issuing the withholding order through electronic means.

(c) Expedited procedures

The procedures specified in this subsection are the following:

(1) Administrative action by State agency

Procedures which give the State agency the authority to take the following actions relating to establishment of paternity or to establishment, modification, or enforcement of support orders, without the necessity of obtaining an order from any other judicial or administrative tribunal, and to recognize and enforce the authority of State agencies of other States to take the following actions:

(A) Genetic testing

To order genetic testing for the purpose of paternity establishment as provided in subsection (a)(5) of this section.

(B) Financial or other information

To subpoena any financial or other information needed to establish, modify, or enforce a support order, and to impose penalties for failure to respond to such a subpoena.

(C) Response to State agency request

To require all entities in the State (including for-profit, nonprofit, and governmental employers) to provide promptly, in response to a request by the State agency of that or any other State administering a program under this part, information on the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor, and to sanction failure to respond to any such request.

(D) Access to information contained in certain records

To obtain access, subject to safeguards on privacy and information security, and subject to the nonliability of entities that afford such access under this subparagraph, to information contained in the following records (including automated access, in the case of records maintained in automated data bases):

(i) Records of other State and local government agencies, including-

(I) vital statistics (including records of marriage, birth, and divorce);

(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

(III) records concerning real and titled personal property;

(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

(V) employment security records;

(VI) records of agencies administering public assistance programs;

(VII) records of the motor vehicle department; and

(VIII) corrections records.

(ii) Certain records held by private entities with respect to individuals who owe or are owed support (or against or with respect to whom a support obligation is sought), consisting of-

(I) the names and addresses of such individuals and the names and addresses of the employers of such individuals, as appearing in customer records of public utilities and cable television companies, pursuant to an administrative subpoena authorized by subparagraph (B); and

(II) information (including information on assets and liabilities) on such individuals held by financial institutions.

(E) Change in payee

In cases in which support is subject to an assignment in order to comply with a requirement imposed pursuant to part A of this subchapter, part E of this subchapter, or section 1396k of this title, or to a requirement to pay through the State disbursement unit established pursuant to section 654b of this title, upon providing notice to obligor and obligee, to direct the obligor or other payor to change the payee to the appropriate government entity.

(F) Income withholding

To order income withholding in accordance with subsections (a)(1)(A) and (b) of this section.

(G) Securing assets

In cases in which there is a support arrearage, to secure assets to satisfy any current support obligation and the arrearage by-

(i) intercepting or seizing periodic or lump-sum payments from-

(I) a State or local agency, including unemployment compensation, workers' compensation, and other benefits; and

(II) judgments, settlements, and lotteries;

(ii) attaching and seizing assets of the obligor held in financial institutions;

(iii) attaching public and private retirement funds; and

(iv) imposing liens in accordance with subsection (a)(4) of this section and, in appropriate cases, to force sale of property and distribution of proceeds.

(H) Increase monthly payments

For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages, subject to such conditions or limitations as the State may provide.

Such procedures shall be subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal.

(2) Substantive and procedural rules

The expedited procedures required under subsection (a)(2) of this section shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

(A) Locator information; presumptions concerning notice

Procedures under which-

(i) each party to any paternity or child support proceeding is required (subject to privacy safeguards) to file with the State case registry upon entry of an order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer; and

(ii) in any subsequent child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the court or administrative agency of competent jurisdiction shall deem State due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the State case registry pursuant to clause (i).

(B) Statewide jurisdiction

Procedures under which-

(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties; and

(ii) in a State in which orders are issued by courts or administrative tribunals, a case may be transferred between local jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.

(3) Coordination with ERISA

Notwithstanding subsection (d) of section 514 of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1144(d)] (relating to effect on other laws), nothing in this subsection shall be construed to alter, amend, modify, invalidate, impair, or supersede subsections (a), (b), and (c) of such section 514 [29 U.S.C. 1144(a)-(c)] as it applies with respect to any procedure referred to in paragraph (1) and any expedited procedure referred to in paragraph (2), except to the extent that such procedure would be consistent with the requirements of section 206(d)(3) of such Act [29 U.S.C. 1056(d)(3)] (relating to qualified domestic relations orders) or the requirements of section 609(a) of such Act [29 U.S.C. 1169(a)] (relating to qualified medical child support orders) if the reference in such section 206(d)(3) to a domestic relations order and the reference in such section 609(a) to a medical child support order were a reference to a support order referred to in paragraphs (1) and (2) relating to the same matters, respectively.

(d) Exemption of States

If a State demonstrates to the satisfaction of the Secretary, through the presentation to the Secretary of

such data pertaining to caseloads, processing times, administrative costs, and average support collections, and such other data or estimates as the Secretary may specify, that the enactment of any law or the use of any procedure or procedures required by or pursuant to this section will not increase the effectiveness and efficiency of the State child support enforcement program, the Secretary may exempt the State, subject to the Secretary's continuing review and to termination of the exemption should circumstances change, from the requirement to enact the law or use the procedure or procedures involved.

(e) "Overdue support" defined

For purposes of this section, the term "overdue support" means the amount of a delinquency pursuant to an obligation determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a minor child which is owed to or on behalf of such child, or for support and maintenance of the noncustodial parent's spouse (or former spouse) with whom the child is living if and to the extent that spousal support (with respect to such spouse or former spouse) would be included for purposes of section 654(4) of this title. At the option of the State, overdue support may include amounts which otherwise meet the definition in the first sentence of this subsection but which are owed to or on behalf of a child who is not a minor child. The option to include support owed to children who are not minors shall apply independently to each procedure specified under this section.

(f) Uniform Interstate Family Support Act

In order to satisfy section 654(20)(A) of this title, on and after January 1, 1998, each State must have in effect the Uniform Interstate Family Support Act, as approved by the American Bar Association on February 9, 1993, and as in effect on August 22, 1996, including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform State Laws.

(g) Laws voiding fraudulent transfers

In order to satisfy section 654(20)(A) of this title, each State must have in effect-

- (1)(A) the Uniform Fraudulent Conveyance Act of 1981;
- (B) the Uniform Fraudulent Transfer Act of 1984; or
- (C) another law, specifying indicia of fraud which create a prima facie case that a debtor transferred income or property to avoid payment to a child support creditor, which the Secretary finds affords comparable rights to child support creditors; and
- (2) procedures under which, in any case in which the State knows of a transfer by a child support debtor with respect to which such a prima facie case is established, the State must-
 - (A) seek to void such transfer; or
 - (B) obtain a settlement in the best interests of the child support creditor.

(Aug. 14, 1935, ch. 531, title IV, §466, as added Pub. L. 98-378, §3(b), Aug. 16, 1984, 98 Stat. 1306 ; amended Pub. L. 99-509, title IX, §9103(a), Oct. 21, 1986, 100 Stat. 1973 ; Pub. L. 100-485, title I, §§101(a), (b), 103(c), 111(b), (e), Oct. 13, 1988, 102 Stat. 2344-2346 , 2349, 2350; Pub. L. 100-647, title VIII, §8105(4), Nov. 10, 1988, 102 Stat. 3797 ; Pub. L. 103-66, title XIII, §13721(b), Aug. 10, 1993, 107 Stat. 659 ; Pub. L. 103-432, title II, §212(a), Oct. 31, 1994, 108 Stat. 4460 ; Pub. L. 104-193, title I, §108(c)(14), (15), title III, §§301(c)(3), (4), 314, 315, 317, 321, 323, 325(a), 331(a), 351, 364, 365, 367-369, 372, 373, 382, 395(d)(1)(H), (2)(D), Aug. 22, 1996, 110 Stat. 2166 , 2200, 2212, 2214, 2220-2222, 2224, 2227, 2239, 2249-2251, 2254, 2255, 2257, 2259, 2260; Pub. L. 105-33, title V, §§5532(i)(2), 5536-5539, 5544, 5550(a), 5551, 5556(a), (e), Aug. 5, 1997, 111 Stat. 627 , 629-631, 633, 634, 637; Pub. L. 105-200, title IV, §§401(c)(1), 404(a), 406(a), July 16, 1998, 112 Stat. 661 , 671; Pub. L. 106-169, title IV, §401(f), (m), (n), Dec. 14, 1999, 113 Stat. 1858 , 1859; Pub. L. 109-171, title VII, §§7301(g), 7302(a), 7307(a)(1), (2)(A)(ii), Feb. 8, 2006, 120 Stat. 145 , 146; Pub. L. 113-183, title III, §301(f)(1), Sept. 29, 2014, 128 Stat. 1944.)

AMENDMENT OF SUBSECTION (F)

Pub. L. 113-183, title III, §301(f)(1), (3)(A), Sept. 29, 2014, 128 Stat. 1944, 1945, provided that, effective with respect to the grace periods provided to States (see Effective Date of 2014 Amendment note below), subsection (f) of this section is amended as follows:

- (1) by striking "on and after January 1, 1998,";
 - (2) by striking "and as in effect on August 22, 1996,"; and
 - (3) by striking "adopted as of such date" and inserting "adopted as of September 30, 2008".
- See 2014 Amendment note below.*

REFERENCES IN TEXT

Sections 401(b) and 401(c)(3) of the Child Support Performance and Incentive Act of 1998, Pub. L. 105-200, referred to in subsec. (a)(19)(A), (B)(ii), are set out as notes under sections 651 and 652 of this title, respectively. Sections 401(e) and 401(f) of the Act, referred to in subsec. (a)(19)(A), are set out in a note under section 1169 of Title 29, Labor.

HB106 Supporting Docs
Testimony – Lindsay Beaver, Counsel from the Uniform Law Commission



Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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Statement of Lindsay Beaver, Legislative Counsel from the Uniform Law Commission, to the House State Affairs Committee in support of HB 106 – Uniform Interstate Family Support Act (2008)

Chairman Lynn and Members of the Committee:

The Uniform Law Commission (ULC) has a long history of developing uniform acts intended to reduce the diversity of child support and family maintenance law and ensure the recognition and enforcement of child support orders.

Since 1998, the Uniform Interstate Family Support Act (UIFSA) has been the law of every state in the country, including Alaska. Since its initial adoption in 1992, UIFSA has provided universal and uniform rules for the enforcement of family support orders in the states, and has served as the basis for interstate establishment and enforcement of support obligations. UIFSA is used daily in the numerous interstate cases which are processed through the child support system in the United States, and is familiar to attorneys, judges, and support case workers.

In an age of globalization, the international expansion of consistent rules for enforcement of child support, such as those provided under UIFSA, seems a natural development and one which the ULC believes will be advantageous to American citizens both domestically and internationally. In 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The Convention will provide a mechanism whereby support orders of tribunals of the United States will be recognized and enforced in other countries. Although tribunals in the United States, as a general matter, already recognize and enforce the orders of foreign tribunals, the reverse is not always the case.

In time, it is anticipated that the Convention will achieve a high level of integration with many other countries. This will help assure acceptance of American orders in other lands. No longer will American citizens have to re-litigate support matters in a distant country or forego support altogether.

The establishment, enforcement, and modification of family support are basically matters of state law. Thus, UIFSA was deemed a logical vehicle for implementing the provisions of the Convention. The ULC was well positioned to carry out this approach because of its experience with the subject matter and its mission of fostering uniformity in state law.

The ULC worked closely with family law practitioners, family court judges, state and national child support organizations, and representatives from the federal government to draft amendments that would implement the Convention provisions without imposing burdensome changes to existing state practices. Accordingly, the changes made to UIFSA in 2008 were limited to only those necessary to accommodate the Convention.

Congress, via the 2014 Preventing Sex Trafficking and Strengthening Families Act, is now requiring that all states update their version of UIFSA to reflect changes made to the act by the ULC as of 2008. Specifically, the new federal law requires that all states enact the 2008 version of UIFSA by the end of their 2015 legislative session in order to continue receiving federal funds supporting state child support programs.

Recognizing the importance of the changes for international child support orders, twelve states have already enacted UIFSA 2008. It is expected that all remaining states will enact the updated version of UIFSA during this legislative session.

I urge your support of HB 106 to update Alaska's version of UIFSA. Doing so will improve the enforcement of Alaska's and other American child support orders abroad, ensuring that more children residing in the United States will receive the financial support due from parents, wherever the parents reside.

Please let me know if you would like further information.

Nancy Manly

From: Mills, Cori M (LAW) <cori.mills@alaska.gov>
Sent: Friday, February 27, 2015 1:21 PM
To: LAA Legal
Cc: Nancy Manly; Peterson, Darwin R (GOV)
Subject: Message for Kate Glover on HB 106
Attachments: UIFSA am1 2-27-15 1245 pm.pdf; HB 106 with am changes 2-27-15 1245pm.pdf

Kate, as we discussed this morning, attached is a document showing the changes that the federal office requested in amendment format. I have also included a pdf with handwritten changes. The highlighted changes in the document are those that we did not include in the amendment (mainly the changes to Article 7 and the renumbering of the definitions and subsequent sections per our discussion).

Please feel free to contact me at 957-3224 this weekend, or Susan Pollard at 465-2168, if you would like to discuss anything or have us review any changes.

I have also cc'd Nancy Manly on this email so she knows what we are sending you. (Nancy, these documents are probably not helpful to the committee as a whole. These will be integrated into the CS, and we can discuss the changes through that document.)

Thanks again!

Cori Mills
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cori.mills@alaska.gov

*ci on 2/27
Mary Ellen Duffy
OK to draft for
HSTA*

AMENDMENT

OFFERED

BY _____

TO: HB 106

1 Page 7, line 3, following "In":

2 Insert "such"

3

4 Renumber the following bill sections accordingly.

5

6 Page 16, line 24:

7 Following "send":

8 Delete "written"

9 Insert "[WRITTEN]"

10 Following "notice":

11 Insert "in a record"

12

13 Page 18, lines 4 - 5:

14 Delete: "an initiating tribunal or the state information agency of the initiating state"

15 Insert: "another state or a foreign country [AN INITIATING TRIBUNAL OR THE
16 STATE INFORMATION AGENCY OF THE INITIATING STATE] "

17

18 Page 20, line 14, following "testify":

19 Insert "under penalty of perjury"

20

21 Page 21, line 24:

22 Delete "child"

1 Insert "[CHILD]"

2

3 Page 21, line 26:

4 Delete "child"

5 Insert "[CHILD]"

6

7 Page 22, following line 10:

8 Insert a new bill section to read:

9 **** Sec. 52.** AS 25.25.401(c) is amended to read:

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

12 (1) the individual seeking the order resides **outside this** [IN ANOTHER]
13 state; or

14 (2) the support enforcement agency seeking the order is located **outside**
15 **this** [IN ANOTHER] state."

16

17 Renumber the following bill sections accordingly.

18

19 Page 23, line 13:

20 Delete: "orders"

21 Insert: "**obligees** [ORDERS]"

22

23 Page 31, following line 7:

24 Insert a new bill section to read:

25 **** Sec. 80.** AS 25.25.613(b) is amended to read:

26 "(b) A tribunal of this state exercising jurisdiction as provided in this section shall
27 apply the provisions of AS 25.25.101 - 25.25.209 and 25.25.601 - 25.25.614 to the
28 enforcement or modification proceeding. AS 25.25.301 - 25.25.507, **25.25.702** -
29 **25.25.714** [25.25.701], 25.25.801, and 25.25.802 do not apply, and the tribunal shall
30 apply the procedural and substantive law of this state."

31

1 Renumber the following bill sections accordingly.

2

3 Page 31, line 26:

4 Delete "repealed and reenacted"

5 Insert "amended by adding new sections"

6

7 Page 32, lines 12 - 18:

8 Delete all material and insert:

9 "(A) means an agreement for support in a record that

10 (i) is enforceable as a support order in the country of
11 origin;

12 (ii) has been formally drawn up or registered as an
13 authentic instrument by a foreign tribunal or authenticated by, or
14 concluded, registered, or filed with a foreign tribunal; and

15 (iii) may be reviewed and modified by a foreign tribunal;
16 and"

17 Page 32, line 23:

18 Delete all material.

19

20 Renumber the following bill sections accordingly.

21

22 Page 32, line 25:

23 Following "In"

24 Insert "such"

25

26 Page 40, line 3:

27 Following "25.25.301(b),":

28 Delete "and"

29 Following "25.25.401(c)":

30 Insert ", and 25.25.701"

31

1 Page 40, following line 17"

2 Insert a new paragraph to read:

3 "(1) heading of art. 4 of AS 25.25 from "Establishment of Support Order"
4 to "Establishment of Support Order or Determination of Parentage""

5

6 Renumber the following paragraphs accordingly.

7

8 Page 41, following line 4:

9 Insert a new paragraph to read:

10 "(10) catch line for AS 25.25.401 from "Complaint to establish support
11 order" to "Establishment of support order";"

12

13 Renumber the following paragraphs accordingly.

14

15

16 Page 41, line 9:

17 Delete "Section 88"

18 Insert "Section 89"

19

20 Page 41, line 10:

21 Delete "sec. 90"

22 Insert "sec. 91"

highlighted yellow changes
not included
in amendment

29-GH1897A

HOUSE BILL NO. 106

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/11/15

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction**
2 **by tribunals of the state, registration and proceedings related to support orders from**
3 **other state tribunals, foreign support orders, foreign tribunals, and certain persons**
4 **residing in foreign countries; relating to determination of parentage of a child; and**
5 **providing for an effective date."**

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

7 *** Section 1.** AS 25.25.101 is amended to read:

8 **Sec. 25.25.101. Definitions.** In this chapter,

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

12 (2) "child support order" means a support order for a child, including a
13 child who has attained the age of majority under the law of the issuing state or foreign

1 country;

2 (3) "convention" means the Convention on the International
 3 Recovery of Child Support and Other Forms of Family Maintenance, concluded at
 4 The Hague on November 23, 2007;

5 (4) "duty of support" means an obligation imposed or imposable by
 6 law to provide support for a child, spouse, or former spouse, including an unsatisfied
 7 obligation to provide support;

8 (5) "foreign country" means a country, including a political
 9 subdivision thereof, other than the United States, that authorizes the issuance of
 10 support orders and

11 (A) that has been declared under the law of the United States
 12 to be a foreign reciprocating country;

13 (B) that has established a reciprocal arrangement for child
 14 support with this state as provided in AS 25.25.308;

15 (C) that has enacted a law or established procedures for the
 16 issuance and enforcement of support orders that are substantially similar to
 17 the procedures under this chapter; or

18 (D) in which the convention is in force with respect to the
 19 United States;

20 (6) "foreign support order" means a support order of a foreign
 21 tribunal;

22 (7) "foreign tribunal" means a court, administrative agency, or
 23 quasi-judicial entity of a foreign country that is authorized to establish, enforce, or
 24 modify support orders or to determine parentage of a child; the term "foreign
 25 tribunal" includes a competent authority under the convention;

26 (8) [(4)] "home state" means the state or the foreign country in which
 27 a child lived with a parent or a person acting as a parent for at least six consecutive
 28 months immediately preceding the time of filing of a complaint or comparable
 29 pleading for support and, if a child is less than six months old, the state or the foreign
 30 country in which the child lived from birth with a parent or person acting as a parent;
 31 a period of temporary absence of a parent or person acting as a parent is counted as
 32 part of the six-month or other period;

1 **(9)** [(5)] "income" includes earnings or other periodic entitlements to
 2 money from any source and any other property subject to withholding for support
 3 under the law of this state;

4 **(10)** [(6)] "income withholding order" means an order or other legal
 5 process directed to an obligor, an obligor's employer, an obligor's future employer, or
 6 another person, political subdivision, or department of the state, under AS 25.27 to
 7 withhold support from the income of the obligor under AS 25.27;

8 **(11)** [(7)] "INITIATING STATE" MEANS A STATE FROM WHICH
 9 A PROCEEDING IS FORWARDED OR IN WHICH A PROCEEDING IS FILED
 10 FOR FORWARDING TO A RESPONDING STATE UNDER THIS CHAPTER OR
 11 A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER, OR
 12 UNDER A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THE
 13 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE
 14 REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT;

15 (8)] "initiating tribunal" means the [AUTHORIZED] tribunal **of a [IN**
 16 **AN INITIATING] state or foreign country from which a complaint or comparable**
 17 **pleading is forwarded or in which a complaint or comparable pleading is filed for**
 18 **forwarding to another state or foreign country;**

19 **(12)** "issuing foreign country" means the foreign country in which a
 20 **tribunal issues a support order or a judgment determining parentage of a child;**

21 **(13)** [; (9)] "issuing state" means the state in which a tribunal issues a
 22 support order or [RENDERS] a judgment determining parentage **of a child;**

23 **(14)** [(10)] "issuing tribunal" means the tribunal **of a state or a foreign**
 24 **country** that issues a support order or [RENDERS] a judgment determining parentage
 25 **of a child;**

26 **(15)** [(11)] "law" includes decisional and statutory law and rules and
 27 regulations having the force of law;

28 **(16)** [(12)] "obligee" means

29 (A) an individual to whom a duty of support is or is alleged to
 30 be owed or in whose favor a support order [HAS BEEN ISSUED] or a
 31 judgment determining parentage **of a child** has been **issued** [RENDERED];

32 (B) a **foreign country,** state, or political subdivision **of a state**

1 to which the rights under a duty of support or support order have been assigned
 2 or that has independent claims based on financial assistance provided to an
 3 individual obligee in place of child support; [OR]

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

6 (D) a person that is a creditor in a proceeding under
 7 AS 25.25.701 - 25.25.713;

8 (17) [(13)] "obligor" means an individual or the estate of a decedent
 9 that [WHO]

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

11 (B) is alleged but has not been adjudicated to be a parent of a
 12 child; [OR]

13 (C) is liable under a support order; or

14 (D) is a debtor in a proceeding under AS 25.25.701 -
 15 25.25.713;

16 (18) "outside this state" means a location in another state or a
 17 country other than the United States, whether or not the country is a foreign
 18 country;

19 (19) "person" means an individual, corporation, business trust,
 20 estate, trust, partnership, limited liability company, association, joint venture, public
 21 corporation, government or governmental subdivision, agency, or instrumentality, or
 22 any other legal or commercial entity;

23 (20) "record" means information that is inscribed on a tangible
 24 medium or that is stored in an electronic or other medium and is retrievable in
 25 perceivable form;

26 (21) [(14)] "register" means to file in a tribunal of this state a support
 27 order or judgment determining parentage of a child issued in another state or a
 28 foreign country [WITH A REGISTERING TRIBUNAL];

29 (22) [(15)] "registering tribunal" means the tribunal in which a support
 30 order or judgment determining parentage of a child is registered;

31 (23) [(16)] "responding state" means a state in which a complaint or
 32 comparable pleading for support or to determine parentage of a child

1 [PROCEEDING] is filed or to which a complaint or comparable pleading
 2 [PROCEEDING] is forwarded for filing from another [AN INITIATING] state or
 3 foreign country [UNDER THIS CHAPTER OR A LAW OR PROCEDURE
 4 SUBSTANTIALLY SIMILAR TO THIS CHAPTER, OR UNDER A LAW OR
 5 PROCEDURE SUBSTANTIALLY SIMILAR TO THE UNIFORM RECIPROCAL
 6 ENFORCEMENT OF SUPPORT ACT OR THE REVISED UNIFORM
 7 RECIPROCAL ENFORCEMENT OF SUPPORT ACT];

8 (24) [(17)] "responding tribunal" means the authorized tribunal in a
 9 responding state or foreign country;

10 (25) [(18)] "spousal support order" means a support order for a spouse
 11 or former spouse of the obligor;

12 (26) [(19)] "state" means a state of the United States, the District of
 13 Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any
 14 territory or insular possession subject to the jurisdiction of the United States; the term
 15 "state" includes an Indian nation or tribe [AND A FOREIGN JURISDICTION THAT
 16 HAS ENACTED A LAW OR ESTABLISHED PROCEDURES FOR ISSUANCE
 17 AND ENFORCEMENT OF SUPPORT ORDERS THAT ARE SUBSTANTIALLY
 18 SIMILAR TO THE PROCEDURES UNDER THIS CHAPTER OR UNDER THE
 19 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE
 20 REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT];

21 (27) [(20)] "support enforcement agency" means a public official,
 22 governmental entity, or private agency authorized to [SEEK]

23 (A) seek enforcement of support orders or laws relating to the
 24 duty of support;

25 (B) seek establishment or modification of child support orders;

26 (C) request determination of parentage of a child; [OR]

27 (D) attempt to locate [THE LOCATION OF] obligors or their
 28 assets; or

29 (E) request determination of the controlling child support
 30 order;

31 (28) [(21)] "support order" means a judgment, decree, [OR] order,

1 **decision, or directive**, whether temporary, final, or subject to modification, **issued in**
 2 **a state or a foreign country** for the benefit of a child, a spouse, or a former spouse,
 3 that provides for monetary support, health care, arrearages, **retroactive support**, or
 4 reimbursement **for financial assistance provided to an individual obligee in place**
 5 **of child support; the term "support order"** [, AND] may include related costs and
 6 fees, interest, income withholding, **automatic adjustment, reasonable** attorney fees,
 7 and other relief;

8 **(29)** [(22)] "tribunal" means a court, administrative agency, or quasi-
 9 judicial entity authorized to establish, enforce, or modify support orders or to
 10 determine parentage **of a child**.

11 * **Sec. 2.** AS 25.25.102 is amended by adding a new subsection to read:

12 (b) The child support services agency under AS 25.27.010 is the support
 13 enforcement agency of this state.

14 * **Sec. 3.** AS 25.25.103 is amended to read:

15 **Sec. 25.25.103. Remedies cumulative.** Remedies provided by this chapter are
 16 cumulative and do not affect the availability of remedies under other **law or the**
 17 **recognition of a support order on the basis of comity**.

18 * **Sec. 4.** AS 25.25.103 is amended by adding a new subsection to read:

19 (b) This chapter does not

20 (1) provide the exclusive method of establishing or enforcing a support
 21 order under the law of this state; or

22 (2) grant a tribunal of this state jurisdiction to render judgment or issue an
 23 order relating to child custody or visitation in a proceeding under this chapter.

24 * **Sec. 5.** AS 25.25 is amended by adding a new section to read:

25 **Sec. 25.25.104. Application of this chapter to resident of foreign country and**
 26 **foreign support proceeding.** (a) A tribunal of this state shall apply AS 25.25.101 -
 27 25.25.616 and, as applicable, AS 25.25.⁷⁰²701 - 25.25.⁷¹⁴713, to a support proceeding involving

28 (1) a foreign support order;

29 (2) a foreign tribunal; or

30 (3) an obligee, obligor, or child residing in a foreign country.

31 (b) A tribunal of this state that is requested to recognize and enforce a support
 32 order on the basis of comity may apply the procedural and substantive provisions of

1 AS 25.25.101 - 25.25.616.

2 (c) ^{FOZ} AS 25.25.701 - ⁷¹⁴ 25.25.713 apply only to a support proceeding under the
 3 convention. In ^{such} a proceeding, if a provision of AS 25.25.701 - 25.25.713 is inconsistent
 4 with AS 25.25.101 - 25.25.616, AS 25.25.701 - 25.25.713 controls.

5 * **Sec. 6.** AS 25.25.201 is amended to read:

6 **Sec. 25.25.201. Bases for jurisdiction over nonresident.** In a proceeding to
 7 establish or [,] enforce [, OR MODIFY] a support order or to determine parentage of a
 8 child, a tribunal of this state may exercise personal jurisdiction over a nonresident
 9 individual or the individual's guardian or conservator if

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

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

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

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

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

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

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

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

26 * **Sec. 7.** AS 25.25.201 is amended by adding a new subsection to read:

27 (b) The bases of personal jurisdiction set out in (a) of this section or in any other
 28 law of this state may not be used to acquire personal jurisdiction for a tribunal of this state
 29 to modify a child support order of another state unless the requirements of AS 25.25.611
 30 are met, or in the case of a foreign support order, unless the requirements of AS 25.25.615
 31 are met.

32 * **Sec. 8.** AS 25.25.202 is repealed and reenacted to read:

1 **Sec. 25.25.202. Duration of personal jurisdiction.** Personal jurisdiction
 2 acquired by a tribunal of this state in a proceeding under this chapter or other law of this
 3 state relating to a support order continues as long as a tribunal of this state has continuing,
 4 exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as
 5 provided by AS 25.25.205, 25.25.206, and 25.25.281.

6 * **Sec. 9.** AS 25.25.203 is amended to read:

7 **Sec. 25.25.203. Initiating and responding tribunal of this state.** Under this
 8 chapter, a tribunal of this state may serve as an initiating tribunal to forward
 9 proceedings to a tribunal of another state and as a responding tribunal for proceedings
 10 initiated in another state or a foreign country.

11 * **Sec. 10.** AS 25.25.204 is amended to read:

12 **Sec. 25.25.204. Simultaneous proceedings [IN ANOTHER STATE].** (a) A
 13 tribunal of this state may exercise jurisdiction to establish a support order if the
 14 complaint or comparable pleading is filed after a complaint or comparable pleading is
 15 filed in another state or a foreign country only if

16 (1) the complaint or comparable pleading in this state is filed before
 17 the expiration of the time allowed in the other state or the foreign country for filing a
 18 responsive pleading challenging the exercise of jurisdiction by the other state or the
 19 foreign country;

20 (2) the contesting party timely challenges the exercise of jurisdiction in
 21 the other state or the foreign country; and

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

23 (b) A tribunal of this state may not exercise jurisdiction to establish a support
 24 order if the complaint or comparable pleading is filed before a complaint or
 25 comparable pleading is filed in another state or a foreign country if

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

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

31 (3) if relevant, the other state or the foreign country is the home state
 32 of the child.

1 * Sec. 11. AS 25.25.205(a) is amended to read:

2 (a) A tribunal of this state that has issued a child [ISSUING A] support order
3 consistent with the law of this state has and shall exercise continuing, exclusive
4 jurisdiction to modify its [OVER A] child support order if the order is the
5 controlling order; and

6 (1) at the time of the filing of a request for modification, [AS
7 LONG AS] this state is [REMAINS] the residence of the obligor, the individual
8 obligee, or the child for whose benefit the support order is issued; or

9 (2) even if this state is not the residence of the obligor, the individual
10 obligee, or the child for whose benefit the support order is issued, the parties consent
11 in a record or in open court that the tribunal of this state may continue to exercise
12 jurisdiction to modify its order [UNTIL EACH INDIVIDUAL PARTY HAS FILED
13 WRITTEN CONSENT WITH THE TRIBUNAL OF THIS STATE FOR A
14 TRIBUNAL OF ANOTHER STATE TO MODIFY THE ORDER AND ASSUME
15 CONTINUING, EXCLUSIVE JURISDICTION].

16 * Sec. 12. AS 25.25.205(b) is amended to read:

17 (b) A tribunal of this state that has issued [ISSUING] a child support order
18 consistent with the law of this state may not exercise [ITS] continuing, exclusive
19 jurisdiction to modify the order if

20 (1) all of the parties who are individuals file consent in a record with
21 the tribunal of this state that a tribunal of another state that has jurisdiction over at
22 least one of the parties who is an individual or that is located in the state of residence
23 of the child may modify the order and assume continuing, exclusive jurisdiction; or

24 (2) its order is not the controlling order [THE ORDER HAS BEEN
25 MODIFIED BY A TRIBUNAL OF ANOTHER STATE UNDER A LAW
26 SUBSTANTIALLY SIMILAR TO THIS CHAPTER].

27 * Sec. 13. AS 25.25.205(c) is repealed and reenacted to read:

28 (c) If a tribunal of another state that has issued a child support order under this
29 chapter or a law substantially similar to this chapter that modifies a child support order of
30 a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive
31 jurisdiction of the tribunal of the other state.

32 * Sec. 14. AS 25.25.205(d) is repealed and reenacted to read:

1 (d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a
 2 child support order may serve as an initiating tribunal to request a tribunal of another state
 3 to modify a support order issued in that state.

4 * Sec. 15. AS 25.25.206(a) is amended to read:

5 (a) A tribunal of this state that has issued a child support order consistent
 6 with the laws of this state may serve as an initiating tribunal to request a tribunal of
 7 another state to enforce

8 (1) the order if the order is the controlling order and has not been
 9 modified by a tribunal of another state that assumed jurisdiction under this chapter;
 10 or

11 (2) a money judgment for arrears of support and interest on the
 12 order accrued before a determination that an order of a tribunal of another state is
 13 the controlling order [OR MODIFY A SUPPORT ORDER ISSUED IN THAT
 14 STATE].

15 * Sec. 16. AS 25.25.206(b) is amended to read:

16 (b) A tribunal of this state having continuing [, EXCLUSIVE] jurisdiction
 17 over a support order may act as a responding tribunal to enforce [OR MODIFY] the
 18 order. [IF A PARTY SUBJECT TO THE CONTINUING, EXCLUSIVE
 19 JURISDICTION OF THE TRIBUNAL NO LONGER RESIDES IN THE ISSUING
 20 STATE, IN SUBSEQUENT PROCEEDINGS THE TRIBUNAL MAY APPLY
 21 AS 25.25.316 TO RECEIVE EVIDENCE FROM ANOTHER STATE AND
 22 AS 25.25.318 TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF
 23 ANOTHER STATE.]

24 * Sec. 17. AS 25.25.207(b) is amended to read:

25 (b) If a proceeding is brought under this chapter and two or more child support
 26 orders have been issued by tribunals of this state, [OR] another state, or a foreign
 27 country with regard to the same obligor and same child, a tribunal of this state having
 28 personal jurisdiction over both the obligor and individual obligee shall apply the
 29 following rules and by order shall determine [IN DETERMINING] which order
 30 controls and must be recognized [TO RECOGNIZE FOR PURPOSES OF
 31 CONTINUING, EXCLUSIVE JURISDICTION]:

32 (1) if only one of the tribunals would have continuing, exclusive

1 jurisdiction under this chapter, the order of that tribunal is controlling and shall be
2 recognized;

3 (2) if more than one of the tribunals would have continuing, exclusive
4 jurisdiction under this chapter,

5 (A) an order issued by a tribunal in the current home state of
6 the child controls; or

7 (B) [SHALL BE RECOGNIZED, BUT,] if an order has not
8 been issued in the current home state of the child, the order most recently
9 issued controls [IS CONTROLLING AND SHALL BE RECOGNIZED];

10 (3) if none of the tribunals would have continuing, exclusive
11 jurisdiction under this chapter, the tribunal of this state [HAVING JURISDICTION
12 OVER THE PARTIES] shall issue a child support order, which controls [IS
13 CONTROLLING AND SHALL BE RECOGNIZED].

14 * Sec. 18. AS 25.25.207(c) is amended to read:

15 (c) If two or more child support orders have been issued for the same obligor
16 and same child, upon request of a party who is an individual or that is a support
17 enforcement agency, [AND IF THE OBLIGOR OR THE INDIVIDUAL OBLIGEE
18 RESIDES IN THIS STATE, A PARTY MAY REQUEST] a tribunal of this state
19 having personal jurisdiction over both the obligor and the obligee who is an
20 individual shall [TO] determine which order controls [AND SHALL BE
21 RECOGNIZED] under (b) of this section. The request may be filed with a
22 registration for enforcement or a registration for modification under
23 AS 25.25.601 - 25.25.616 or may be filed as a separate proceeding [SHALL BE
24 ACCOMPANIED BY A CERTIFIED COPY OF EVERY SUPPORT ORDER IN
25 EFFECT. EVERY PARTY WHOSE RIGHTS MAY BE AFFECTED BY A
26 DETERMINATION OF THE CONTROLLING ORDER SHALL BE GIVEN
27 NOTICE OF THE REQUEST FOR THAT DETERMINATION].

28 * Sec. 19. AS 25.25.207(d) is amended to read:

29 (d) The tribunal that issued the controlling order [THAT SHALL BE
30 RECOGNIZED AS CONTROLLING] under (a), (b), or (c) of this section [IS THE
31 TRIBUNAL THAT] has continuing [, EXCLUSIVE] jurisdiction to the extent

1 provided in AS 25.25.205 or 25.25.206 [IN ACCORDANCE WITH AS 25.25.205].

2 * Sec. 20. AS 25.25.207(e) is amended to read:

3 (e) A tribunal of this state that determines by order, which is [THE
4 IDENTITY OF] the controlling child support order under (b)(1) or (2) or (c) of this
5 section, or that issues a new controlling child support order under (b)(3) of this
6 section, shall include in that order

7 (1) the basis upon which the tribunal made its determination;

8 (2) the amount of prospective support, if any; and

9 (3) the total amount of consolidated arrears and accrued interest, if
10 any, under all of the orders after all payments made are credited as provided by
11 AS 25.25.209.

12 * Sec. 21. AS 25.25.207(f) is amended to read:

13 (f) Within 30 days after issuance of the order determining which is [THE
14 IDENTITY OF] the controlling order, the party obtaining that order shall file a
15 certified copy of that order in [WITH] each tribunal that had issued or registered an
16 earlier order of child support. Failure of the party or the support enforcement
17 agency obtaining the order to file a certified copy as required under this subsection
18 subjects that party to appropriate sanctions by a tribunal in which the issue of failure to
19 file arises, but that failure has no effect on the validity or enforceability of the
20 controlling order.

21 * Sec. 22. AS 25.25.207 is amended by adding new subsections to read:

22 (g) A request to determine which is the controlling order must be accompanied by
23 a copy of every child support order in effect and the applicable record of payments. The
24 requesting party shall give notice of the request to each party whose rights may be
25 affected by the determination.

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

29 * Sec. 23. AS 25.25.208 is amended to read:

30 **Sec. 25.25.208. Child [MULTIPLE CHILD] support orders for two or**
31 **more obligees.** In responding to [MULTIPLE] registrations or complaints for
32 enforcement of two or more child support orders in effect at the same time with regard

1 to the same obligor and different individual obligees, when at least one of the orders
 2 was issued by a tribunal of another state or a foreign country, a tribunal of this state
 3 shall enforce those orders in the same manner as if the [MULTIPLE] orders had been
 4 issued by a tribunal of this state.

5 * Sec. 24. AS 25.25.209 is amended to read:

6 **Sec. 25.25.209. Credit for payments. A tribunal of this state shall credit**
 7 **amounts** [AMOUNTS] collected [AND CREDITED] for a particular period under
 8 **any child support order against the amounts owed for the same period under any**
 9 **other child support order for support of the same child** [A SUPPORT ORDER]
 10 issued by a tribunal of this state, another state, or a foreign country [SHALL BE
 11 CREDITED AGAINST THE AMOUNTS ACCRUING OR ACCRUED FOR THE
 12 SAME PERIOD UNDER A SUPPORT ORDER ISSUED BY THE TRIBUNAL OF
 13 THIS STATE].

14 * Sec. 25. AS 25.25 is amended by adding new sections to read:

15 **Sec. 25.25.280. Application of this chapter to nonresident subject to**
 16 **personal jurisdiction.** A tribunal of this state exercising personal jurisdiction over a
 17 nonresident in a proceeding under this chapter, under other law of this state relating to
 18 a support order, or recognizing a foreign support order may receive evidence from
 19 outside this state under AS 25.25.316, communicate with a tribunal outside this state
 20 under AS 25.25.317, and obtain discovery through a tribunal outside this state under
 21 AS 25.25.318. In all other respects, AS 25.25.301 - 25.25.616 do not apply and the
 22 tribunal shall apply the procedural and substantive law of this state.

23 **Sec. 25.25.281. Continuing, exclusive jurisdiction to modify spousal**
 24 **support order.** (a) A tribunal of this state issuing a spousal support order consistent
 25 with the law of this state has continuing, exclusive jurisdiction to modify the spousal
 26 support order throughout the existence of the support obligation.

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

30 (c) A tribunal of this state that has continuing, exclusive jurisdiction over a
 31 spousal support order may serve as

1 (1) an initiating tribunal to request a tribunal of another state to enforce
2 the spousal support order issued in this state; or

3 (2) a responding tribunal to enforce or modify its own spousal support
4 order.

5 * **Sec. 26.** AS 25.25.301(c) is amended to read:

6 (c) An individual or a support enforcement agency may **initiate**
7 [COMMENCE] a proceeding authorized under this chapter by filing a complaint or a
8 comparable pleading in an initiating tribunal for forwarding to a responding tribunal or
9 by filing a complaint or a comparable pleading directly in a tribunal of another state **or**
10 **a foreign country** that has or can obtain personal jurisdiction over the respondent.

11 * **Sec. 27.** AS 25.25.303 is amended to read:

12 **Sec. 25.25.303. Application of law of this state.** Except as otherwise provided
13 **in** [BY] this chapter, a responding tribunal of this state shall

14 (1) apply the procedural and substantive law [, INCLUDING THE
15 RULES ON CHOICE OF LAW,] generally applicable to similar proceedings
16 originating in this state and may exercise all powers and provide all remedies available
17 in those proceedings; and

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

20 * **Sec. 28.** AS 25.25.304 is amended to read:

21 **Sec. 25.25.304. Duties of initiating tribunal.** (a) Upon the filing of a
22 complaint or comparable pleading authorized by this chapter, an initiating tribunal of
23 this state shall forward [THREE COPIES OF] the complaint or comparable pleading
24 and its accompanying documents

25 (1) to the responding tribunal or appropriate support enforcement
26 agency in the responding state; or

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

30 (b) If **requested by the responding tribunal,** [A RESPONDING STATE
31 HAS NOT ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR

1 TO THIS CHAPTER,] a tribunal of this state shall [MAY] issue a certificate or other
 2 documents and make findings required by the law of the responding state. If the
 3 responding tribunal [STATE] is in a foreign country, upon request
 4 [JURISDICTION], the tribunal of this state shall [MAY] specify the amount of
 5 support sought, convert the amount into the equivalent amount in the foreign
 6 currency under applicable official or market exchange rate as publicly reported,
 7 and provide any other documents necessary to satisfy the requirements of the
 8 responding foreign tribunal [STATE].

9 * ~~Sec. 29.~~ AS 25.25.305(b) is amended to read:

10 (b) A responding tribunal of this state, to the extent not prohibited
 11 [OTHERWISE SPECIFICALLY AUTHORIZED] by law, may do one or more of the
 12 following:

13 (1) establish [ISSUE] or enforce a support order, modify a child
 14 support order, determine the controlling child support order, or [RENDER A
 15 JUDGMENT] to determine parentage of the child;

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

18 (3) order income withholding;

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

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

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

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

24 (8) order an obligor to keep the tribunal informed of the obligor's
 25 current residential address, electronic mailing address, telephone number, employer,
 26 address of employment, and telephone number at the place of employment;

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

30 (10) order the obligor to seek appropriate employment by specified
 31 methods;

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

2 (12) grant any other available remedy.

3 * **Sec. 30.** AS 25.25.305 is amended by adding a new subsection to read:

4 (f) If requested to enforce a support order, arrears, or judgment or modify a
5 support order stated in a foreign currency, a responding tribunal of this state shall
6 convert the amount stated in the foreign currency to the equivalent amount in dollars
7 under the applicable official or market exchange rate as publicly reported.

8 * **Sec. 31.** AS 25.25.306 is amended to read:

9 **Sec. 25.25.306. Inappropriate tribunal.** If a complaint or comparable
10 pleading is received by an inappropriate tribunal of this state, the tribunal [IT] shall
11 forward the complaint or pleading, and accompanying documents, to an appropriate
12 tribunal in this state or another state and notify the petitioner where and when the
13 complaint or pleading was sent.

14 * **Sec. 32.** AS 25.25.307(b) is amended to read:

15 (b) In providing services under this chapter to the petitioner, the child support
16 services agency of this state shall [, AS APPROPRIATE,]

17 (1) take all steps necessary to enable an appropriate tribunal of [IN]
18 this state, [OR] another state, or a foreign country to obtain jurisdiction over the
19 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 ^{in a record} from an initiating, responding, or registering
25 tribunal to the petitioner within five [TWO] days of receipt, exclusive of Saturdays,
26 Sundays, and legal holidays;

27 (5) send a copy of a [WRITTEN] communication in a record from the
28 respondent or the respondent's attorney to the petitioner within five [TWO] days of
29 receipt, exclusive of Saturdays, Sundays, and legal holidays; and

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

1 * **Sec. 33.** AS 25.25.307 is amended by adding new subsections to read:

2 (d) A support enforcement agency of this state that requests registration of a child
3 support order in this state for enforcement or for modification shall make reasonable
4 efforts

5 (1) to ensure that the order to be registered is the controlling order; or

6 (2) if two or more child support orders exist and the identity of the
7 controlling order has not been determined, to ensure that a request for the determination is
8 made in a tribunal having jurisdiction to do so.

9 (e) A support enforcement agency of this state that requests registration and
10 enforcement of a support order, arrears, or judgment stated in a foreign currency shall
11 convert the amounts stated in the foreign currency into the equivalent amounts in dollars
12 under the applicable official or market exchange rate as publicly reported.

13 (f) A support enforcement agency of this state shall issue or request a tribunal of
14 this state to issue a child support order and an income withholding order that redirect
15 payment of current support, arrears, and interest if requested to do so by a support
16 enforcement agency of another state under AS 25.25.319.

17 * **Sec. 34.** AS 25.25 is amended by adding a new section to read:

18 **Sec. 25.25.308. Duty of the Department of Revenue.** (a) If the Department of
19 Revenue determines that the support enforcement agency is neglecting or refusing to
20 provide services to an individual, the Department of Revenue may order the agency to
21 perform its duties under this chapter or may provide those services directly to the
22 individual.

23 (b) The Department of Revenue may determine that a foreign country has
24 established a reciprocal arrangement for child support with this state and take appropriate
25 action for notification of the determination.

26 * **Sec. 35.** AS 25.25.310 is amended to read:

27 **Sec. 25.25.310. Duties of state information and locator agency.** The child
28 support services agency is the state information agency under this chapter, and it shall

29 (1) compile and maintain a current list, including addresses, of the
30 tribunals in this state that have jurisdiction under this chapter and the appropriate
31 agency offices in this state and transmit a copy to the state information agency of
32 every other state;

1 (2) maintain a register of names and addresses of tribunals and
2 support enforcement agencies received from other states;

3 (3) forward to the appropriate tribunal in this state all documents
4 concerning a proceeding under ^{another state or foreign country} this chapter received from ~~an~~ initiating tribunal or the
5 state information agency of the initiating state; and

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

13 * Sec. 36. AS 25.25.311(a) is amended to read:

14 (a) In a proceeding under this chapter, a [A] petitioner seeking to establish
15 [OR MODIFY] a support order [OR] to determine parentage of a child or to register
16 and modify a support order of a tribunal of another state or a foreign country
17 [IN A PROCEEDING UNDER THIS CHAPTER] shall file a [VERIFY THE]
18 complaint or comparable pleading. Unless otherwise ordered under AS 25.25.312, or
19 otherwise prohibited by law, the complaint or comparable pleading or accompanying
20 documents must provide, so far as known, the name, residential address, and social
21 security numbers of the obligor and the obligee or the parent and the alleged parent,
22 and the name, sex, residential address, social security number, and date of birth of
23 each child for whose benefit [WHOM SUPPORT] is sought or whose parentage is
24 to be determined. Unless filed at the time of registration, the [THE] complaint or
25 comparable pleading must be accompanied by a [CERTIFIED] copy of any support
26 order known to have been issued by another tribunal [IN EFFECT]. The complaint
27 or comparable pleading may include other information that may assist in locating or
28 identifying the respondent.

29 * Sec. 37. AS 25.25.312 is repealed and reenacted to read:

30 **Sec. 25.25.312. Nondisclosure of information in exceptional circumstances.**
31 If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty
32 of a party or child would be jeopardized by disclosure of specific identifying information,

1 that information must be sealed and may not be disclosed to the other party or the public.
 2 After a hearing in which a tribunal takes into consideration the health, safety, or liberty of
 3 the party or child, the tribunal may order disclosure of information that the tribunal
 4 determines to be in the interest of justice.

5 * Sec. 38. AS 25.25.313(b) is amended to read:

6 (b) If an obligee prevails, a responding tribunal of this state may assess
 7 against an obligor filing fees, including fees that were waived under (a) of this section,
 8 reasonable attorney fees, other costs, necessary travel expenses, and other reasonable
 9 expenses incurred by the obligee and the obligee's witnesses. The tribunal may not
 10 assess fees, costs, or expenses against the obligee or the support enforcement agency
 11 of either the initiating or the responding state or foreign country except as required
 12 by other law or court rule. Attorney fees may be taxed as costs, and may be ordered
 13 paid directly to the attorney, who may enforce the order in the attorney's own name.
 14 Payment of support owed to the obligee has priority over fees, costs, and expenses
 15 assessed under this subsection.

16 * Sec. 39. AS 25.25.314(a) is amended to read:

17 (a) Participation by a petitioner in a proceeding under this chapter before a
 18 responding tribunal, whether in person, by private attorney, or through services
 19 provided by the support enforcement agency, does not confer personal jurisdiction
 20 over the petitioner in another proceeding.

21 * Sec. 40. AS 25.25.316(a) is amended to read:

22 (a) The physical presence of a nonresident party who is an individual [THE
 23 PETITIONER] in a [RESPONDING] tribunal of this state is not required for the
 24 establishment, enforcement, or modification of a support order or the rendition of a
 25 judgment determining parentage of a child.

26 * Sec. 41. AS 25.25.316(b) is amended to read:

27 (b) An [A VERIFIED COMPLAINT OR COMPARABLE PLEADING,]
 28 affidavit, a document substantially complying with federally mandated forms, or
 29 [AND] a document incorporated by reference in any of them, which would not be
 30 excluded under the hearsay rule if given in person, is admissible in evidence if given
 31 under penalty of perjury [OATH] by a party or witness residing outside this [IN
 32 ANOTHER] state.

1 * **Sec. 42.** AS 25.25.316(d) is amended to read:

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

6 * **Sec. 43.** AS 25.25.316(e) is amended to read:

7 (e) Documentary evidence transmitted from outside this [ANOTHER] state to
8 a tribunal of this state by telephone, facsimile [TELECOPIER], or other electronic
9 means that do not provide an original record [WRITING] may not be excluded from
10 evidence on an objection based on the means of transmission.

11 * **Sec. 44.** AS 25.25.316(f) is amended to read:

12 (f) In a proceeding under this chapter, a tribunal of this state shall [MAY]
13 permit a party or witness residing outside this [IN ANOTHER] state to be deposed or
14 to testify ^{under penalty of perjury} by telephone, audiovisual means, or other electronic means at a designated
15 tribunal or other location [IN THAT STATE]. A tribunal of this state shall cooperate
16 with other tribunals [OF OTHER STATES] in designating an appropriate location for
17 the deposition or testimony.

18 * **Sec. 45.** AS 25.25.316 is amended by adding a new subsection to read:

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

21 * **Sec. 46.** AS 25.25.317 is amended to read:

22 **Sec. 25.25.317. Communications between tribunals.** A tribunal of this state
23 may communicate with a tribunal outside this [OF ANOTHER] state in a record
24 [WRITING], or by telephone, electronic mail, or other means, to obtain information
25 concerning the laws [OF THAT STATE], the legal effect of a judgment, decree, or
26 order of that tribunal, and the status of a proceeding [IN THE OTHER STATE]. A
27 tribunal of this state may furnish similar information by similar means to a tribunal
28 outside this [OF ANOTHER] state.

29 * **Sec. 47.** AS 25.25.318 is amended to read:

30 **Sec. 25.25.318. Assistance with discovery.** A tribunal of this state may

31 (1) request a tribunal outside this [OF ANOTHER] state to assist in
32 obtaining discovery; and

1 (2) upon request, compel a person over which [WHOM] it has
 2 jurisdiction to respond to a discovery order issued by a tribunal outside this [OF
 3 ANOTHER] state.

4 * **Sec. 48.** AS 25.25.319 is amended to read:

5 **Sec. 25.25.319. Receipt and disbursement of payments.** The child support
 6 services agency of this state shall disburse promptly any amounts received under a
 7 support order, as directed by the order. The agency shall furnish to a requesting party
 8 or tribunal of another state or a foreign country a certified statement by the custodian
 9 of the record of the amounts and dates of all payments received.

10 * **Sec. 49.** AS 25.25.319 is amended by adding new subsections to read:

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

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

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

19 (c) The support enforcement agency of this state receiving redirected payments
 20 from another state under a law similar to (b) of this section shall furnish to a requesting
 21 party or tribunal of the other state a certified statement by the custodian of the record of
 22 the amount and dates of all payments received.

23 * **Sec. 50.** AS 25.25.401(a) is amended to read:

24 (a) If a child support order entitled to recognition under this chapter has not
 25 been issued, a responding tribunal of this state with personal jurisdiction over the
 26 parties may issue a child support order if

27 (1) the individual seeking the order resides outside this [IN
 28 ANOTHER] state; or

29 (2) the support enforcement agency seeking the order is located
 30 outside this [IN ANOTHER] state.

31 * **Sec. 51.** AS 25.25.401(b) is repealed and reenacted to read:

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

1 determines that an order is appropriate and the individual ordered to pay is

- 2 (1) a presumed father of the child;
- 3 (2) petitioning to have his paternity adjudicated;
- 4 (3) identified as the father of the child through genetic testing;
- 5 (4) an alleged father who has declined to submit to genetic testing;
- 6 (5) shown by clear and convincing evidence to be the father of the child;
- 7 (6) an acknowledged father in accordance with AS 25.20.050;
- 8 (7) the mother of the child; or
- 9 (8) an individual who has been ordered to pay child support in a previous

10 proceeding and the order has not been reversed or vacated.

11 * ⁵² ~~Sec. 52~~ AS 25.25.401 (G) is amended to read: - - -

12 * ⁵³ ~~Sec. 52~~ AS 25.25 is amended by adding a new section to read:

13 **Sec. 25.25.402. Proceeding to determine parentage.** A tribunal of this state
14 authorized to determine parentage of a child may serve as a responding tribunal in a
15 proceeding to determine parentage of a child brought under this chapter or a law or
16 procedure substantially similar to this chapter.

17 * ⁵⁴ ~~Sec. 53~~ AS 25.25.501 is amended to read:

18 **Sec. 25.25.501. Employer's receipt of income withholding order of another**
19 **state.** An income withholding order issued in another state may be sent by or on
20 behalf of the obligee, or by the support enforcement agency to the person [OR
21 ENTITY] defined as the obligor's employer under AS 25.27 without first filing a
22 complaint or comparable pleading or registering the order with a tribunal of this state.

23 * ⁵⁵ ~~Sec. 54~~ AS 25.25.502(c) is amended to read:

24 (c) Except as provided by (d) of this section and AS 25.25.503, the employer
25 shall withhold and distribute the funds as directed in the withholding order by
26 complying with the terms of the order, as applicable, that specify

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

29 (2) the person [OR AGENCY] designated to receive payments and the
30 address to which the payments are to be forwarded;

31 (3) medical support, whether in the form of periodic cash payment,
32 stated as a sum certain, or an order to the obligor to provide health insurance coverage
for the child under a policy available through the obligor's employment;

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

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

6 * ~~Sec. 55~~ AS 25.25.503 is amended to read:

7 **Sec. 25.25.503. Employer's compliance [COMPLIANCE] with two or
8 more [MULTIPLE] income withholding orders.** If an obligor's employer receives
9 two or more [MULTIPLE] orders to withhold support from the earnings of the same
10 obligor, the employer shall be considered to have satisfied the terms of the
11 [MULTIPLE] orders if the employer complies with the law of the state of the obligor's
12 principal place of employment to establish the priorities for withholding and allocating
13 income withheld for two or more [MULTIPLE] child support ^{obligor's} orders.

14 * ~~Sec. 56~~ AS 25.25.504 is amended to read:

15 **Sec. 25.25.504. Immunity from civil liability.** An employer that [WHO]
16 complies with an income withholding order issued in another state in accordance with
17 AS 25.25.501 - 25.25.505 is not subject to civil liability to an individual or agency
18 with regard to the employer's withholding of child support from the obligor's income.

19 * ~~Sec. 57~~ AS 25.25.505 is amended to read:

20 **Sec. 25.25.505. Penalties for noncompliance.** An employer that [WHO]
21 wilfully fails to comply with an income withholding order issued in [BY] another state
22 and received for enforcement is subject to the same penalties that may be imposed for
23 noncompliance with an order issued by a tribunal of this state.

24 * ~~Sec. 58~~ AS 25.25.506 is amended to read:

25 **Sec. 25.25.506. Contest by obligor.** (a) An obligor may contest the validity or
26 enforcement of an income withholding order issued in another state and received
27 directly by an employer in this state by registering the order in a tribunal of this
28 state and filing a contest to that order as provided in AS 25.25.601 - 25.25.616 or
29 otherwise contesting the order in the same manner as if the order were issued by a
30 tribunal of this state. The provisions of AS 25.25.604 apply to the contest.

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

1 (1) a support enforcement agency providing services to the obligee;
 2 (2) each employer that has directly received an income withholding
 3 order relating to the obligor; and

4 (3) if

5 (A) a person [OR AN AGENCY] is designated to receive
 6 payments in the income withholding order, to that person or agency; or

7 (B) no person [OR AGENCY] is designated to receive
 8 payments in the income withholding order, to the obligee.

9 * ~~Sec. 59~~ ⁶⁰ AS 25.25.507(a) is amended to read:

10 (a) A party or support enforcement agency seeking to enforce a support
 11 order or an income withholding order, or both, issued in [BY A TRIBUNAL OF]
 12 another state or a foreign support order may send the documents required for
 13 registering the order to the child support services agency of this state.

14 * ~~Sec. 60~~ ⁶¹ AS 25.25.601 is amended to read:

15 **Sec. 25.25.601. Registration of order for enforcement.** A support order or
 16 [AN] income withholding order issued in [BY A TRIBUNAL OF] another state or a
 17 foreign support order may be registered in this state for enforcement.

18 * ~~Sec. 61~~ ⁶² AS 25.25.602(a) is amended to read:

19 (a) Except as provided in AS 25.25.706, a ⁷⁰⁷ [A] support order or income
 20 withholding order of another state or a foreign support order may be registered in
 21 this state by sending the following records [DOCUMENTS AND INFORMATION]
 22 to a tribunal of this state:

23 (1) a letter of transmittal to the tribunal requesting registration and
 24 enforcement;

25 (2) two copies, including one certified copy, of the order [ALL
 26 ORDERS] to be registered, including any modification of the [AN] order;

27 (3) a sworn statement by the person requesting [PARTY SEEKING]
 28 registration or a certified statement by the custodian of the records showing the
 29 amount of any arrearage;

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

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

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

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

5 (5) except as otherwise provided in AS 25.25.312, the name and
6 address of the obligee and, if applicable, the [AGENCY OR] person to whom support
7 payments are to be remitted.

8 * ~~Sec. 62~~⁶³ AS 25.25.602(b) is amended to read:

9 (b) On receipt of a request for registration, the registering tribunal shall file the
10 order as an order of a tribunal of another state or a foreign support order [A
11 FOREIGN JUDGMENT], together with one copy of the documents and information,
12 regardless of their form.

13 * ~~Sec. 63~~⁶⁴ AS 25.25.602 is amended by adding new subsections to read:

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

15 (1) furnish to the tribunal a copy of every support order asserted to be in
16 effect in addition to the documents specified in this section;

17 (2) specify the order alleged to be the controlling order, if any; and

18 (3) specify the amount of consolidated arrears, if any.

19 (e) A request for a determination of which is the controlling order may be filed
20 separately or with a request for registration and enforcement or for registration and
21 modification. The person requesting registration shall give notice of the request to each
22 party whose rights may be affected by the determination.

23 * ~~Sec. 64~~⁶⁵ AS 25.25.603 is amended to read:

24 **Sec. 25.25.603. Effect of registration for enforcement.** (a) A support order or
25 income withholding order issued in another state or a foreign support order is
26 registered when the order is filed in the registering tribunal of this state.

27 (b) A registered support order issued in another state or a foreign country is
28 enforceable in the same manner and is subject to the same procedures as an order
29 issued by a tribunal of this state.

30 (c) Except as otherwise provided in this chapter [AS 25.25.601 - 25.25.612],
31 a tribunal of this state shall recognize and enforce, but may not modify, a registered
32 support order if the issuing tribunal had jurisdiction.

1 * ~~Sec. 65~~⁶⁶: AS 25.25.604 is amended to read:

2 **Sec. 25.25.604. Choice of law.** (a) Except as otherwise provided in (d) of
3 this section, the [THE] law of the issuing state or foreign country governs

4 (1) the nature, extent, amount, and duration of current payments under
5 a registered support order;

6 (2) [AND OTHER OBLIGATIONS OF SUPPORT AND] the
7 computation and payment of arrearages and accrual of interest on the arrearages
8 under the support order; and

9 (3) the existence and satisfaction of other obligations under the
10 support order.

11 (b) In a proceeding for arrears under a registered support order
12 [ARREARAGES], the statute of limitation [UNDER THE LAWS] of this state or of
13 the issuing state or foreign country, whichever is longer, applies.

14 * ~~Sec. 66~~⁶⁷: AS 25.25.604 is amended by adding new subsections to read:

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

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

23 * ~~Sec. 67~~⁶⁸: AS 25.25.605 is amended to read:

24 **Sec. 25.25.605. Notice of registration of order.** (a) When a support order or
25 income withholding order issued in another state or a foreign support order is
26 registered, the registering tribunal of this state shall notify the nonregistering party.
27 The notice must be accompanied by a copy of the registered order and the documents
28 and relevant information accompanying the order.

29 (b) A [THE] notice must inform the nonregistering party

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

1 (2) that a hearing to contest the validity or enforcement of the
 2 registered order must be requested within 20 days after notice unless the registered
 3 order is under AS 25.25.70⁷⁰;

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

8 (4) of the amount of alleged arrearages.

9 (c) Upon registration of an income withholding order for enforcement, the
 10 support enforcement agency or the registering tribunal shall notify the obligor's
 11 employer under AS 25.27.

12 * Sec. ~~68~~⁶⁹. AS 25.25.605 is amended by adding a new subsection to read:

13 (d) If the registering party asserts that two or more orders are in effect, a
 14 notice must also

15 (1) identify the two or more orders and the order alleged by the
 16 registering party to be the controlling order and the consolidated arrears, if any;

17 (2) notify the nonregistering party of the right to a determination of
 18 which is the controlling order;

19 (3) state that the procedures provided in (b) of this section apply to the
 20 determination of which is the controlling order; and

21 (4) state that failure to contest the validity or enforcement of the order
 22 alleged to be the controlling order in a timely manner may result in confirmation that
 23 the order is the controlling order.

24 * Sec. ~~69~~⁷⁰. AS 25.25.606(a) is amended to read:

25 (a) A nonregistering party seeking to contest the validity or enforcement of a
 26 registered order in this state shall request a hearing within the time required by
 27 AS 25.25.605 [20 DAYS AFTER THE NOTICE OF THE REGISTRATION]. The
 28 nonregistering party may seek to vacate the registration, to assert a defense to an
 29 allegation of noncompliance with the registered order, or to contest the remedies being
 30 sought or the amount of alleged arrearages under AS 25.25.607.

31 * Sec. ~~70~~⁷¹. AS 25.25.606(b) is amended to read:

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

4 * Sec. ~~71~~⁷². AS 25.25.607 is amended to read:

5 **Sec. 25.25.607. Contest of registration or enforcement.** (a) A party
 6 contesting the validity or enforcement of a registered support order or seeking to
 7 vacate the registration has the burden of proving one or more of the following
 8 defenses:

9 (1) the issuing tribunal lacked personal jurisdiction over the contesting
 10 party;

11 (2) the order was obtained by fraud;

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

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

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

15 (6) full or partial payment has been made; [OR]

16 (7) the statute of limitation under AS 25.25.604 precludes enforcement
 17 of some or all of the alleged arrearages; or

18 **(8) the alleged controlling order is not the controlling order.**

19 (b) If a party presents evidence establishing a full or partial defense under (a)
 20 of this section, the tribunal may stay enforcement of a [THE] registered support
 21 order, continue the proceeding to permit production of additional relevant evidence,
 22 and issue other appropriate orders. An uncontested portion of the registered support
 23 order may be enforced by all remedies available under the law of this state.

24 (c) If the contesting party does not establish a defense under (a) of this section
 25 to the validity or enforcement of a registered support [THE] order, the registering
 26 tribunal shall issue an order confirming the order.

27 * Sec. ~~72~~⁷³. AS 25.25.608 is amended to read:

28 **Sec. 25.25.608. Confirmed order.** Confirmation of a registered support order,
 29 whether by operation of law or after notice and hearing, precludes further contest of
 30 the order with respect to a matter that could have been asserted at the time of
 31 registration.

1 * ~~Sec. 74~~ ⁷⁴ AS 25.25.610 is amended to read:

2 **Sec. 25.25.610. Effect of registration for modification.** A tribunal of this
3 state may enforce a child support order of another state registered for purposes of
4 modification in the same manner as if the order had been issued by a tribunal of this
5 state, but the registered support order may be modified only if the requirements of
6 AS 25.25.611 or 25.25.613 have been met.

7 * ~~Sec. 74~~ ⁷⁴ AS 25.25.611(a) is amended to read:

8 (a) If AS 25.25.613 does not apply, upon complaint or comparable
9 pleading a tribunal of this state may modify [AFTER] a child support order issued
10 in another state that is [HAS BEEN] registered in this state, [UNLESS THE
11 PROVISIONS OF AS 25.25.613 APPLY, THE RESPONDING TRIBUNAL OF
12 THIS STATE MAY MODIFY THAT ORDER ONLY] if, after notice and an
13 opportunity for hearing, the tribunal [IT] finds that

14 (1) the following requirements are met:

15 (A) neither the child, nor the [INDIVIDUAL] obligee who is
16 an individual, nor [AND] the obligor resides [DO NOT RESIDE] in the
17 issuing state;

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

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

22 (2) this state is the residence of the child, or a party who is an
23 individual, is subject to the personal jurisdiction of the tribunal and all of the parties
24 who are individuals have filed consents in a record [A WRITTEN CONSENT] in the
25 issuing tribunal providing that a tribunal of this state may modify the support order
26 and assume continuing, exclusive jurisdiction [OVER THE ORDER; HOWEVER, IF
27 THE ISSUING STATE IS A FOREIGN JURISDICTION THAT HAS NOT
28 ENACTED A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS
29 CHAPTER, THE WRITTEN CONSENT OF AN INDIVIDUAL RESIDING IN THIS
30 STATE IS NOT REQUIRED FOR THE TRIBUNAL TO ASSUME JURISDICTION
31 TO MODIFY THE CHILD SUPPORT ORDER].

1 * ³⁶Sec. 25. AS 25.25.611(c) is amended to read:

2 (c) A tribunal of this state may not modify any aspect of a child support order
3 that may not be modified under the law of the issuing state, **including the duration of**
4 **the obligation of support**. If two or more tribunals have issued child support orders
5 for the same obligor and child, the order that is controlling and must be recognized
6 under the provisions of AS 25.25.207 establishes the nonmodifiable aspects of the
7 support order.

8 * ³⁷Sec. 26. AS 25.25.611(d) is amended to read:

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

12 * ³⁸Sec. 27. AS 25.25.611 is amended by adding new subsections to read:

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

18 (g) Notwithstanding (a) - (d) and (f) of this section and AS 25.25.201(b), a
19 tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this
20 state if

- 21 (1) one party resides in another state; and
22 (2) the other party resides outside the United States.

23 * ³⁹Sec. 28. AS 25.25.612 is amended to read:

24 **Sec. 25.25.612. Recognition of order modified in another state. If a child**
25 **support order issued by a** [A] tribunal of this state **is modified** [SHALL
26 RECOGNIZE A MODIFICATION OF ITS EARLIER CHILD SUPPORT ORDER]
27 by a tribunal of another state that assumed jurisdiction under **the Uniform Interstate**
28 **Family and Support Act, a tribunal of this state** [THIS CHAPTER OR A LAW OR
29 PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER AND, UPON
30 REQUEST, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, SHALL]

- 31 (1) **may** enforce **its** [THE] order that was modified only as to **arrears**

1 **and interest** [AMOUNTS] accruing before the modification;

2 (2) **may** [ENFORCE ONLY NONMODIFIABLE ASPECTS OF

3 THAT ORDER;

4 (3)] provide [OTHER] appropriate relief [ONLY] for violations of **its**

5 [THAT] order that occurred before the effective date of the modification; and

6 (3) **shall** [(4)] recognize the modifying order of the other state, upon

7 registration, for the purpose of enforcement.

* Sec. 80 AS 25.25.613 (b) is amended to read: . . .

* Sec. 79 AS 25.25 is amended by adding new sections to read:

8 81. **Sec. 25.25.615. Jurisdiction to modify child support order of foreign**

9 **country.** (a) Except as otherwise provided in AS 25.25.711, if a foreign country lacks

10 or refuses to exercise jurisdiction to modify its child support order under its laws, a

11 tribunal of this state may assume jurisdiction to modify the child support order and

12 bind all individuals subject to the personal jurisdiction of the tribunal whether the

13 consent to modification of a child support order otherwise required of the individual

14 under AS 25.25.611 has been given or whether the individual seeking modification is

15 a resident of this state or of the foreign country.

16 (b) An order issued by a tribunal of this state modifying a foreign child-

17 support order under this section is the controlling order.

18 **Sec. 25.25.616. Procedure to register child support order of foreign**

19 **country for modification.** A party or support enforcement agency seeking to modify,

20 or to modify and enforce, a foreign child-support order not under the convention may

21 register that order in this state under AS 25.25.601 - 25.25.608 if the order has not

22 been registered. A complaint or comparable pleading for modification may be filed at

23 the same time as a request for registration, or at another time. The complaint or

24 comparable pleading must specify the grounds for modification.

* Sec. 80 AS 25.25.701 is repealed and reenacted to read:

25 82. **Sec. 25.25.701. Definitions.** In AS 25.25.701 - 25.25.713,

26 (1) "application" means a request under the convention by an obligee

27 or obligor, or on behalf of a child, made through a central authority for assistance from

28 another central authority;

29 (2) "central authority" means the entity designated by the United States

30

31

1 or a foreign country described in AS 25.25.101(5)(D) to perform the functions
2 specified in the convention;

3 (3) "convention support order" means a support order of a tribunal of a
4 foreign country described in AS 25.25.101(5)(D);

5 (4) "direct request" means a complaint or comparable pleading filed by
6 an individual in a tribunal of this state in a proceeding involving an obligee, obligor, or
7 child residing outside the United States;

8 (5) "foreign central authority" means the entity designated by a foreign
9 country described in AS 25.25.101(5)(D) to perform the functions specified in the
10 convention;

11 (6) "foreign support agreement" ^{# (i)}

12 (A) means an agreement for support in a record that ^{# (ii)} is
13 enforceable as a support order in the country of origin, [#] and has been

14 (i) [#] formally drawn up or registered as an authentic
15 instrument by a foreign tribunal, [#] or

16 (ii) [#] authenticated by, or concluded, registered, or filed
17 with a foreign tribunal, ^{# (iii)} and may be reviewed and modified by a foreign
18 tribunal;

19 (B) includes a maintenance arrangement or authentic
20 instrument under the convention;

21 (7) "United States central authority" means the Secretary of the United
22 States Department of Health and Human Services.

23 ~~* Sec. 25. AS 25.25 is amended by adding new sections to read.~~

24 ⁷⁰² **Sec. 25.25.702. Applicability.** AS 25.25 ⁷⁰² ~~701~~ - 25.25 ⁷¹⁴ ~~713~~ apply only to a
25 support proceeding under the convention. In ^{such} a proceeding, if a provision of
26 AS 25.25 ⁷⁰² ~~701~~ - 25.25 ⁷¹⁴ ~~713~~ is inconsistent with AS 25.25.101 - 25.25.616,
27 AS 25.25 ⁷⁰² ~~701~~ - 25.25 ⁷¹⁴ ~~713~~ controls.

28 ⁷⁰⁴ **Sec. 25.25.703. Relationship of child support services agency to United**
29 **States central authority.** The child support services agency of this state is recognized
30 as the agency designated by the United States central authority to perform specific
31 functions under the convention.

1 ⁷⁰⁵ **Sec. 25.25.704. Initiation by child support services agency of support**
 2 **proceeding under convention.** (a) In a support proceeding under AS 25.25.⁷⁰²~~701~~ -
 3 ⁷¹⁴25.25.713, the child support services agency of this state shall

4 (1) transmit and receive applications; and

5 (2) initiate or facilitate the institution of a proceeding regarding an
 6 application in a tribunal of this state.

7 (b) The following support proceedings are available to an obligee under the
 8 convention:

9 (1) recognition or recognition and enforcement of a foreign support
 10 order;

11 (2) enforcement of a support order issued or recognized in this state;

12 (3) establishment of a support order if there is no existing order,
 13 including, if necessary, determination of parentage of a child;

14 (4) establishment of a support order if recognition of a foreign support
 15 order is refused under AS 25.25.⁷⁰⁹~~708~~(b)(2), (4), or (9);

16 (5) modification of a support order of a tribunal of this state; and

17 (6) modification of a support order of a tribunal of another state or a
 18 foreign country.

19 (c) The following support proceedings are available under the convention to
 20 an obligor against which there is an existing support order:

21 (1) recognition of an order suspending or limiting enforcement of an
 22 existing support order of a tribunal of this state;

23 (2) modification of a support order of a tribunal of this state; and

24 (3) modification of a support order of a tribunal of another state or a
 25 foreign country.

26 (d) A tribunal of this state may not require security, bond, or deposit, however
 27 described, to guarantee the payment of costs and expenses in proceedings under the
 28 convention.

29 ⁷⁰⁶ **Sec. 25.25.705. Direct request.** (a) An individual may file a direct request
 30 seeking establishment or modification of a support order or determination of parentage
 31 of a child. In the proceeding, the law of this state applies.

1 (b) An individual may file a direct request seeking recognition and
 2 enforcement of a support order or support agreement. In the proceeding, AS 25.25.⁷⁰⁷~~706~~
 3 - 25.25.⁷¹⁴~~713~~ apply.

4 (c) In a direct request for recognition and enforcement of a convention support
 5 order or foreign support agreement,

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

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

11 (d) An individual filing a direct request is not entitled to assistance from the
 12 child support services agency.

13 (e) AS 25.25.⁷⁰²~~701~~ - 25.25.⁷¹⁴~~713~~ do not prevent the application of laws of this
 14 state that provide simplified, more expeditious rules regarding a direct request for
 15 recognition and enforcement of a foreign support order or foreign support agreement.

16 **Sec. 25.25.⁷⁰²~~706~~. Registration of convention support order.** (a) Except as
 17 otherwise provided in AS 25.25.⁷⁰²~~701~~ - 25.25.⁷¹⁴~~713~~, a party who is an individual or a
 18 support enforcement agency seeking recognition of a convention support order shall
 19 register the order in this state as provided in AS 25.25.601 - 25.25.616.

20 (b) Notwithstanding AS 25.25.311 and 25.25.602(a), a request for registration
 21 of a convention support order must be accompanied by

22 (1) a complete text of the support order or an abstract or extract of the
 23 support order drawn up by the issuing foreign tribunal, which may be in the form
 24 recommended by The Hague Conference on Private International Law;

25 (2) a record stating that the support order is enforceable in the issuing
 26 country;

27 (3) if the respondent did not appear and was not represented in the
 28 proceedings in the issuing country, a record attesting, as appropriate, either that the
 29 respondent had proper notice of the proceedings and an opportunity to be heard or that
 30 the respondent had proper notice of the support order and an opportunity to be heard in
 31 a challenge or appeal on fact or law before a tribunal;

1 (4) a record showing the amount of arrears, if any, and the date the
2 amount was calculated;

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

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

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

10 (d) A tribunal of this state may vacate the registration of a convention support
11 order without the filing of a contest under AS 25.25.⁷⁰⁸707 only if, acting on its own
12 motion, the tribunal finds that recognition and enforcement of the order would be
13 manifestly incompatible with public policy.

14 (e) The tribunal shall promptly notify the parties of the registration or the
15 order vacating the registration of a convention support order.

16 **Sec. 25.25.⁷⁰⁸707. Contest of registered convention support order.** (a) Except
17 as otherwise provided in AS 25.25.⁷⁰²701 - 25.25.⁷¹⁴713, AS 25.25.605 - 25.25.608 apply to
18 a contest of a registered convention support order.

19 (b) A party contesting a registered convention support order shall file a contest
20 not later than 30 days after notice of the registration, but if the contesting party does
21 not reside in the United States, the contest must be filed not later than 60 days after
22 notice of the registration.

23 (c) If the nonregistering party fails to contest the registered convention support
24 order by the time specified in (b) of this section, the order is enforceable.

25 (d) A contest of a registered convention support order may be based only on
26 grounds set out in AS 25.25.⁷⁰⁹708. The contesting party bears the burden of proof.

27 (e) In a contest of a registered convention support order, a tribunal of this state
28 (1) is bound by the findings of fact on which the foreign tribunal based
29 its jurisdiction; and

30 (2) may not review the merits of the order.

31 (f) A tribunal of this state deciding a contest of a registered convention

1 support order shall promptly notify the parties of its decision.

2 (g) A challenge or appeal, if any, does not stay the enforcement of a
3 convention support order unless there are exceptional circumstances.

4 **Sec. 25.25.⁷⁰⁹708. Recognition and enforcement of registered convention**
5 **support order.** (a) Except as otherwise provided in (b) of this section, a tribunal of
6 this state shall recognize and enforce a registered convention support order.

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

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

13 (2) the issuing tribunal lacked personal jurisdiction consistent with
14 AS 25.25.201;

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

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

18 (5) a record transmitted in accordance with AS 25.25.⁷⁰⁷~~706~~ lacks
19 authenticity or integrity;

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

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

26 (8) payment, to the extent alleged arrears have been paid in whole or in
27 part;

28 (9) in a case in which the respondent neither appeared nor was
29 represented in the proceeding in the issuing foreign country,

30 (A) if the law of that country provides for prior notice of
31 proceedings, the respondent did not have proper notice of the proceedings and

1 an opportunity to be heard; or

2 (B) if the law of that country does not provide for prior notice
3 of the proceedings, the respondent did not have proper notice of the order and
4 an opportunity to be heard in a challenge or appeal on fact or law before a
5 tribunal; or

6 (10) the order was made in violation of AS ⁷¹²25.25.711.

7 (c) If a tribunal of this state does not recognize a convention support order
8 under (b)(2), (4), or (9) of this section,

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

12 (2) the child support services agency shall take all appropriate
13 measures to request a child support order for the obligee if the application for
14 recognition and enforcement was received under AS ⁷⁰⁵25.25.704.

15 ⁷¹⁰Sec. 25.25.709. **Partial enforcement.** If a tribunal of this state does not
16 recognize and enforce a convention support order in its entirety, it shall enforce any
17 severable part of the order. An application or direct request may seek recognition and
18 partial enforcement of a convention support order.

19 ⁷¹⁰Sec. 25.25.710. **Foreign support agreement.** (a) Except as otherwise provided
20 in (c) and (d) of this section, a tribunal of this state shall recognize and enforce a
21 foreign support agreement registered in this state.

22 (b) An application or direct request for recognition and enforcement of a
23 foreign support agreement must be accompanied by

24 (1) a complete text of the foreign support agreement; and

25 (2) a record stating that the foreign support agreement is enforceable as
26 an order of support in the issuing country.

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

30 (d) In a contest of a foreign support agreement, a tribunal of this state may
31 refuse recognition and enforcement of the agreement if it finds

1 (1) recognition and enforcement of the agreement is manifestly
2 incompatible with public policy;

3 (2) the agreement was obtained by fraud or falsification;

4 (3) the agreement is incompatible with a support order involving the
5 same parties and having the same purpose in this state, another state, or a foreign
6 country if the support order is entitled to recognition and enforcement under this
7 chapter in this state; or

8 (4) the record submitted under (b) of this section lacks authenticity or
9 integrity.

10 (e) A proceeding for recognition and enforcement of a foreign support
11 agreement must be suspended during the pendency of a challenge to or appeal of the
12 agreement before a tribunal of another state or a foreign country.

13 **Sec. 25.25.711. Modification of convention child support order.** (a) A
14 tribunal of this state may not modify a convention child support order if the obligee
15 remains a resident of the foreign country where the support order was issued unless

16 (1) the obligee submits to the jurisdiction of a tribunal of this state,
17 either expressly or by defending on the merits of the case, without objecting to the
18 jurisdiction at the first available opportunity; or

19 (2) the foreign tribunal lacks or refuses to exercise jurisdiction to
20 modify its support order or issue a new support order.

21 (b) If a tribunal of this state does not modify a convention child support order
22 because the order is not recognized in this state, AS 25.25.708(c) applies.

23 **Sec. 25.25.712. Personal information; limit on use.** Personal information
24 gathered or transmitted under AS 25.25.701 - 25.25.713 may be used only for the
25 purposes for which it was gathered or transmitted.

26 **Sec. 25.25.713. Record original language; English translation.** A record
27 filed with a tribunal of this state under AS 25.25.701 - 25.25.713 must be in the
28 original language and, if not in English, must be accompanied by an English
29 translation.

30 * **Sec. 82.** AS 25.25.801(a) is amended to read:

31 (a) The governor or a designee of the governor may

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

4 (2) on the demand of [BY] the governor of another state, surrender an
 5 individual found in this state who is charged criminally in the other state with having
 6 failed to provide for the support of an obligee.

7 * ~~Sec. 83~~⁸⁴. AS 25.25.802(a) is amended to read:

8 (a) Before making a demand that the governor of another state surrender an
 9 individual charged criminally in this state with having failed to provide for the support
 10 of an obligee, the governor of this state or the designee of the governor may require a
 11 prosecutor of this state to demonstrate that the obligee had initiated proceedings for
 12 support under this chapter at least 60 days previously or that the proceeding would be
 13 of no avail.

14 * ~~Sec. 84~~⁸⁵. AS 25.25.802(b) is amended to read:

15 (b) If, under this chapter or a law substantially similar to this chapter, or the
 16 former provisions of this chapter, [THE UNIFORM RECIPROCAL
 17 ENFORCEMENT OF SUPPORT ACT, OR THE REVISED UNIFORM
 18 RECIPROCAL ENFORCEMENT OF SUPPORT ACT,] the governor of another state
 19 makes a demand that the governor of this state surrender an individual charged
 20 criminally in that state with having failed to provide for the support of a child or other
 21 individual to whom a duty of support is owed, the governor or a designee of the
 22 governor may require a prosecutor to investigate the demand and report whether a
 23 proceeding for support has been initiated or would be effective. If it appears that a
 24 proceeding would be effective but has not been initiated, the governor or designee
 25 may delay honoring the demand for a reasonable time to permit the initiation of a
 26 proceeding.

27 * ~~Sec. 85~~⁸⁶. AS 25.25.901 is amended to read:

28 **Sec. 25.25.901. Uniformity of application and construction. In applying**
 29 **and construing this [THIS] chapter consideration must be given to the need to**
 30 **promote uniformity of [SHALL BE APPLIED AND CONSTRUED TO**
 31 **EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM] the law with**

1 respect to its [THE] subject matter [OF THIS CHAPTER] among states that enact
2 [ENACTING] it.

3 * Sec. ~~86~~⁸⁷ AS 25.25.205(f), 25.25.206(c), 25.25.301(b), and 25.25.401(c) ^{and 25.25.701} are repealed.

4 * Sec. ~~87~~⁸⁸. The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 APPLICABILITY. This Act applies to proceedings begun on or after the effective
7 date of this Act to establish a support order or determine parentage of a child or to register,
8 recognize, enforce, or modify a prior support order, determination, or agreement, whenever
9 issued or entered.

10 * Sec. ~~88~~⁸⁹. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 TRANSITION: REGULATIONS. The Department of Revenue may adopt regulations
13 necessary to implement the changes made by this Act. The regulations take effect under
14 AS 44.62 (Administrative Procedure Act), but not before July 1, 2015.

15 * Sec. ~~89~~⁹⁰. The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 REVISOR'S INSTRUCTION. The revisor of statutes is requested to change the
18 ^{(1) heading of art. 4}
~~(1)~~ heading of art. 5 of AS 25.25 from "Direct Enforcement of Order of
19 Another State Without Registration" to "Enforcement of Support Order Without
20 Registration";

21 ⁽²⁾
~~(2)~~ heading of art. 6 of AS 25.25 "Enforcement and Modification of Support
22 Order After Registration" to "Registration, Enforcement, and Modification of Support Order";

23 ⁽³⁾
~~(3)~~ heading of art. 7 of AS 25.25 from "Determination of Parentage" to
24 "Support Proceeding Under Convention";

25 ⁽⁴⁾
~~(4)~~ catch line for AS 25.25.102 from "Tribunals of this state" to "State tribunal
26 and support enforcement";

27 ⁽⁵⁾
~~(5)~~ catch line for AS 25.25.205 from "Continuing, exclusive jurisdiction" to
28 "Continuing, exclusive jurisdiction to modify child support order";

29 ⁽⁶⁾
~~(6)~~ catch line for AS 25.25.206 from "Enforcement and modification of
30 support order by tribunal having continuing jurisdiction" to "Continuing jurisdiction to
31 enforce child support order";

1 ⁽⁷⁾~~(8)~~ catch line for AS 25.25.207 from "Recognition of controlling child support
2 order" to "Determination of controlling child support order";

3 ⁽⁸⁾~~(9)~~ catch line for AS 25.25.302 from "Action by minor parent" to "Proceeding
4 by minor parent";

5 ⁽⁹⁾~~(10)~~ catch line for AS 25.25.401 . . .
6 enforcement of registered order" to "Procedure to contest validity or
7 enforcement of registered support order";

8 ⁽¹⁰⁾~~(11)~~ catch line for AS 25.25.902 from "Severability clause" to "Severability."

9 * ~~Sec. 90.~~ Section ~~88~~ of this Act takes effect immediately under AS 01.10.070(c).

10 * ~~Sec. 91.~~ Except as provided in sec. ~~90~~ of this Act, this Act takes effect July 1, 2015.

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HB 106

HOUSE BILL NO. 106 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the Uniform Interstate Family Support Act, including jurisdiction by tribunals of the state, registration and proceedings related to support orders from other state tribunals, foreign support orders, foreign tribunals, and certain persons residing in foreign countries; relating to determination of parentage of a child; and providing for an effective date."

was read the first time and referred to the State Affairs and Judiciary Committees.

The following fiscal note(s) apply:

1. Zero, Dept. of Revenue

The Governor's transmittal letter dated February 10, 2015, follows:

"Dear Speaker Chenault:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill relating to the Uniform Interstate Family Support Act to update Alaska's laws on enforcement of family support orders. The Uniform Interstate Family Support Act (UIFSA) applies to actions relating to the establishment, modification, and enforcement of support orders and the determination of parentage in situations where the parties reside in different states or where one party resides in a foreign country.

In 1995, Alaska adopted the UIFSA (AS 25.25.010 - 25.25.903). In 2008, the National Conference of Commissioners on Uniform State

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Laws (also known as the Uniform Law Commission) approved amendments to UIFSA to incorporate the provisions of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Convention), concluded at The Hague, November 23, 2007. The Convention contains provisions to establish uniform procedures for the processing of international child support orders.

In order to maintain compliance with federal law and treaty obligations and to continue to qualify for federal funding programs for child support matters, there is a compelling need to update Alaska's statutes this legislative session by adopting the 2008 amendments to the UIFSA.

The proposed bill is limited to amendments needed to integrate the 2008 updates to UIFSA into State law. The amendments must be effective by July 1, 2015, to comply with federal law.

First, the bill would amend the UIFSA to remove the fiction that a "foreign country" is a state of the United States by amending existing text referring to a tribunal of this state to add "or a foreign country."

Second, the proposed bill would provide guidelines relating to the registration, enforcement, and modification of foreign support orders from countries that, like the United States, are parties to the Convention.

A third component of the bill would improve the enforcement of United States child support orders abroad and would ensure that

**HB 106 - UNIFORM INTERSTATE FAMILY SUPPORT ACT
LEGISLATION SECTIONAL ANALYSIS**

February 13, 2015

This bill updates Alaska's Uniform Interstate Family Support Act (UIFSA) to add important provisions for the enforcement and recovery of child support in international cases. In 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Hague Convention). This Convention contains provisions that establish uniform procedures for the processing of international child support cases. In order for the United States to fully accede to the Convention, all 50 states must adopt these new international provisions in their UIFSA. All of these changes are in the 2008 version of UIFSA, as amended by the Uniform Law Commission. The bill also incorporates the 2001 uniform amendments that were designed to clarify and enhance the 1996 version, the version that is currently in effect in Alaska.

Section 1 amends AS 25.25.101 the definitions section to add or amend the following: "convention," "foreign country," "foreign support order," "foreign tribunal," "home state," "initiating tribunal," "issuing foreign country," "issuing state," "issuing tribunal," "obligee," "obligor," "outside the state," "person," "record," "register," "registering tribunal," "responding state," "state," and "support enforcement agency," and "tribunal."

Section 2 adds a new subsection (b) to AS 25.25.102 to clarify that the child support services agency under AS 25.27.010 is the support enforcement agency of the state.

Section 3 amends AS 25.25.103 to clarify that cumulative remedies do not affect remedies under other law of the recognition of a support order under the basis of comity.

Section 4 adds a new subsection to AS 25.25.103 to establish that this Act does not establish the exclusive method for establishing support in Alaska and that it does not grant Alaska the ability to issue an order related to custody or parenting time under this chapter.

Section 5 is a jurisdictional provision and is amended to provide that a tribunal of this state shall apply this act to a support proceeding involving a foreign support order, a foreign tribunal, or an obligee, obligor or child residing in a foreign country.

Section 6 amends AS 25.25.201, to add minor wording changes.

Section 7 adds a new subsection to AS 25.25.201 on jurisdiction that prevents the existing statute from being used to create personal jurisdiction to modify a child support order from another state or foreign country unless specific requirements are met.

Section 8 repeals and reenacts AS 25.25.202 on duration of personal jurisdiction to provide that Alaska has continuing, exclusive jurisdiction to modify or enforce its order if certain requirements are met.

Section 9 makes minor wording changes to AS 25.25.203 on this state an initiating and responding tribunal.

Section 10 amends AS 25.25.204 on simultaneous proceedings to include foreign countries.

Section 11 amends AS 25.25.205 to clarify that the determination for jurisdiction is at the time of filing and that the state can have continuing jurisdiction with the consent of all parties even when the parties no longer reside here.

Sections 12 clarifies AS 25.25.205(b) when Alaska has continuing, exclusive jurisdiction to modify its child support order and the party's ability to consent to continuing, exclusive jurisdiction.

Section 13 clarifies AS 25.25.205(c) when a tribunal of this state will recognize the continuing exclusive jurisdiction of another state if that other state has issued a child support order under a law substantially similar to the law in this state.

Section 14 address jurisdiction by amending AS 25.25.205 (d) to clarify if a tribunal does not have continuing jurisdiction it can forward a petition for child support to another court to modify an order.

Sections 15 and 16 amend AS 25.25.206 to clarify when a tribunal of this state can act as an initiating or responding tribunal to enforce a support order.

Section 17 through 21 amend AS 25.25.207 on procedures for a controlling order determination. It clarifies when the Alaska tribunal may determine which court order is the controlling order when multiple orders are issued by different jurisdictions. It clarifies the requirements for a controlling order. It adds the child support agency's obligation to file a certified copy of the controlling order.

Section 22 adds a new subsection to AS 25.25.207 to require a copy of every child support order in effect to be filed when requesting a controlling order determination as well as a record of payments. Notice must also be provided to a party whose rights may be affected.

Section 23 makes minor amendments to add "foreign country" to AS 25.25.208 on multiple support orders.

Section 24 amend AS 25.25.209 to add clarifying language on credits for payments.

Section 25 adds a new section to allow tribunals in Alaska to use evidence, discovery, and communication from outside jurisdictions when exercising jurisdiction over someone not in Alaska. It also adds a new section addressing jurisdiction for modifying a spousal support order.

Sections 26 and 27 make minor conforming amendments to general provisions on proceedings under this chapter.

Section 28 amends AS 25.25.304 to provide the process for the Alaska tribunal to initiate a request to another state or foreign country and convert support amount sought into the equivalent amount in the applicable foreign currency.

Section 29 amends AS 25.25.305 to provide when an Alaskan tribunal is the responding tribunal, it can establish a child support order, modify the order, determine which order is the controlling order, and determine the parentage of a child. Adds that an obligor can be ordered to provide their email address to the tribunal.

Section 30 adds a subsection to AS 25.25.305 to require, upon request, a tribunal to state the amounts due in the applicable foreign currency.

Sections 31 and 32 make minor conforming changes to sections on tribunals and duties of the child support services agency.

Section 33 adds new subsections to the AS 25.25.307, duties of the child support services agency, addressing the requirements for registering a support order including registering the controlling order and currency conversion. Adds new subsection on issuing support orders and income withholding orders if requested by another state.

Section 34 is a new section, AS 25.25.208, setting forth the duties of the Department of Revenue to order services and determine that a foreign country has established a reciprocal arrangement for child support.

Section 35 amends AS 25.25.310 for minor technical changes.

Section 36 amends AS 25.25.311 for minor technical changes.

Section 37 repeals and reenacts AS 25.25.312 on nondisclosure of information. It changes the provisions on how the court can seal and keep confidential from other parties or the public identifying information if it would jeopardize the health, safety or liberty of a party or a child. The court can order, after a hearing, the disclosure of some information if the court determines it is in the interest of justice.

Section 38 through 44 makes minor conforming and clarifying amendments to provisions on evidence and procedures.

Section 45 adds a new subsection as AS 25.25.316 to provide that a certified, true copy of a voluntary admission of paternity is admissible to establish parentage of a child.

Section 46 amends AS 25.25.317 to include electronic mail as a way for tribunals to communicate.

Sections 47 through 48 make minor conforming amendments.

Section 49 adds new subsections to AS 25.25.319 on receipt and distribution of payments when the state is providing services to the obligee, sending conforming income withholding orders to an obligor's employer for redirected payments, and providing a record of payments received.

Section 50 makes amendments to AS 25.25.401 addressing when the court can issue a support order, including requiring personal jurisdiction over the parties, and also makes conforming amendments.

Section 51 repeals and reenacts AS 25.25.401(b) on temporary child support orders and clarifies when the tribunal should issue a temporary support order.

Section 52 adds AS 25.25.402, proceedings to determine parentage, to allow a tribunal of this state to be the responding court in a proceeding to determine parentage if the action is brought under a similar statute, which allows Alaska to accept jurisdiction over a case that was filed in another jurisdiction but is forwarded to Alaska.

Sections 53 through 57 amend provisions in AS 25.25.501 and 502 on an employer's receipt of an income withholding order. The amendments provide what the employer can do if it receives two or more income-withholding orders. Also, the amendments provide conforming wording changes.

Section 58 amends AS 25.25.506 on contest by an obligor to clarify how a parent can challenge the enforcement of an income-withholding order issued in another state and received by an employer in this state.

Section 59 amends AS 25.25.507(a) to add that a support enforcement agency seeking to enforce a support order from another jurisdiction can send the documents to the enforcement agency in this state.

Sections 60 through 62 amend AS 25.25.601 and .602 add "a foreign support order" as a support order that can be registered and add conforming wording changes.

Section 63 adds new subsections to AS 25.25.602 on procedures to register orders for enforcement clarify requirements when registering an order.

Section 64 makes a conforming amendment to add "foreign country" to AS 25.25.603 on effect of registration for enforcement.

Section 65 amends AS 25.25.604 on choice of law and provides that the law of the issuing state or country determines how payments occur under a registered order, how arrears are calculated and interest on those arrears, and the satisfaction of the support obligation.

Section 66 adds new subsections to AS 25.25.604 to provide that a responding court in this state shall apply the procedures and remedies available in Alaska to collect and enforce a support order from another jurisdiction but that Alaska will prospectively apply the law of the state or foreign country that issued the controlling order.

Section 67 makes conforming changes in AS 25.25.605 and references the statute that provides the procedure and rules to contest the registration of a support order and provides how to register an order if there are two or more orders in effect.

Section 68 makes adds a new subsection to AS 25.25.605 to specify notice requirements if the registering party asserts two or more orders are in effect.

Sections 69 and 70 are conforming amendments to time and procedures to contest the validity of a support order.

Section 71 adds to AS 25.25.607, the reasons to contest validity of a support order, the ability for a party to state the alleged controlling order is not the controlling order.

Section 72 through 74 makes conforming technical changes.

Section 75 amends AS 25.25.611(c) the language related to modification of an order from another jurisdiction and clarifies that aspects of the order that could not be modified in the law of the issuing state may not be modified by Alaska.

Section 76 amends AS 25.25.611(d) to make conforming technical changes.

Section 77 amends AS 25.25.611 by adding a new subsection providing that the law of the state that issued the controlling order governs the duration of support. Also provides that the tribunals in Alaska retain jurisdiction when one party moves to another state and the other party resides outside the United States.

Section 78 amends AS 25.25.612 to require that when an Alaska order is modified by another state, Alaska shall only enforce the old order for the purposes of arrears and interest prior to modification and provide relief for violation of the order that occurred prior to modification, but upon registration then shall enforce the modified order from the other state.

Section 79 amends AS 25.25 to add new sections:

Jurisdiction to modify child support order of foreign country. Provides that when a foreign country no longer has or refuses to exercise jurisdiction over a child support modification, Alaska may act over individuals subject to the personal jurisdiction of the court without consent and even when persons are not residents of this state and the order that is issued will be controlling.

Procedure to register child support order of foreign country for modification. Provides that a party or child support enforcement agency can file a petition to modify a foreign

support order that is not under the Hague Convention at the same time as a request for registration or at another time.

Section 80 amends AS 25.25.71 to remove the procedures on parentage and creates definitions for sections 25.701 to 25.713 regarding initiating, registering, contesting, enforcing, and modifying support orders. Definitions include “application,” “central authority,” “convention support order,” “direct request,” “foreign central authority,” “foreign support agreement,” and “United States central authority.”

Section 81 amends AS 25.25 by adding new sections:

Applicability. Provides that sections 25.701 to 25.713 only apply to child support proceedings under the Hague Convention.

Relationship of child support services agency to United States central authority. Provides that the federal Department of Human Services has recognized the Alaska child support services agency as the agency that may act under the convention.

Initiation by child support services agency of support proceeding under the convention. Specifies that the Alaska child support services agency provides enforcement services in child support proceedings to establish, modify, and enforce child support in foreign and domestic proceedings.

Direct request. Provides that an individual may request to establish, modify, or enforce a child support order under the applicable laws of the state, but does not require the child support services agency to provide assistance to the petitioner who is filing the request. This section provides that the statutes applying to the convention do not prohibit the use of the simplified and expedited rules in Alaska law for recognition and enforcement of foreign support orders.

Registration of convention support order. Provides the necessary documents to register a foreign support order including: the order and verification of its enforceability in the country it came from, the total arrears, and the due process rights of the respondent. This section provides that the court does not have to register an order if it finds that it would be contrary to public policy and must promptly notify the parties if the order is not registered.

Contest of registered convention support order. References to statutes that apply to contested registration of a support order and provides the regulations for registering a support order under the Hague Convention, specifically the timelines for contesting registration and the basis for contesting the registration.

Recognition and enforcement of registered convention support order. Provides the circumstances under which Alaska may refuse to register a support order that is under the Hague Convention.

Partial enforcement. Provides that when one part of a foreign order can be enforced and one part cannot the court shall enforce the part that can be enforced.

Foreign support agreement. Provides the terms under which a foreign support agreement can be recognized and enforced in Alaska.

Modification of convention child support order. Provides that an Alaska tribunal cannot modify a child support order when the obligee is still a resident of the foreign country where the order was issued unless that obligee agrees that Alaska has jurisdiction, the foreign court refuses to exercise jurisdiction, or the order could not be registered because of a lack of jurisdiction, fraud, or lack of authenticity of the order in the foreign jurisdiction.

Personal information; limit on use. Personal information under these section is only to be used for the purposes for which it was gathered.

Record in original language; English translation. Provides that a record of the court proceedings from the foreign country must be in its original language and if not in English must come with an English translation.

Sections 82 through 84 makes conforming technical changes.

Section 85 clarifies that uniformity is promoted and encouraged.

Section 86 repeals AS 25.25.205(f), 25.25.206(c), 25.25.301(b), and 25.25.401(c). These sections address spousal support. A new section, 25.25.281 will address spousal support. See Section 25 of the bill.

Section 87 Applicability. Adds that the effective date applies to proceedings that are started on or after the effective date of this act to any action to determine parentage, or register, recognize, modify, or enforce an order or agreement.

Section 88 Transition provisions. Provides that the Department of Revenue may adopt regulations to implement changes by this act.

Section 89 Revisor's instruction. Directs the revisor to change the headings or catch lines for certain affected sections of the chapter.

Section 90 Effective date. Section 88 addressing, addressing regulations, is effective immediately.

Section 91 Effective Date. The Act is effective July 1, 2015.



Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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THE UNIFORM INTERSTATE FAMILY SUPPORT ACT AMENDMENTS (2008)

- A Summary -

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders by: setting basic jurisdictional standards for state courts; determining the basis for a state to exercise continuing exclusive jurisdiction over a child support proceeding; establishing rules for determining which state issues the controlling order in the event proceedings are initiated in multiple jurisdictions; and providing rules for modifying or refusing to modify another state's child support order.

In November 2007, the United States signed the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance ("the Convention"). This Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. In July 2008, the Uniform Law Commission amended UIFSA to incorporate changes required by the Convention. In order for the United States to fully accede to the Convention it was necessary to modify UIFSA by incorporating provisions of the Convention that impact existing state law. The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. Importantly, enacting the UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.

The bulk of the 2008 amendments are housed in a new section of UIFSA: Section 7. The new section provides guidelines and procedures for the registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Convention. Specifically, Section 7 provides that a support order from a country that has acceded to the Convention must be registered immediately unless a tribunal in the state where the registration is sought determines that the language of the order goes against the policy of the state. Once registered, the non-registering party receives notice and is allowed the opportunity to challenge the order on certain grounds. Unless one of the grounds for denying recognition is established, the order is to be enforced. Additionally, Section 7 requires documents submitted under the Convention be in the original language and a translated version submitted if the original language is not English.

In September 2014, Congress passed federal implementing legislation for the Convention. Importantly, the new law (the Preventing Sex Trafficking and Strengthening Families Act) requires that the 2008 UIFSA amendments be enacted in every jurisdiction as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments during the 2015 legislative session may result in a state's loss of this important federal funding.



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WHY STATES SHOULD ADOPT THE UNIFORM INTERSTATE FAMILY SUPPORT ACT 2008 AMENDMENTS

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders. UIFSA represents a collaborative effort among the Uniform Law Commission (“ULC”), federal and state child support officials, and representatives of national child support organizations.

In 2008, the ULC approved amendments to UIFSA to incorporate the provisions of the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance into state law (“the Convention”). The Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases. When the 2008 amendments were approved, all U.S. jurisdictions had in place a version of UIFSA.

The 2008 UIFSA amendments serve as the implementing language for the Convention throughout the states. The 2014 Preventing Sex Trafficking and Strengthening Families Act serves as the federal implementing legislation for the Convention.

All states should act expeditiously to enact the UIFSA 2008 amendments during their 2015 legislative session for the following reasons:

- **Funding** – The 2014 federal law requires that all states enact the 2008 UIFSA amendments by the end of their 2015 legislative session as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments by that time may result in a state’s loss of important federal funding. This conditional approach is not new; another federal law required all states to enact a previous version of UIFSA within a certain timeframe in order to receive the same federal funds for state child support programs. All jurisdictions complied.
- **Enhanced Recognition Abroad** – Enactment of the 2008 UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside.
- **Guidelines for Foreign Support Orders** – The amendments provide guidelines and procedures for the registration, enforcement, and modification of foreign support orders from countries that are parties to the Convention.
- **Limited Changes** – The 2008 changes to UIFSA were limited to those necessary to accommodate the Convention. Sections 2-6 are largely unchanged, and a new Section 7 contains all rules applicable to cases involving the Convention.

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—lawyers, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to acts on property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.



Uniform Law Commission
The National Conference of Commissioners on Uniform State Laws



Contact Us: 312.450.6600

Legislative Fact Sheet - Interstate Family Support Act Amendments (2008)

Act Interstate Family Support Act Amendments (2008)

Origin Completed by the Uniform Law Commission in 2008.

Description The 2008 UIFSA Amendments modify the current version of UIFSA's international provisions to comport with the obligations of the United States under the 2007 Hague Convention on Maintenance. 2014 federal legislation requires all states to enact the 2008 UIFSA Amendments as a condition of continuing to receive federal funds for state child support programs. Failure to enact these amendments during the 2015 legislative session may result in a state's loss of important federal funding.

Endorsements Approved by the American Bar Association

Enactments Florida, Georgia, Maine, Minnesota, Missouri, Nevada, New Mexico, North Dakota, Rhode Island, Tennessee, Utah, Wisconsin

2015 Introductions Arizona, Arkansas, Colorado, Hawaii, Indiana, Kansas, Kentucky, Mississippi, Montana, Nebraska, New Hampshire, Oklahoma, South Dakota, Vermont, Virginia, Washington, Wyoming

Staff Liaison(s) Lindsay Beaver

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OFFICE OF CHILD SUPPORT ENFORCEMENT

An Office of the Administration for Children & Families

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P.L. 113-183 UIFSA 2008 Enactment

AT-14-11

Published: October 9, 2014

Information About: State/Local Child Support Agencies

Topics: State Plan, Intergovernmental/interstate, International

Types: Policy, Action Transmittals (AT)

Tags: UIFSA

ACTION TRANSMITTAL

AT-14-11

DATE: October 9, 2014

TO: State Agencies Administering Child Support Plans under Title IV-D of the Social Security Act and Other Interested Individuals

SUBJECT: P.L. 113-183 UIFSA 2008 Enactment

On September 29, 2014 President Obama signed Public Law (P.L.) 113-183, the Preventing Sex Trafficking and Strengthening Families Act. This law amends section 466(f) of the Social Security Act, requiring all states to enact any amendments to the Uniform Interstate Family Support Act "officially adopted as of September 30, 2008 by the National Conference of Commissioners on Uniform State Laws" (referred to as UIFSA 2008). Among other changes, the UIFSA 2008 amendments integrate the appropriate provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, which was adopted at the Hague Conference on Private International Law on November 23, 2007, referred to as the 2007 Family Maintenance Convention.

Section 301(f)(3)(A) of P.L. 113-183 requires that UIFSA 2008 must be in effect in every state "no later than the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act." If a state has a 2-year legislative session, "each year of the session shall be deemed to be a separate regular session of the State legislature."

In 2008, after the National Conference of Commissioners on Uniform State Laws adopted the UIFSA 2008 amendments, several states asked OCSE if their state legislatures could enact UIFSA 2008. At that time, section 466(f) of the Social Security Act required states to adopt UIFSA 1996, a previous version to UIFSA 2008. OCSE issued DCL-08-41, which permitted states to enact UIFSA 2008 verbatim with a provision that the effective date of its enactment be delayed until the 2007 Family Maintenance Convention is ratified and the United States deposits its instrument of ratification. States that chose to follow this process did not need to request an exemption from OCSE. Eight states passed UIFSA 2008 using the effective date language described in DCL-08-41.

Due to the specific requirement in P.L. 113-183 that states enact UIFSA 2008 in their next state legislative session, OCSE rescinds DCL-08-41. The eight states that enacted UIFSA 2008 with a delayed implementation date must take the necessary legislative or administrative steps for UIFSA 2008 to be effective as directed in P.L. 113-183.

Now that the President has signed P.L. 113-183, the following steps must occur before the 2007 Family Maintenance convention can enter into force for the United States.

- All states must enact UIFSA 2008 verbatim by the effective date noted in P.L. 113-183. Where UIFSA 2008 has bracketed language, states may use terminology appropriate under state law. In addition, P.L. 113-183 requires states to make minor revisions to the state plan which OCSE will address in forthcoming guidance.
- The President must sign the instrument of ratification.
- Once these activities are completed, the United States will be able to deposit its instrument of ratification with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, which is the depositary for the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

It is important to note that, once UIFSA 2008 is in effect in your state, international cases will not be processed under Article 7 of UIFSA 2008 until the 2007 Family Maintenance Convention enters into force for the United States. Once this occurs, Article 7 of UIFSA 2008 will be in effect for all cases transmitted and received under the 2007 Family Maintenance Convention.

OCSE expresses our sincere thanks to the entire child support community for the collaborative and monumental effort taken to reach this important milestone. We look forward to working together to enact UIFSA 2008 in all states, and to implement the 2007 Family Maintenance Convention in the United States.

Thank you for your continued efforts on behalf of our nation's children.

SUPERSEDED MATERIAL: DCL-08-41

REFERENCES: AT-14-08, DCL-10-20

INQUIRIES TO: ACF/OCSE Regional Program Managers

Vicki Turetsky
Commissioner
Office of Child Support Enforcement

cc: Tribal IV-D Directors

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 106
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB106-LAW-CIV-02-13-15
Title: UNIFORM INTER.CHILD SUPPORT;PARENTAGE
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: (H) STATE AFFAIRS

Department: Department of Law
Appropriation: Civil Division
Allocation: Collections and Support
OMB Component Number: 2210

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version; not applicable.

Prepared By:	Valerie Rose, Budget Analyst	Phone:	(907)465-3674
Division:	Administrative Services Division	Date:	02/13/2015 01:44 PM
Approved By:	Craig W. Richards, Attorney General	Date:	02/13/15
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB106

Analysis

HB106 updates Alaska's Alaska statutes AS 25.25.101 to 25.25.903, Uniform Interstate Family Support Act (UIFSA), with the 2008 version. The UIFSA provides uniform rules for the establishing, modifying, and enforcing child and spousal support orders between other states and jurisdictions. This bill affects the Alaska Child Support Services Division (CSSD) in the Department of Revenue. The Department of Law represents CSSD.

UIFSA 2008

The 2008 UIFSA contains important provisions for the enforcement and recovery of child support in international cases. The bill provides a new article 7 to address international child support cases. These changes include definitions for article 7, the processes for CSSD to initiate an international case and proceedings available to the parents. Article 7 also outlines the requirements for registering an international child support order in Alaska and how a parent can contest registration. It further outlines the grounds for Alaska to recognize and enforce international orders. The bill provides that the international order must be translated into English. The bill also addresses currency conversion.

UIFSA 2001

The bill also contains clarifying provisions from the 2001 UIFSA including clarifying the processes for a controlling order determination when there are multiple, valid orders. The bill also clarifies that the law of the issuing state governs the duration of the support order.

Federal Funding

Enactment of this legislation is necessary for the Alaska Child Support Services Division to continue to receive federal funding.

The Department of Law expects no fiscal impact should this bill become law.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 106
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB106-DOR-CSSD-02-13-15
Title: UNIFORM INTER.CHILD SUPPORT;PARENTAGE
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

Department: Department of Revenue
Appropriation: Child Support Services
Allocation: Child Support Services Division
OMB Component Number: 111

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **NO**
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Prepared By:	Carol Beecher, Director	Phone:	(907)269-6801
Division:	Child Support Services	Date:	02/13/2015 01:00 PM
Approved By:	Jerry Burnett, Deputy Commissioner	Date:	02/13/15
Agency:	Department of Revenue		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 106

Analysis

HB 106 updates Alaska's statutes AS 25.25.101 to 25.25.903, Uniform Interstate Family Support Act (UIFSA), with the 2008 version. The UIFSA provides uniform rules for establishing, modifying, and enforcing child and spousal support orders between other states and jurisdictions. This bill affects the Alaska Child Support Services Division (CSSD) in the Department of Revenue.

UIFSA 2008

The 2008 UIFSA contains important provisions for the enforcement and recovery of child support in international cases. The bill provides a new article 7 to address international child support cases. These changes include definitions for article 7, the processes for CSSD to initiate an international case and proceedings available to the parents. Article 7 also outlines the requirements for registering an international child support order in Alaska and how a parent can contest registration. It further outlines the grounds for Alaska to recognize and enforce international orders. The bill provides that the international order must be translated into English. The bill also addresses currency conversion.

UIFSA 2001

The bill also contains clarifying provisions from the 2001 UIFSA including clarifying the processes for a controlling order determination when there are multiple, valid orders. Also clarifies that the law of the issuing state governs the duration of the support order.

Federal Funding

Enactment of this legislation is necessary for the Alaska Child Support Services Division to continue to receive federal funding.

The Department of Revenue expects no fiscal impact should this bill become law.