HOUSE No. 3848

The Commonwealth of Massachusetts



OFFICE OF THE GOVERNOR COMMONWEALTH OF MASSACHUSETTS · , MA

KARYN POLITO LIEUTENANT GOVERNOR

November 10, 2015

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled "An Act to Comply with the Uniform Interstate Family Support Act." This legislation is necessary to comply with the federal Preventing Sex Trafficking and Strengthening Families Act of 2014, which requires that every state enact the updated version of the Uniform Interstate Family Support Act (UIFSA).

UIFSA provides universal and uniform rules for child support cases where parents do not live in the same state or the same country. Massachusetts first adopted UIFSA in 1995. The updated version of UIFSA 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 that is due from their parents, wherever the parents reside.

Because the federal requirement to update UIFSA is tied to the federal funding of the Commonwealth's child support program under Title IV, Part D, of the Social Security Act, we must enact this legislation by the April 1, 2016, deadline in order to preserve over \$80 million annually in federal child support funding.

Accordingly, I urge your prompt enactment of this legislation.

Sincerely,

Charles D. Baker, *Governor*

HOUSE No. 3848

Message from His Excellency the Governor recommending legislation relative to to comply with the Uniform Interstate Family Support Act. November 10, 2015

The Commonwealth of Alassachusetts

In the One Hundred and Eighty-Ninth General Court (2015-2016)

An Act to comply with the Uniform Interstate Family Support Act.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish accept forthwith the revised Uniform Interstate Family Support Act, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- SECTION 1. The General Laws are hereby amended by striking out Chapter 209D, as
- 2 appearing in the 2014 Official Edition, and inserting in place thereof the following chapter:-
- 3 CHAPTER 209D
- 4 UNIFORM INTERSTATE FAMILY SUPPORT ACT
- 5 ARTICLE 1 GENERAL PROVISIONS
- 6 Section 1-101. Short title. This chapter may be cited as the Uniform Interstate Family
- 7 Support Act.
- 8 Section 1-102. Definitions. In this chapter:

- 9 (1) "Child" means an individual, whether over or under the age of majority, who is or is 10 alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the 11 beneficiary of a support order directed to the parent. 12 (2) "Child support order" means a support order for a child, including a child who has 13 attained the age of majority under the law of the issuing state or foreign country. 14 (3) "Convention" means the Convention on the International Recovery of Child Support 15 and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007. 16 (4) "Duty of support" means an obligation imposed or imposable by law to provide 17 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide 18 support. 19 (5) "Foreign country" means a country, including a political subdivision thereof, other 20 than the United States, that authorizes the issuance of support orders and: 21 (i) which has been declared under the law of the United States to be a foreign 22 reciprocating country; 23 (ii) which has established a reciprocal arrangement for child support with the 24 commonwealth as provided in Section 3-308;
 - (iii) which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this chapter; or
- 27 (iv) in which the Convention is in force with respect to the United States.

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(6) "Foreign support order" means a support order of a foreign tribunal.

(7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of a
 foreign country which is authorized to establish, enforce, or modify support orders or to
 determine parentage of a child. The term includes a competent authority under the Convention.

- (8) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.
- (9) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of the commonwealth.
- (10) "Income-withholding order" means an order or other legal process directed to an obligor's employer, other source of periodic income, as defined by section 1A of chapter 119A, or other debtor to withhold support from the income of the obligor.
- (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.
- (12) "Issuing foreign country" means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.
- 47 (13) "Issuing state" means the state in which a tribunal issues a support order or a 48 judgment determining parentage of a child.

49 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a 50 support order or a judgment determining parentage of a child. 51 (15) "Law" includes decisional and statutory law and rules and regulations having the force of law. 52 53 (16) "Obligee" means: 54 (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a 55 support order or a judgment determining parentage of a child has been issued; 56 (ii) a foreign country, state or political subdivision of a state to which the rights under a 57 duty of support or support order have been assigned or which has independent claims based on 58 financial assistance provided to an individual obligee in place of child support; 59 (iii) an individual seeking a judgment determining parentage of the individual's child; or 60 (iv) a person that is a creditor in a proceeding under Article 7. 61 (17) "Obligor" means an individual, or the estate of a decedent that: 62 (i) owes or is alleged to owe a duty of support; 63 (ii) is alleged but has not been adjudicated to be a parent of a child; 64 (iii) is liable under a support order; or 65 (iv) is a debtor in a proceeding under Article 7. 66 (18) "Outside this commonwealth" means a location in another state or a country other 67 than the United States, whether or not the country is a foreign country.

- (19) "Person" means an individual, corporation, business trust, estate, trust, partnership,
 limited liability company, association, joint venture, public corporation, government or
 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- 71 (20) "Record" means information that is inscribed on a tangible medium or that is stored 72 in an electronic or other medium and is retrievable in perceivable form.
- 73 (21) "Register" means to file in a tribunal of the commonwealth a support order or 74 judgment determining parentage of a child issued in another state or a foreign country.

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- (22) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.
- (23) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.
 - (24) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.
 - (25) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.
- (26) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
 United States Virgin Islands, or any territory or insular possession under the jurisdiction of the
 United States. The term includes an Indian nation or tribe.
- 87 (27) "Support enforcement agency" means a public official, governmental entity, or 88 private agency authorized to:

89 (i) seek enforcement of support orders or laws relating to the duty of support; 90 (ii) seek establishment or modification of child support; 91 (iii) request determination of parentage of a child; 92 (iv) attempt to locate obligors or their assets; or 93 (v) request determination of the controlling child support order. 94 (28) "Support order" means a judgment, decree, order, decision, or directive, whether 95 temporary, final, or subject to modification, issued in a state or foreign country for the benefit of 96 a child, a spouse, or a former spouse, which provides for monetary support, health care, 97 arrearages, retroactive support, or reimbursement for financial assistance provided to an 98 individual obligee in place of child support. The term may include related costs and fees, 99 interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief. 100 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized 101 to establish, enforce, or modify support orders or to determine parentage of a child. 102 Section 1-103. Tribunals and support enforcement agency of the commonwealth. 103 (a) The probate and family court, the district court and the Boston municipal court 104 departments of the trial court are the tribunals of the commonwealth. 105 (b) The department of revenue is the support enforcement agency of the commonwealth. 106 Section 1-104. Remedies cumulative.

107 (a) Remedies provided by this chapter are cumulative and do not affect the availability of 108 remedies under other law or the recognition of a foreign support order on the basis of comity. 109 (b) This chapter does not: 110 (1) provide the exclusive method of establishing or enforcing a support order under the 111 law of the commonwealth; or 112 (2) grant a tribunal of the commonwealth jurisdiction to render judgment or issue an 113 order relating to child custody or visitation in a proceeding under this chapter. 114 Section 1-105. Application of this chapter to resident of foreign country and foreign 115 support proceeding. 116 (a) A tribunal of the commonwealth shall apply Articles 1 through 6 and, as applicable, 117 Article 7, to a support proceeding involving: 118 (1) a foreign support order; 119 (2) a foreign tribunal; or 120 (3) an obligee, obligor, or child residing in a foreign country. 121 (b) A tribunal of the commonwealth that is requested to recognize and enforce a support 122 order on the basis of comity may apply the procedural and substantive provisions of Articles 1 123 through 6. 124 (c) Article 7 applies only to a support proceeding under the Convention. In such a 125 proceeding, if a provision of Article 7 is inconsistent with Articles 1 through 6, Article 7 126 controls.

127 ARTICLE 2 – JURISDICTION

Section 2-201. Bases for jurisdiction over nonresident. (a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of the commonwealth may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) the individual is personally served with a notice within the commonwealth;
- (2) the individual submits to the jurisdiction of the commonwealth by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
 - (3) the individual resided with the child in the commonwealth;
- (4) the individual resided in the commonwealth and provided prenatal expenses or support for the child;
- (5) the child resides in the commonwealth as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in the commonwealth and the child may have been conceived by that act of intercourse;
- (7) the individual asserted parentage of a child under the provisions of chapter 46 or chapter 209C; or
- (8) there is any other basis consistent with the constitutions of the commonwealth and the
 United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of the commonwealth may not be used to acquire personal jurisdiction for a tribunal of the commonwealth to modify a child support order of another state unless the requirements of Section 6-611 are met, or, in the case of a foreign support order, unless the requirements of Section 6-615 are met.

Section 2-202. Duration of personal jurisdiction. Personal jurisdiction acquired by a tribunal of the commonwealth in a proceeding under this chapter or other law of the commonwealth relating to a support order continues as long as a tribunal of the commonwealth has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by Sections 2-205, 2-206 and 2-211.

Section 2-203. Initiating and responding tribunal of the commonwealth. Under this chapter, a tribunal of the commonwealth may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or a foreign country.

Section 2-204. Simultaneous proceedings.

- (a) A tribunal of the commonwealth may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:
- (1) the petition or comparable pleading in the commonwealth is filed before the expiration of the time allowed in the other state or the foreign country for filing a re-sponsive pleading challenging the exercise of jurisdiction by the other state or the foreign country;

168 (2) the contesting party timely challenges the exercise of jurisdiction in the other state or 169 the foreign country; and 170 (3) if relevant, the commonwealth is the home state of the child. 171 (b) A tribunal of the commonwealth may not exercise jurisdiction to establish a support 172 order if the petition or comparable pleading is filed before a petition or comparable pleading is 173 filed in another state or a foreign country if: 174 (1) the petition or comparable pleading in the other state or foreign country is filed before 175 the expiration of the time allowed in the commonwealth for filing a responsive pleading 176 challenging the exercise of jurisdiction by the commonwealth; 177 (2) the contesting party timely challenges the exercise of jurisdiction in the 178 commonwealth; and 179 (3) if relevant, the other state or foreign country is the home state of the child. 180 Section 2-205. Continuing, exclusive jurisdiction to modify child support order. 181 (a) A tribunal of the commonwealth that has issued a child support order consistent with 182 the law of the commonwealth has and shall exercise continuing, exclusive jurisdiction to modify 183 its child support order if the order is the controlling order and: (1) at the time of the filing of a request for modification the commonwealth is the 184

residence of the obligor, the individual obligee, or the child for whose benefit the support order is

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issued; or

- (2) even if the commonwealth is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of the commonwealth may continue to exercise jurisdiction to modify its order.
- (b) A tribunal of the commonwealth that has issued a child support order consistent with the law of the commonwealth may not exercise continuing, exclusive jurisdiction to modify the order if:
- (1) all of the parties who are individuals file consent in a record with the tribunal of the commonwealth that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or;
 - (2) its order is not the controlling order.

- (c) If a tribunal of another state has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act which modifies a child support order of a tribunal of the commonwealth, tribunals of the commonwealth shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.
- (d) A tribunal of the commonwealth that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.
- (e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

Section 2-206. Continuing jurisdiction to enforce child support order.

- 209 (a) A tribunal of the commonwealth that has issued a child support order consistent with
 210 the law of the commonwealth may serve as an initiating tribunal to request a tribunal of another
 211 state to enforce:
 - (1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or
 - (2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.
 - (b) A tribunal of the commonwealth having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.
 - Section 2-207. Determination of controlling child support order. (a) If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be recognized.
 - (b) If a proceeding is brought under this chapter, and two or more child support orders have been issued by tribunals of the commonwealth, another state, or a foreign country with regard to the same obligor and same child, a tribunal of the commonwealth having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and must be recognized:
 - (1) If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls.

229 (2) If more than one of the tribunals would have continuing, exclusive jurisdiction under 230 this chapter:

- (i) an order issued by a tribunal in the current home state of the child controls; or
- (ii) if an order has not been issued in the current home state of the child, the order most recently issued controls.
 - (3) If none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of the commonwealth shall issue a child support order, which controls.
 - (c) If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of the commonwealth having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b). The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6, or may be filed as a separate proceeding.
 - (d) A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.
- (e) The tribunal that issued the controlling order under subsection (a), (b) or (c) has continuing jurisdiction to the extent provided in section 2-205 or 2-206.

- (f) A tribunal of the commonwealth that determines by order which is the controlling order under subsection (b)(1) or (2) or (c), or that issues a new controlling order under subsection (b)(3), shall state in that order:
 - (1) the basis upon which the tribunal made its determination;
 - (2) the amount of prospective support, if any; and

- (3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by Section 2-209.
- (g) Within 30 days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.
- (h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this chapter.
- Section 2-208. Child support orders for 2 or more obligees. In responding to registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of the commonwealth

shall enforce those orders in the same manner as if the orders had been issued by a tribunal of the commonwealth.

Section 2-209. Credit for payments. A tribunal of the commonwealth shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of the commonwealth, another state, or a foreign country.

Section 2-210. Application of chapter to nonresident subject to personal jurisdiction. A tribunal of the commonwealth exercising personal jurisdiction over a nonresident in a proceeding under this chapter, under other law of the commonwealth relating to a support order, or recognizing a foreign support order may receive evidence from outside the commonwealth pursuant to Section 3-316, communicate with a tribunal outside the commonwealth pursuant to Section 3-317, and obtain discovery through a tribunal outside the commonwealth pursuant to Section 3-318. In all other respects, Articles 3 through 6 do not apply, and the tribunal shall apply the procedural and substantive law of the commonwealth.

- Section 2-211. Continuing, exclusive jurisdiction to modify spousal support order.
- (a) A tribunal of the commonwealth issuing a spousal support order consistent with the law of the commonwealth has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.
- (b) A tribunal of the commonwealth may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

289 (c) A tribunal of the commonwealth that has continuing, exclusive jurisdiction over a 290 spousal support order may serve as: 291 (1) an initiating tribunal to request a tribunal of another state to enforce the spousal 292 support order issued in the commonwealth; or 293 (2) a responding tribunal to enforce or modify its own spousal support order. 294 ARTICLE 3 – CIVIL PROVISIONS OF GENERAL APPLICATION 295 Section 3-301. Proceedings under this chapter. 296 (a) Except as otherwise provided in this chapter, this article applies to all proceedings 297 under this chapter. 298 (b) An individual petitioner or a support enforcement agency may initiate a proceeding 299 authorized under this chapter by a filing a petition in an initiating tribunal for forwarding to a 300 responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of 301 another state or a foreign country which has or can obtain personal jurisdiction over the 302 respondent. 303 Section 3-302. Proceeding by minor parent. A minor parent, or a guardian or other legal 304 representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the 305 minor's child. 306 Section 3-303. Application of law of the commonwealth. Except as 307 otherwise provided in this chapter, a responding tribunal of the common-308 wealth shall:

(1) apply the procedural and substantive law, generally applicable to similar proceedings originating in the commonwealth and may exercise all powers and provide all remedies available in those proceedings; and

- (2) determine the duty of support and the amount payable in accordance with the law and support guidelines of the commonwealth.
- Section 3-304. Duties of initiating tribunal. (a) Upon the filing of a petition authorized by this chapter, an initiating tribunal of the commonwealth shall forward the petition and its accompanying documents:
- (1) to the responding tribunal or appropriate support enforcement agency in the responding state; or
- (2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.
- (b) If requested by the responding tribunal, a tribunal of the commonwealth shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal of the commonwealth shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.
 - Section 3-305. Duties and powers of responding tribunal.

330	(a) When a responding tribunal of the commonwealth receives a petition or comparable
331	pleading from an initiating tribunal or directly pursuant to Section 3-301 (b), it shall cause the
332	petition or pleading to be filed and notify the petitioner where and when it was filed.
333	(b) A responding tribunal of the commonwealth, to the extent not prohibited by other law
334	may do one or more of the following:
335	(1) establish or enforce a support order, modify a child support order, determine the
336	controlling child support order, or determine parentage of a child; (2) order an obligor to comply
337	with a support order, specifying the amount and the manner of compliance;
338	(3) order income withholding;
339	(4) determine the amount of any arrearages, and specify a method of payment;
340	(5) enforce orders by civil or criminal contempt, or both;
341	(6) set aside property for satisfaction of the support order;
342	(7) place liens and order execution on the obligor's property;
343	(8) order an obligor to keep the tribunal informed of the obligor's current residential
344	address, electronic mail address, telephone number, employer, address of employment, and
345	telephone number at the place of employment;
346	(9) issue a capias or a bench warrant for an obligor who has failed after proper notice to
347	appear at a hearing ordered by the tribunal and enter the capias or the bench warrant in any local
348	and state computer systems for criminal warrants;
349	(10) order the obligor to seek appropriate employment by specified methods;

350 (11) award reasonable attorney's fees and other fees and costs; and 351 (12) grant any other available remedy. 352 (c) A responding tribunal of the commonwealth shall include in a support order issued 353 under this chapter, or in the documents accompanying the order, the calculations on which the 354 support order is based. 355 (d) A responding tribunal of the commonwealth may not condition the payment of a 356 support order issued under this chapter upon compliance by a party with provisions for visitation. 357 (e) If a responding tribunal of the commonwealth issues an order under this chapter, the 358 tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating 359 tribunal, if any. 360 (f) If requested to enforce a support order, arrears, or judgment or modify a support order 361 stated in a foreign currency, a responding tribunal of the commonwealth shall convert the 362 amount stated in the foreign currency to the equivalent amount in dollars under the applicable 363 official or market exchange rate as publicly reported. 364 Section 3-306. Inappropriate tribunal. If a petition or comparable 365 pleading is received by an inappropriate tribunal of the commonwealth, the tribunal shall 366 forward the pleading and accompanying documents to an appropriate tribunal of the 367 commonwealth or another state and notify the petitioner where and when the pleading was sent. 368 Section 3-307. Duties of support enforcement agency.

369	(a) In a proceeding under this chapter, a support enforcement agency of the
370	commonwealth, upon request:
371	(1) shall provide services to a petitioner residing in a state;
372	(2) shall provide services to a petitioner requesting services through a central authority of
373	a foreign country as described in Section 102(5) (i) or (iv); and
374	(3) may provide services to a petitioner who is an individual not residing in a state.
375	(b) A support enforcement agency of the commonwealth that is providing services to the
376	petitioner shall:
377	(1) take all steps necessary to enable an appropriate tribunal of the commonwealth,
378	another state, or a foreign country to obtain jurisdiction over the respondent;
379	(2) request an appropriate tribunal to set a date, time, and place for a hearing;
380	(3) make a reasonable effort to obtain all relevant information, including information as
381	to income and property of the parties;
382	(4) within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
383	notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice
384	to the petitioner;
385	(5) within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
386	communication in a record from the respondent or the respondent's attorney, send a copy of the
387	communication to the petitioner; and
388	(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

- (c) A support enforcement agency of the commonwealth that requests registration of a child support order in the commonwealth for enforcement or for modification shall make reasonable efforts:
 - (1) to ensure that the order to be registered is the controlling order; or

- (2) if 2 or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.
- (d) A support enforcement agency of the commonwealth that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.
- (e) A support enforcement agency of the commonwealth shall issue or request a tribunal of the commonwealth to issue a child support order and an income withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to Section 3-319.
- (f) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.
- Section 3-308. Duty of attorney general. (a) If the attorney general

408	determines that the support enforcement agency is neglecting or refusing to provide
409	services to an individual, the attorney general may order the agency to perform its duties under
410	this chapter or may provide those services directly to the individual.
411	(b) The attorney general may determine that a foreign country has established a
412	reciprocal arrangement for child support with the commonwealth and take appropriate action for
413	notification of the determination.
414	Section 3-309. Private counsel. An individual may employ private counsel to represent
415	the individual in proceedings authorized by this chapter.
416	Section 3-310. Duties of state information agency.
417	(a) The department of revenue is the state information agency under this chapter.
418	(b) The state information agency shall:
419	(1) compile and maintain a current list, including addresses, of the tri-
420	bunals in the commonwealth which have jurisdiction under this chapter
421	and any support enforcement agencies in the commonwealth and trans-
422	mit a copy to the state information agency of every other state;
423	(2) maintain a register of names and addresses of tribunals and support enforcement
424	agencies
425	received from other states;

- (3) forward to the appropriate tribunal in the place in the commonwealth in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from another state or a foreign country; and
- (4) obtain information concerning the location of the obligor and the obligor's property within the commonwealth not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers or other sources of periodic income, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.
 - Section 3-311. Pleadings and accompanying documents.

(a) In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under Section 3-312, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

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

Section 3-312. Nondisclosure of information in exceptional circumstances. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

Section 3-313. Costs and fees.

- (a) The petitioner may not be required to pay a filing fee or other costs.
- (b) If an obligee prevails, a responding tribunal of the commonwealth may assess against

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obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses

against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the

- attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.
 - (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.
- Section 3-314. Limited immunity of petitioner.

- (a) Participation by a petitioner in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.
- (b) A petitioner is not amenable to service of civil process while physically present in the commonwealth to participate in a proceeding under this chapter.
- (c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in the commonwealth to participate in the proceeding.
- Section 3-315. Nonparentage as defense. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.
- Section 3-316. Special rules of evidence and procedure.

(a) The physical presence of a nonresident party who is an individual in a tribunal of the commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

- (b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside the commonwealth.
- (c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.
- (d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.
- (e) Documentary evidence transmitted from outside the commonwealth to a tribunal of the commonwealth by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.
- (f) In a proceeding under this chapter, a tribunal of the commonwealth shall permit a party or witness residing outside the commonwealth to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or

other location. A tribunal of the commonwealth shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

- (g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.
- (h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.
- (i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.
- (j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.
- Section 3-317. Communications between tribunals. A tribunal of the commonwealth may communicate with a tribunal outside the commonwealth in a record or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. A tribunal of the commonwealth may furnish similar information by similar means to a tribunal outside the commonwealth.
 - Section 3-318. Assistance with discovery. A tribunal of the commonwealth may:
- (1) request a tribunal outside the commonwealth to assist in obtaining discovery;
- 527 and

(2) upon request, compel a person over which it has jurisdiction to respond to a discovery order issued by a tribunal outside the commonwealth.

Section 3-319. Receipt and disbursement of payments. (a) A support enforcement agency or tribunal of the commonwealth shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

- (b) If neither the obligor, nor the obligee who is an individual, nor the child resides in the commonwealth, upon request from the support enforcement agency of the commonwealth or another state, the support enforcement agency of the commonwealth or a tribunal of the commonwealth shall:
- (1) direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and
- (2) issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.
- (c) The support enforcement agency of the commonwealth receiving redirected payments from another state pursuant to a law similar to subsection (b) shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.
- 547 ARTICLE 4 ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF 548 PARENTAGE

549	Section 4-401. Establishment of support order.
550	(a) If a support order entitled to recognition under this chapter has not been issued, a
551	responding tribunal of the commonwealth with personal jurisdiction over the parties may issue a
552	support order if:
553	(1) the individual seeking the order resides outside the commonwealth; or
554	(2) the support enforcement agency seeking the order is located outside the
555	commonwealth.
556	(b) The tribunal may issue a temporary child support order if the tribunal determines that
557	such an order is appropriate and the individual ordered to pay is:
558	(1) a presumed father of the child;
559	(2) petitioning to having his paternity adjudicated;
560	(3) identified as the father of the child through genetic testing;
561	(4) an alleged father who has declined to submit to genetic testing;
562	(5) shown by clear and convincing evidence to be the father of the child;
563	(6) an acknowledged father as provided by chapter 209C;
564	(7) the mother of the child; or
565	(8) an individual who has been ordered to pay child support in a previous proceeding and
566	the order has not been reversed or vacated.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 3-305.

Section 4-402. Proceeding to determine parentage. A tribunal of the commonwealth authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this chapter.

ARTICLE 5 – ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION Section 5-501. Employer's receipt of income-withholding order of another State.

An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer under section 1A of chapter 119A or to any other source of periodic income to the obligor, without first filing a petition or comparable pleading or registering the order with a tribunal of the commonwealth.

- Section 5-502. Employer's compliance with income withholding order of another state.
- (a) Upon receipt of an income withholding order, the obligor's employer or other source of periodic income shall immediately provide a copy of the order to the obligor.
- (b) The employer or other source of periodic income shall treat an income withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of the commonwealth.

- (c) Except as otherwise provided in subsection (d) and section 5-503, the employer or other source of periodic income shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:
 - (1) the duration and amount of periodic payments of current child support, stated as a sum certain;

- (2) the person designated to receive payments and the address to which the payments are to be forwarded;
 - (3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
 - (4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal and the obligee's attorney, stated as sums certain; and
 - (5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.
 - (d) An employer or other source of periodic income shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:
 - (1) the fee of the employer or other source of periodic income for processing an income withholding order;
 - (2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the times within which the employer or other source of periodic income must implement the withholding order and forward the child support payment.

Section 5-503. Employer's compliance with 2 or more income withholding orders. If an obligor's employer or other source of periodic income receives 2 or more income withholding orders with respect to the earnings of the same obligor, the employer or other source of periodic income satisfies the terms of the orders if the employer or other source of periodic income complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for 2 or more child support obligees.

Section 5-504. Immunity from civil liability. An employer or other source of periodic income that complies with an income withholding order issued in another state in accordance with this chapter is not subject to civil liability to an individual or agency with regard to the withholding of child support by the employer or other source of periodic income from the obligor's income.

Section 5-505. Penalties for noncompliance. An employer or other source of periodic income that willfully fails to comply with an income withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of the commonwealth.

Section 5-506. Contest by obligor. (a) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer or other source of periodic income in the commonwealth by registering the order in a tribunal of the commonwealth and filing a contest to that order as provided in Article 6, or

627	otherwise contesting the order in the same manner as if the order had been issued by a tribunal of
628	the commonwealth.
629	(b) The obligor shall give notice of the contest to:
630	(1) a support enforcement agency providing services to the obligee;
631	(2) each employer or other source of periodic income that has directly received an income
632	withholding order relating to the obligor; and
633	(3) the person designated to receive payments in the income withholding order or, if no
634	person is designated, to the obligee.
635	Section 5-507. Administrative enforcement of orders. (a) A party or support enforcement
636	agency seeking to enforce a support order or an income-withholding order, or both, issued in
637	another state, or a foreign support order may send the documents required for registering the
638	order to a support enforcement agency of the commonwealth.
639	(b) Upon receipt of the documents, the support enforcement agency, without initially
640	seeking to register the order, shall consider and, if appropriate, use any administrative procedure
641	authorized by the law of the commonwealth to enforce a support order or an income-withholding
642	order, or both. If the obligor does not contest administrative enforcement, the order need not be
643	registered. If the obligor contests the validity or administrative enforcement of the order, the
644	support enforcement agency shall register the order pursuant to this chapter.
645	ARTICLE 6. REGISTRATION, ENFORCEMENT AND MODIFICATION OF
646	SUPPORT ORDER
647	PART 1. REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER.

548	Section 6-601. Registration of order for enforcement. A support order or an income-
549	withholding order issued in another state or a foreign support order may be registered in the
650	commonwealth for enforcement.
651	Section 6-602. Procedure to register order for enforcement.
652	(a) Except as otherwise provided in Section 7-706, a support order or income-
653	withholding order of another state or a foreign support order may be registered in the
654	commonwealth by sending the following records to the appropriate tribunal in the
655	commonwealth:
656	(1) a letter of transmittal to the tribunal requesting registration and enforcement;
657	(2) 2 copies, including 1 certified copy, of the order to be registered, including any
658	modification of the order;
659	(3) a sworn statement by the person requesting registration or a certified statement by the
660	custodian of the records showing the amount of any arrearage;
661	(4) the name of the obligor and, if known:
662	(i) the obligor's address and social security number;
663	(ii) the name and address of the obligor's employer and any other source of income of the
664	obligor; and
665	(iii) a description and the location of property of the obligor in the
566	commonwealth not exempt from execution; and

- (5) except as otherwise provided in Section 3-312, the name and address of the obligeeand, if applicable, the person to whom support payments are to be remitted.
 - (b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state or a foreign support order, together with 1 copy of the documents and information, regardless of their form.
 - (c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of the commonwealth may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.
 - (d) If 2 or more orders are in effect, the person requesting registration shall:
 - (1) furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;
 - (2) specify the order alleged to be the controlling order, if any; and
- (3) specify the amount of consolidated arrears, if any.

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- (e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification.

 The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.
- Section 6-603. Effect of registration for enforcement.

685 (a) A support order or income-withholding order issued in another state or a foreign 686 support order is registered when the order is filed in the registering tribunal of the 687 commonwealth. 688 (b) A registered support order issued in another state or a foreign country is enforceable 689 in the 690 same manner and is subject to the same procedures as an order issued by a tribunal of the 691 commonwealth. 692 (c) Except as otherwise provided in this chapter, a tribunal of the commonwealth shall 693 recognize and enforce, but may not modify, a registered support order if the issuing tribunal had 694 jurisdiction. 695 Section 6-604. Choice of law. 696 (a) Except as otherwise provided in subsection (d), the law of the issuing state or foreign 697 country governs: 698 (1) the nature, extent, amount, and duration of current payments under a registered 699 support order; 700 (2) the computation and payment of arrearages and accrual of interest on the arrearages 701 under the support order; and 702 (3) the existence and satisfaction of other obligations under the support order. 703 (b) In a proceeding for arrears under a registered support order, the statute of limitation of 704 the commonwealth, or of the issuing state or foreign country, whichever is longer, applies.

- (c) A responding tribunal of the commonwealth shall apply the procedures and remedies of the commonwealth to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in the commonwealth.
- (d) After a tribunal of the commonwealth or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of the commonwealth shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support and on consolidated arrears.

PART 2. CONTEST OF VALIDITY OR ENFORCEMENT

Section 6-605. Notice of registration of order.

- (a) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of the commonwealth shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.
 - (b) The notice must inform the nonregistering party:
- (1) that a registered support order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of the commonwealth;
- (2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after notice unless the registered order is under Section 7-707;

724 (3) that failure to contest the validity or enforcement of the registered order in a timely 725 manner will result in confirmation of the order and enforcement of the order and the alleged 726 arrearages; and 727 (4) of the amount of any alleged arrearages. (c) If the registering party asserts that 2 or more orders are in effect, a notice must also: 728 729 (1) identify the 2 or more orders and the order alleged by the registering party to be the 730 controlling order and the consolidated arrears, if any; 731 (2) notify the nonregistering party of the right to a determination of which is the 732 controlling order; 733 (3) state that the procedures provided in subsection (b) apply to the determination of 734 which is the controlling order; and 735 (4) state that failure to contest the validity or enforcement of the order alleged to be the 736 controlling order in a timely manner may result in confirmation that the order is the controlling 737 order. 738 (d) Upon registration of an income-withholding order for enforcement, the support 739 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to 740 section 12 of chapter 119A. 741 Section 6-606. Procedure to contest validity or enforcement of registered support order. 742 (a) A nonregistering party seeking to contest the validity or enforcement of a registered

support order in the commonwealth shall request a hearing within the time required by Section 6-

744 605. The nonregistering party may seek to vacate the registration, to assert any defense to an 745 allegation of noncompliance with the registered order, or to contest the remedies being sought or 746 the amount of any alleged arrearages pursuant to Section 6-607. 747 (b) If the nonregistering party fails to contest the validity or enforcement of the registered 748 support order in a timely manner, the order is confirmed by operation of law. 749 (c) If a nonregistering party requests a hearing to contest the validity or enforcement of 750 the registered support order, the registering tribunal shall schedule the matter for hearing and 751 give notice to the parties of the date, time, and place of the hearing. 752 Section 6-607. Contest of registration or enforcement. 753 (a) A party contesting the validity or enforcement of a registered support order or seeking 754 to vacate the registration has the burden of proving one or more of the following defenses: 755 (1) the issuing tribunal lacked personal jurisdiction over the contesting party; 756 (2) the order was obtained by fraud; 757 (3) the order has been vacated, suspended, or modified by a later order; 758 (4) the issuing tribunal has stayed the order pending appeal; 759 (5) there is a defense under the law of the commonwealth to the remedy sought; 760 (6) full or partial payment has been made; 761 (7) the statute of limitation under Section 6-604 precludes enforcement of some or all of

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the alleged arrearages; or

- 763 (8) the alleged controlling order is not the controlling order.
 - (b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the

law of the commonwealth.

- (c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.
- Section 6-608. Confirmed order. Confirmation of a registered support order,
 - whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.
 - PART 3. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE
 - Section 6-609. Procedure to register child support order of another state for modification.

 A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in the commonwealth in the same
 - manner provided in Sections 6-601 through 6-608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Section 6-610. Effect of registration for modification. A tribunal of the commonwealth may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of the commonwealth, but the registered support order may be modified only if the requirements of Section 6-611 or 6-613 have been met.

Section 6-611. Modification of child support order of another state.

- (a) If Section 6-613 does not apply, upon petition a tribunal of the commonwealth may modify a child support order issued in another state which is registered in the commonwealth if, after notice and hearing, the tribunal finds that:
 - (1) the following requirements are met:

- (i) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;
 - (ii) a petitioner who is a nonresident of the commonwealth seeks modification; and
- (iii) the respondent is subject to the personal jurisdiction of the tribunal of the commonwealth; or
- (2) the commonwealth is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of the commonwealth and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of the commonwealth to modify the support order and assume continuing, exclusive jurisdiction.

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

- (c) A tribunal of the commonwealth may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under Section 2-207 establishes the aspects of the support order which are nonmodifiable.
- (d) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of the commonwealth.
- (e) On the issuance of an order by a tribunal of the commonwealth modifying a child support order issued in another state, the tribunal of the commonwealth becomes the tribunal having continuing, exclusive jurisdiction.
- (f) Notwithstanding subsections (a) through (e) and Section 2-201(b), a tribunal of the commonwealth retains jurisdiction to modify an order issued by a tribunal of the commonwealth if:
 - (1) one party resides in another state; and
 - (2) the other party resides outside the United States.

- Section 6-612. Recognition of order modified in another state. If a child support order issued by a tribunal of the commonwealth is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of the commonwealth:
- (1) may enforce its order that was modified only as to arrears and interest accruing before the modification;
- (2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and
- (3) shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.
- Section 6-613. Jurisdiction to modify child support order of another state when individual parties reside in the commonwealth.
- (a) If all of the parties who are individuals reside in the commonwealth and the child does not reside in the issuing state, a tribunal of the commonwealth has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.
- (b) A tribunal of the commonwealth exercising jurisdiction under this section shall apply the provisions of articles 1 and 2, this article, and the procedural and substantive law of the commonwealth to the proceeding for enforcement or modification.
- 840 Articles 3, 4, 5, 7, and 8 do not apply.

Section 6-614. Notice to issuing tribunal of modification. Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy

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

PART 4. REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER

Section 6-615. Jurisdiction to modify child support order of foreign country.

- (a) Except as otherwise provided in Section 7-711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of the commonwealth may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to Section 6-611 has been given or whether the individual seeking modification is a resident of the commonwealth or of the foreign country.
- (b) An order issued by a tribunal of the commonwealth modifying a foreign child support order pursuant to this section is the controlling order.

Section 6-616. Procedure to register child support order of foreign country for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the Convention may register that order in the commonwealth under Sections 6-601 through 6-608 if the order has not been registered. A

865	petition for modification may be filed at the same time as a request for registration, or at another
866	time. The petition must specify the grounds for modification.
867	ARTICLE 7. SUPPORT PROCEEDING UNDER CONVENTION
868	Section 7-701. Definitions. In this article:
869	(1) "Application" means a request under the Convention by an obligee or obligor, or on
870	behalf of a child, made through a central authority for assistance from another central authority.
871	(2) "Central authority" means the entity designated by the United States or a foreign
872	country described in Section 1-102(5)(iv) to perform the functions specified in the Convention.
873	(3) "Convention support order" means a support order of a tribunal of a foreign country
874	described in Section 1-102(5)(iv).
875	(4) "Direct request" means a petition filed by an individual in a tribunal of the
876	commonwealth in a proceeding involving an obligee, obligor, or child residing outside the
877	United States.
878	(5) "Foreign central authority" means the entity designated by a foreign country
879	described in Section 1-102(5)(iv) to perform the functions specified in the Convention.
880	(6) "Foreign support agreement":
881	(i) means an agreement for support in a record that:
882	(A) is enforceable as a support order in the country of origin;
883	(B) has been:

884	(I) formally drawn up or registered as an authentic instrument by a foreign tribunal; or
885	(II) authenticated by, or concluded, registered, or filed with a foreign tribunal; and
886	(C) may be reviewed and modified by a foreign tribunal; and
887	(ii) includes a maintenance arrangement or authentic instrument under the Convention.
888	(7) "United States central authority" means the Secretary of the United States Department
889	of Health and Human Services.
890	Section 7-702. Applicability. This article applies only to a support proceeding under the
891	Convention. In such a proceeding, if a provision of this article is inconsistent with Articles 1
892	through 6, this article controls.
893	Section 7-703. Relationship of Department of Revenue to United States Central
894	Authority. The department of revenue of the commonwealth is recognized as the agency
895	designated by the United States central authority to perform specific functions under the
896	Convention.
897	Section 7-704. Initiation by Department of Revenue of support proceeding under
898	Convention.
899	(a) In a support proceeding under this article, the department of revenue of the
900	commonwealth shall:
901	(1) transmit and receive applications; and
902	(2) initiate or facilitate the institution of a proceeding regarding an application in a
903	tribunal of the commonwealth

904 (b) The following support proceedings are available to an obligee under the Convention: 905 (1) recognition or recognition and enforcement of a foreign support order; 906 (2) enforcement of a support order issued or recognized in the commonwealth; 907 (3) establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child; 908 909 (4) establishment of a support order if recognition of a foreign support order is refused 910 under Section 7-708(b)(2), (4) or (9); 911 (5) modification of a support order of a tribunal of the commonwealth; and 912 (6) modification of a support order of a tribunal of another state or a foreign country. 913 (c) The following support proceedings are available under the Convention to an obligor 914 against which there is an existing support order: 915 (1) recognition of an order suspending or limiting enforcement of an existing support 916 order of a tribunal of the commonwealth; 917 (2) modification of a support order of a tribunal of the commonwealth; and 918 (3) modification of a support order of a tribunal of another state or a foreign country. 919 (d) A tribunal of the commonwealth may not require security, bond, or deposit, however 920 described, to guarantee the payment of costs and expenses in proceedings under the Convention. 921 Section 7-705. Direct request.

922 (a) A petitioner may file a direct request seeking establishment or modification of a 923 support order or determination of parentage of a child. In the proceeding, the law of the 924 commonwealth applies. 925 (b) A petitioner may file a direct request seeking recognition and enforcement of a 926 support order or support agreement. In the proceeding, Sections 7-706 through 7-713 apply. 927 (c) In a direct request for recognition and enforcement of a Convention support order or foreign support agreement: 928 929 (1) A security, bond, or deposit is not required to guarantee the payment of costs and 930 expenses; and 931 (2) An obligee or obligor that in the issuing country has benefited from free legal 932 assistance is entitled to benefit, at least to the same extent, from any free legal assistance 933 provided for by the law of the commonwealth under the same circumstances. 934 (d) A petitioner filing a direct request is not entitled to assistance from the department of 935 revenue. 936 (e) This article does not prevent the application of laws of the commonwealth that 937 provide simplified, more expeditious rules regarding a direct request for recognition and 938 enforcement of a foreign support order or foreign support agreement. 939 Section 7-706. Registration of Convention support order. 940 (a) Except as otherwise provided in this article, a party who is an individual or a support

the commonwealth as provided in Article 6.

enforcement agency seeking recognition of a Convention support order shall register the order in

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943 (b) Notwithstanding Sections 3-311 and 6-602(a), a request for registration of a 944 Convention support order must be accompanied by: 945 (1) a complete text of the support order or an abstract or extract of the support order 946 drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague 947 Conference on Private International Law: 948 (2) a record stating that the support order is enforceable in the issuing country; 949 (3) if the respondent did not appear and was not represented in the proceedings in the 950 issuing country, a record attesting, as appropriate, either that the respondent had proper notice of 951 the proceedings and an opportunity to be heard or that the respondent had proper notice of the 952 support order and an opportunity to be heard in a challenge or appeal on fact or law before a 953 tribunal; 954 (4) a record showing the amount of arrears, if any, and the date the amount was 955 calculated; 956 (5) a record showing a requirement for automatic adjustment of the amount of support, if 957 any, and the information necessary to make the appropriate calculations; and 958 (6) if necessary, a record showing the extent to which the applicant received free legal 959 assistance in the issuing country. 960 (c) A request for registration of a Convention support order may seek recognition and 961 partial enforcement of the order. 962 (d) A tribunal of the commonwealth may vacate the registration of a Convention support

order without the filing of a contest under Section 7-707 only if, acting on its own motion, the

964	tribunal finds that recognition and enforcement of the order would be manifestly incompatible
965	with public policy.
966	(e) The tribunal shall promptly notify the parties of the registration or the order vacating
967	the registration of a Convention support order.
968	Section 7-707. Contest of registered Convention support order.
969	(a) Except as otherwise provided in this article, Sections 6-605 through 6-608 apply to a
970	contest of a registered Convention support order.
971	(b) A party contesting a registered Convention support order shall file a contest not later
972	than 30 days after notice of the registration, but if the contesting party does not reside in the
973	United States, the contest must be filed not later than 60 days after notice of the registration.
974 975	(c) If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection (b), the order is enforceable.
976 977	(d) A contest of a registered Convention support order may be based only on grounds set forth in Section 7-708. The contesting party bears the burden of proof.
978 979	(e) In a contest of a registered Convention support order, a tribunal of the commonwealth:
980 981	(1) is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and
982	(2) may not review the merits of the order.

984 order shall promptly notify the parties of its decision. 985 (g) A challenge or appeal, if any, does not stay the enforcement of a Convention support 986 order unless there are exceptional circumstances. 987 Section 7-708. Recognition and enforcement of registered Convention support order. 988 (a) Except as otherwise provided in subsection (b), a tribunal of the commonwealth shall 989 recognize and enforce a registered Convention support order. 990 (b) The following grounds are the only grounds on which a tribunal of the commonwealth 991 may refuse recognition and enforcement of a registered Convention support order: 992 (1) recognition and enforcement of the order is manifestly incompatible with public 993 policy, including the failure of the issuing tribunal to observe minimum standards of due process, 994 which include notice and an opportunity to be heard; 995 (2) the issuing tribunal lacked personal jurisdiction consistent with Section 2-201; 996 (3) the order is not enforceable in the issuing country; 997 (4) the order was obtained by fraud in connection with a matter of procedure; 998 (5) a record transmitted in accordance with Section 7-706 lacks authenticity or integrity; 999 (6) a proceeding between the same parties and having the same purpose is pending before

(f) A tribunal of the commonwealth deciding a contest of a registered Convention support

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a tribunal of the commonwealth and that proceeding was the first to be filed;

- 1001 (7) the order is incompatible with a more recent support order involving the same parties
 1002 and having the same purpose if the more recent support order is entitled to recognition and
 1003 enforcement under this chapter in the commonwealth;
 - (8) payment, to the extent alleged arrears have been paid in whole or in part;
 - (9) in a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

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- (i) if the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or
- (ii) if the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or
 - (10) the order was made in violation of Section 7-711.
- (c) If a tribunal of the commonwealth does not recognize a Convention support order under subsection (b)(2), (4) or (9):
- (1) the tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order; and
- (2) the department of revenue shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under Section 7-704.

Section 7-709. Partial enforcement. If a tribunal of the commonwealth does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order.

Section 7-710. Foreign support agreement.

- (a) Except as otherwise provided in subsections (c) and (d), a tribunal of the commonwealth shall recognize and enforce a foreign support agreement registered in the commonwealth.
- (b) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:
 - (1) a complete text of the foreign support agreement; and
- (2) a record stating that the foreign support agreement is enforceable as an order of support in the issuing country.
- (c) A tribunal of the commonwealth may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.
- (d) In a contest of a foreign support agreement, a tribunal of the commonwealth may refuse recognition and enforcement of the agreement if it finds:
- 1038 (1) recognition and enforcement of the agreement is manifestly incompatible with public policy;

1040 (2) the agreement was obtained by fraud or falsification;

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- (3) the agreement is incompatible with a support order involving the same parties and having the same purpose in the commonwealth, another state, or a foreign country if the support order is entitled to recognition and enforcement under this chapter in the commonwealth; or
 - (4) the record submitted under subsection (b) lacks authenticity or integrity.
- (e) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.
 - Section 7-711. Modification of Convention child support order.
- (a) A tribunal of the commonwealth may not modify a Convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:
- (1) the obligee submits to the jurisdiction of a tribunal of the commonwealth, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or
- (2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.
- 1056 (b) If a tribunal of the commonwealth does not modify a Convention child support order 1057 because the order is not recognized in the commonwealth, Section 7-708(c) applies.

Section 7-712. Personal information; limit on use. Personal information gathered or transmitted under this article may be used only for the purposes for which it was gathered or transmitted.

Section 7-713. Record in original language; English translation. A record filed with a tribunal of the commonwealth under this article must be in the original language and, if not in English, must be accompanied by an English translation.

ARTICLE 8 - INTERSTATE RENDITION

Section 8-801. Grounds for rendition.

- (a) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.
 - (b) The governor of the commonwealth may:
- (1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in the commonwealth with having failed to provide for the support of an obligee; or
- (2) on the demand by the governor of another state, surrender an individual found in the commonwealth who is charged criminally in the other state with having failed to provide for the support of an obligee.
- (c) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Section 8-802. Conditions of rendition.

- (a) Before making a demand that the governor of another state surrender an individual charged criminally in the commonwealth with having failed to provide for the support of an obligee, the governor of the commonwealth may require a prosecutor of the commonwealth to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.
- (b) If, under this chapter or a law substantially similar to this chapter, the governor of another state makes a demand that the governor of the commonwealth surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.
- (c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9 – MISCELLANEOUS PROVISIONS

Section 9-901. Uniformity of application and construction. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 2. This act shall take effect on March 31, 2016.