

HOUSE No. 3848

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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 Massachusetts

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:

1 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 imposed 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;

25 (iii) which has enacted a law or established procedures for the issuance and enforcement
26 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.

28 (6) “Foreign support order” means a support order of a foreign tribunal.

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

32 (8) “Home state” means the state or foreign country in which a child lived with a parent
33 or a person acting as parent for at least 6 consecutive months immediately preceding the time of
34 filing of a petition or comparable pleading for support and, if a child is less than 6 months old,
35 the state or foreign country in which the child lived from birth with any of them. A period of
36 temporary absence of any of them is counted as part of the 6-month or other period.

37 (9) “Income” includes earnings or other periodic entitlements to money from any source
38 and any other property subject to withholding for support under the law of the commonwealth.

39 (10) “Income-withholding order” means an order or other legal process directed to an
40 obligor’s employer, other source of periodic income, as defined by section 1A of chapter 119A,
41 or other debtor to withhold support from the income of the obligor.

42 (11) “Initiating tribunal” means the tribunal of a state or foreign country from which a
43 petition or comparable pleading is forwarded or in which a petition or comparable pleading is
44 filed for forwarding to another state or foreign country.

45 (12) “Issuing foreign country” means the foreign country in which a tribunal issues a
46 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
52 force of law.

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.

68 (19) “Person” means an individual, corporation, business trust, estate, trust, partnership,
69 limited liability company, association, joint venture, public corporation, government or
70 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.

75 (22) “Registering tribunal” means a tribunal in which a support order or judgment
76 determining parentage of a child is registered.

77 (23) “Responding state” means a state in which a petition or comparable pleading for
78 support or to determine parentage of a child is filed or to which a petition or comparable
79 pleading is forwarded for filing from another state or a foreign country.

80 (24) “Responding tribunal” means the authorized tribunal in a responding state or foreign
81 country.

82 (25) “Spousal-support order” means a support order for a spouse or former spouse of the
83 obligor.

84 (26) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
85 United States Virgin Islands, or any territory or insular possession under the jurisdiction of the
86 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

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

132 (1) the individual is personally served with a notice within the commonwealth;

133 (2) the individual submits to the jurisdiction of the commonwealth by consent in a record,
134 by entering a general appearance, or by filing a responsive document having the effect of
135 waiving any contest to personal jurisdiction;

136 (3) the individual resided with the child in the commonwealth;

137 (4) the individual resided in the commonwealth and provided prenatal expenses or
138 support for the child;

139 (5) the child resides in the commonwealth as a result of the acts or directives of the
140 individual;

141 (6) the individual engaged in sexual intercourse in the commonwealth and the child may
142 have been conceived by that act of intercourse;

143 (7) the individual asserted parentage of a child under the provisions of chapter 46 or
144 chapter 209C; or

145 (8) there is any other basis consistent with the constitutions of the commonwealth and the
146 United States for the exercise of personal jurisdiction.

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

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

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

161 Section 2-204. Simultaneous proceedings.

162 (a) A tribunal of the commonwealth may exercise jurisdiction to establish a support order
163 if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign
164 country only if:

165 (1) the petition or comparable pleading in the commonwealth is filed before the
166 expiration of the time allowed in the other state or the foreign country for filing a re-sponsive
167 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:

184 (1) at the time of the filing of a request for modification the commonwealth is the
185 residence of the obligor, the individual obligee, or the child for whose benefit the support order is
186 issued; or

187 (2) even if the commonwealth is not the residence of the obligor, the individual obligee,
188 or the child for whose benefit the support order is issued, the parties consent in a record or in
189 open court that the tribunal of the commonwealth may continue to exercise jurisdiction to modify
190 its order.

191 (b) A tribunal of the commonwealth that has issued a child support order consistent with
192 the law of the commonwealth may not exercise continuing, exclusive jurisdiction to modify the
193 order if:

194 (1) all of the parties who are individuals file consent in a record with the tribunal of the
195 commonwealth that a tribunal of another state that has jurisdiction over at least one of the parties
196 who is an individual or that is located in the state of residence of the child may modify the order
197 and assume continuing, exclusive jurisdiction; or;

198 (2) its order is not the controlling order.

199 (c) If a tribunal of another state has issued a child support order pursuant to the Uniform
200 Interstate Family Support Act or a law substantially similar to that Act which modifies a child
201 support order of a tribunal of the commonwealth, tribunals of the commonwealth shall recognize
202 the continuing, exclusive jurisdiction of the tribunal of the other state.

203 (d) A tribunal of the commonwealth that lacks continuing, exclusive jurisdiction to
204 modify a child support order may serve as an initiating tribunal to request a tribunal of another
205 state to modify a support order issued in that state.

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

208 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:

212 (1) the order if the order is the controlling order and has not been modified by a tribunal
213 of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act;
214 or

215 (2) a money judgment for arrears of support and interest on the order accrued before a
216 determination that an order of a tribunal of another state is the controlling order.

217 (b) A tribunal of the commonwealth having continuing jurisdiction over a support order
218 may act as a responding tribunal to enforce the order.

219 Section 2-207. Determination of controlling child support order. (a) If a proceeding is
220 brought under this chapter and only one tribunal has issued a child support order, the order of
221 that tribunal controls and must be recognized.

222 (b) If a proceeding is brought under this chapter, and two or more child support orders
223 have been issued by tribunals of the commonwealth, another state, or a foreign country with
224 regard to the same obligor and same child, a tribunal of the commonwealth having personal
225 jurisdiction over both the obligor and individual obligee shall apply the following rules and by
226 order shall determine which order controls and must be recognized:

227 (1) If only one of the tribunals would have continuing, exclusive jurisdiction under this
228 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:

231 (i) an order issued by a tribunal in the current home state of the child controls; or

232 (ii) if an order has not been issued in the current home state of the child, the order most
233 recently issued controls.

234 (3) If none of the tribunals would have continuing, exclusive jurisdiction under this
235 chapter, the tribunal of the commonwealth shall issue a child support order, which controls.

236 (c) If two or more child support orders have been issued for the same obligor and same
237 child, upon request of a party who is an individual or that is a support enforcement agency, a
238 tribunal of the commonwealth having personal jurisdiction over both the obligor and the obligee
239 who is an individual shall determine which order controls under subsection (b). The request may
240 be filed with a registration for enforcement or registration for modification pursuant to Article 6,
241 or may be filed as a separate proceeding.

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

246 (e) The tribunal that issued the controlling order under subsection (a), (b) or (c) has
247 continuing jurisdiction to the extent provided in section 2-205 or 2-206.

248 (f) A tribunal of the commonwealth that determines by order which is the controlling
249 order under subsection (b)(1) or (2) or (c), or that issues a new controlling order under subsection
250 (b)(3), shall state in that order:

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

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

253 (3) the total amount of consolidated arrears and accrued interest, if any, under all of the
254 orders after all payments made are credited as provided by Section 2-209.

255 (g) Within 30 days after issuance of an order determining which is the controlling order,
256 the party obtaining the order shall file a certified copy of it in each tribunal that issued or
257 registered an earlier order of child support. A party or support enforcement agency obtaining the
258 order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which
259 the issue of failure to file arises. The failure to file does not affect the validity or enforceability of
260 the controlling order.

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

264 Section 2-208. Child support orders for 2 or more obligees. In responding to
265 registrations or petitions for enforcement of two or more child support orders in effect at the
266 same time with regard to the same obligor and different individual obligees, at least one of which
267 was issued by a tribunal of another state or a foreign country, a tribunal of the commonwealth

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

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

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

282 Section 2-211. Continuing, exclusive jurisdiction to modify spousal support order.

283 (a) A tribunal of the commonwealth issuing a spousal support order consistent with the
284 law of the commonwealth has continuing, exclusive jurisdiction to modify the spousal support
285 order throughout the existence of the support obligation.

286 (b) A tribunal of the commonwealth may not modify a spousal support order issued by a
287 tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that
288 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:

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

312 (2) determine the duty of support and the amount payable in accordance with the law and
313 support guidelines of the commonwealth.

314 Section 3-304. Duties of initiating tribunal. (a) Upon the filing of a petition authorized
315 by this chapter, an initiating tribunal of the commonwealth shall forward the petition and its
316 accompanying documents:

317 (1) to the responding tribunal or appropriate support enforcement agency in the
318 responding state; or

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

322 (b) If requested by the responding tribunal, a tribunal of the commonwealth shall issue a
323 certificate or other document and make findings required by the law of the responding state. If
324 the responding tribunal is in a foreign country, upon request the tribunal of the commonwealth
325 shall specify the amount of support sought, convert that amount into the equivalent amount in the
326 foreign currency under applicable official or market exchange rate as publicly reported, and
327 provide any other documents necessary to satisfy the requirements of the responding foreign
328 tribunal.

329 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.

389 (c) A support enforcement agency of the commonwealth that requests registration of a
390 child support order in the commonwealth for enforcement or for modification shall make
391 reasonable efforts:

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

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

396 (d) A support enforcement agency of the commonwealth that requests registration and
397 enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert
398 the amounts stated in the foreign currency into the equivalent amounts in dollars under the
399 applicable official or market exchange rate as publicly reported.

400 (e) A support enforcement agency of the commonwealth shall issue or request a tribunal
401 of the commonwealth to issue a child support order and an income withholding order that
402 redirect payment of current support, arrears, and interest if requested to do so by a support
403 enforcement agency of another state pursuant to Section 3-319.

404 (f) This chapter does not create or negate a relationship of attorney and client or other
405 fiduciary relationship between a support enforcement agency or the attorney for the agency and
406 the individual being assisted by the agency.

407 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;

426 (3) forward to the appropriate tribunal in the place in the commonwealth in which the
427 obligee who is an individual or the obligor resides, or in which the obligor's property is believed
428 to be located, all documents concerning a proceeding under this chapter received from another
429 state or a foreign country; and

430 (4) obtain information concerning the location of the obligor and the obligor's property
431 within the commonwealth not exempt from execution, by such means as postal verification and
432 federal or state locator services, examination of telephone directories, requests for the obligor's
433 address from employers or other sources of periodic income, and examination of governmental
434 records, including, to the extent not prohibited by other law, those relating to real property, vital
435 statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

436 Section 3-311. Pleadings and accompanying documents.

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

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

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

457 Section 3-313. Costs and fees.

458 (a) The petitioner may not be required to pay a filing fee or other costs.

459 (b) If an obligee prevails, a responding tribunal of the commonwealth may assess against
460 an

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

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

467 attorney's own name. Payment of support owed to the obligee has priority over fees, costs and
468 expenses.

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

473 Section 3-314. Limited immunity of petitioner.

474 (a) Participation by a petitioner in a proceeding under this chapter before a responding
475 tribunal, whether in person, by private attorney, or through services provided by the
476 support enforcement agency, does not confer personal jurisdiction over the petitioner in another
477 proceeding.

478 (b) A petitioner is not amenable to service of civil process while physically present in the
479 commonwealth to participate in a proceeding under this chapter.

480 (c) The immunity granted by this section does not extend to civil litigation based on acts
481 unrelated to a proceeding under this chapter committed by a party while physically present in the
482 commonwealth to participate in the proceeding.

483 Section 3-315. Nonparentage as defense. A party whose parentage of a child has been
484 previously determined by or pursuant to law may not plead nonparentage as a defense to a
485 proceeding under this chapter.

486 Section 3-316. Special rules of evidence and procedure.

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

490 (b) An affidavit, a document substantially complying with federally mandated forms, or
491 a document incorporated by reference in any of them, which would not be excluded under the
492 hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a
493 party or witness residing outside the commonwealth.

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

497 (d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal
498 health care of the mother and child, furnished to the adverse party at least 10 days before trial,
499 are admissible in evidence to prove the amount of the charges billed and that the charges were
500 reasonable, necessary, and customary.

501 (e) Documentary evidence transmitted from outside the commonwealth to a tribunal
502 of the commonwealth by telephone, telecopier, or other electronic means that do not
503 provide an original record may not be excluded from evidence on an objection based on
504 the means of transmission.

505 (f) In a proceeding under this chapter, a tribunal of the commonwealth shall permit a
506 party or witness residing outside the commonwealth to be deposed or to testify under penalty of
507 perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or

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

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

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

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

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

519 Section 3-317. Communications between tribunals. A tribunal of the commonwealth
520 may communicate with a tribunal outside the commonwealth in a record or by telephone,
521 electronic mail, or other means, to obtain information concerning the laws, the legal effect of a
522 judgment, decree, or order of that tribunal, and the status of a proceeding. A tribunal of the
523 commonwealth may furnish similar information by similar means to a tribunal outside the
524 commonwealth.

525 Section 3-318. Assistance with discovery. A tribunal of the commonwealth may:

526 (1) request a tribunal outside the commonwealth to assist in obtaining discovery;

527 and

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

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

535 (b) If neither the obligor, nor the obligee who is an individual, nor the child resides in the
536 commonwealth, upon request from the support enforcement agency of the commonwealth or
537 another state, the support enforcement agency of the commonwealth or a tribunal of the
538 commonwealth shall:

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

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

543 (c) The support enforcement agency of the commonwealth receiving redirected payments
544 from another state pursuant to a law similar to subsection (b) shall furnish to a requesting party
545 or tribunal of the other state a certified statement by the custodian of the record of the amount
546 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.

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

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

574 ARTICLE 5 – ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

575 Section 5-501. Employer’s receipt of income-withholding order of another State.

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

581 Section 5-502. Employer’s compliance with income withholding order of another state.

582 (a) Upon receipt of an income withholding order, the obligor’s employer or other source
583 of periodic income shall immediately provide a copy of the order to the obligor.

584 (b) The employer or other source of periodic income shall treat an income withholding
585 order issued in another state which appears regular on its face as if it had been issued by a
586 tribunal of the commonwealth.

587 (c) Except as otherwise provided in subsection (d) and section 5-503, the employer or
588 other source of periodic income shall withhold and distribute the funds as directed in the
589 withholding order by complying with terms of the order which specify:

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

592 (2) the person designated to receive payments and the address to which the payments are
593 to be forwarded;

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

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

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

601 (d) An employer or other source of periodic income shall comply with the law of the state
602 of the obligor's principal place of employment for withholding from income with respect to:

603 (1) the fee of the employer or other source of periodic income for processing an income
604 withholding order;

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

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

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

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

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

623 Section 5-506. Contest by obligor. (a) An obligor may contest the validity or
624 enforcement of an income withholding order issued in another state and received directly by an
625 employer or other source of periodic income in the commonwealth by registering the order in a
626 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.

648 Section 6-601. Registration of order for enforcement. A support order or an income-
649 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

666 commonwealth not exempt from execution; and

667 (5) except as otherwise provided in Section 3-312, the name and address of the obligee
668 and, if applicable, the person to whom support payments are to be remitted.

669 (b) On receipt of a request for registration, the registering tribunal shall cause the order to
670 be filed as an order of a tribunal of another state or a foreign support order, together with 1 copy
671 of the documents and information, regardless of their form.

672 (c) A petition or comparable pleading seeking a remedy that must be affirmatively sought
673 under other law of the commonwealth may be filed at the same time as the request for
674 registration or later. The pleading must specify the grounds for the remedy sought.

675 (d) If 2 or more orders are in effect, the person requesting registration shall:

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

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

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

680 (e) A request for a determination of which is the controlling order may be filed
681 separately or with a request for registration and enforcement or for registration and modification.
682 The person requesting registration shall give notice of the request to each party whose rights may
683 be affected by the determination.

684 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.

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

708 (d) After a tribunal of the commonwealth or another state determines which is the
709 controlling order and issues an order consolidating arrears, if any, a tribunal of the
710 commonwealth shall prospectively apply the law of the state or foreign country issuing the
711 controlling order, including its law on interest on arrears, on current and future support and on
712 consolidated arrears.

713 PART 2. CONTEST OF VALIDITY OR ENFORCEMENT

714 Section 6-605. Notice of registration of order.

715 (a) When a support order or income-withholding order issued in another state or a foreign
716 support order is registered, the registering tribunal of the commonwealth shall notify the
717 nonregistering party. The notice must be accompanied by a copy of the registered order and the
718 documents and relevant information accompanying the order.

719 (b) The notice must inform the nonregistering party:

720 (1) that a registered support order is enforceable as of the date of registration in the same
721 manner as an order issued by a tribunal of the commonwealth;

722 (2) that a hearing to contest the validity or enforcement of the registered order must be
723 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.

728 (c) If the registering party asserts that 2 or more orders are in effect, a notice must also:

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
743 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
762 the alleged arrearages; or

763 (8) the alleged controlling order is not the controlling order.

764 (b) If a party presents evidence establishing a full or partial defense under subsection (a),
765 a tribunal may stay enforcement of a registered support order, continue the proceeding to permit
766 production of additional relevant evidence, and issue other appropriate orders. An uncontested
767 portion of the registered support order may be enforced by all remedies available under the
768 law of the commonwealth.

769 (c) If the contesting party does not establish a defense under subsection (a) to the validity
770 or enforcement of a registered support order, the registering tribunal shall issue an order
771 confirming the order.

772 Section 6-608. Confirmed order. Confirmation of a registered support order,
773 whether by operation of law or after notice and hearing, precludes further contest of the
774 order with respect to any matter that could have been asserted at the time of registration.

775 PART 3. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF
776 ANOTHER STATE

777 Section 6-609. Procedure to register child support order of another state for modification.
778 A party or support enforcement agency seeking to modify, or to modify and enforce, a child
779 support order issued in another state shall register that order in the commonwealth in the same
780 manner provided in Sections 6-601 through 6-608 if the order has not been registered. A
781 petition for modification may be filed at the same time as a request for registration, or later. The
782 pleading must specify the grounds for modification.

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

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

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

792 (1) the following requirements are met:

793 (i) neither the child, nor the obligee who is an individual, nor the obligor resides in the
794 issuing state;

795 (ii) a petitioner who is a nonresident of the commonwealth seeks modification; and

796 (iii) the respondent is subject to the personal jurisdiction of the tribunal of the
797 commonwealth; or

798 (2) the commonwealth is the residence of the child, or a party who is an individual is
799 subject to the personal jurisdiction of the tribunal of the commonwealth and all of the parties
800 who are individuals have filed consents in a record in the issuing tribunal for a tribunal of the
801 commonwealth to modify the support order and assume continuing, exclusive jurisdiction.

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

805 (c) A tribunal of the commonwealth may not modify any aspect of a child support order
806 that may not be modified under the law of the issuing state, including the duration of the
807 obligation of support. If two or more tribunals have issued child support orders for the same
808 obligor and same child, the order that controls and must be so recognized under Section 2-207
809 establishes the aspects of the support order which are nonmodifiable.

810 (d) In a proceeding to modify a child support order, the law of the state that is
811 determined to have issued the initial controlling order governs the duration of the obligation of
812 support. The obligor's fulfillment of the duty of support established by that order precludes
813 imposition of a further obligation of support by a tribunal of the commonwealth.

814 (e) On the issuance of an order by a tribunal of the commonwealth modifying a child
815 support order issued in another state, the tribunal of the commonwealth becomes the tribunal
816 having continuing, exclusive jurisdiction.

817 (f) Notwithstanding subsections (a) through (e) and Section 2-201(b), a tribunal of the
818 commonwealth retains jurisdiction to modify an order issued by a tribunal of the commonwealth
819 if:

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

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

822 Section 6-612. Recognition of order modified in another state. If a child support order
823 issued by a tribunal of the commonwealth is modified by a tribunal of another state which
824 assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of the
825 commonwealth:

826 (1) may enforce its order that was modified only as to arrears and interest accruing before
827 the modification;

828 (2) may provide appropriate relief for violations of its order which occurred before the
829 effective date of the modification; and

830 (3) shall recognize the modifying order of the other state, upon registration, for the
831 purpose of enforcement.

832 Section 6-613. Jurisdiction to modify child support order of another state when
833 individual parties reside in the commonwealth.

834 (a) If all of the parties who are individuals reside in the commonwealth and the child does
835 not reside in the issuing state, a tribunal of the commonwealth has jurisdiction to enforce and to
836 modify the issuing state's child support order in a proceeding to register that order.

837 (b) A tribunal of the commonwealth exercising jurisdiction under this section shall apply
838 the provisions of articles 1 and 2, this article, and the procedural and substantive law of the
839 commonwealth to the proceeding for enforcement or modification.

840 Articles 3, 4, 5, 7, and 8 do not apply.

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

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

849 PART 4. REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT
850 ORDER

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

852 (a) Except as otherwise provided in Section 7-711, if a foreign country lacks or refuses
853 to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of the
854 commonwealth may assume jurisdiction to modify the child support order and bind all
855 individuals subject to the personal jurisdiction of the tribunal whether the consent to
856 modification of a child support order otherwise required of the individual pursuant to Section 6-
857 611 has been given or whether the individual seeking modification is a resident of the
858 commonwealth or of the foreign country.

859 (b) An order issued by a tribunal of the commonwealth modifying a foreign child support
860 order pursuant to this section is the controlling order.

861 Section 6-616. Procedure to register child support order of foreign country for
862 modification. A party or support enforcement agency seeking to modify, or to modify and
863 enforce, a foreign child support order not under the Convention may register that order in the
864 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,
908 determination of parentage of a child;

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
928 foreign support agreement:

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
941 enforcement agency seeking recognition of a Convention support order shall register the order in
942 the commonwealth as provided in Article 6.

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

976 (d) A contest of a registered Convention support order may be based only on grounds set
977 forth in Section 7-708. The contesting party bears the burden of proof.

978 (e) In a contest of a registered Convention support order, a tribunal of the
979 commonwealth:

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

981 and

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

983 (f) A tribunal of the commonwealth deciding a contest of a registered Convention support
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
1000 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;

1004 (8) payment, to the extent alleged arrears have been paid in whole or in part;

1005 (9) in a case in which the respondent neither appeared nor was represented in the
1006 proceeding in the issuing foreign country:

1007 (i) if the law of that country provides for prior notice of proceedings, the respondent did
1008 not have proper notice of the proceedings and an opportunity to be heard; or

1009 (ii) if the law of that country does not provide for prior notice of the proceedings, the
1010 respondent did not have proper notice of the order and an opportunity to be heard in a challenge
1011 or appeal on fact or law before a tribunal; or

1012 (10) the order was made in violation of Section 7-711.

1013 (c) If a tribunal of the commonwealth does not recognize a Convention support order
1014 under subsection (b)(2), (4) or (9):

1015 (1) the tribunal may not dismiss the proceeding without allowing a reasonable time for a
1016 party to request the establishment of a new Convention support order; and

1017 (2) the department of revenue shall take all appropriate measures to request a child
1018 support order for the obligee if the application for recognition and enforcement was received
1019 under Section 7-704.

1020 Section 7-709. Partial enforcement. If a tribunal of the commonwealth does not
1021 recognize and enforce a Convention support order in its entirety, it shall enforce any severable
1022 part of the order. An application or direct request may seek recognition and partial enforcement
1023 of a Convention support order.

1024 Section 7-710. Foreign support agreement.

1025 (a) Except as otherwise provided in subsections (c) and (d), a tribunal of the
1026 commonwealth shall recognize and enforce a foreign support agreement registered in the
1027 commonwealth.

1028 (b) An application or direct request for recognition and enforcement of a foreign support
1029 agreement must be accompanied by:

1030 (1) a complete text of the foreign support agreement; and

1031 (2) a record stating that the foreign support agreement is enforceable as an order of
1032 support in the issuing country.

1033 (c) A tribunal of the commonwealth may vacate the registration of a foreign support
1034 agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement
1035 would be manifestly incompatible with public policy.

1036 (d) In a contest of a foreign support agreement, a tribunal of the commonwealth may
1037 refuse recognition and enforcement of the agreement if it finds:

1038 (1) recognition and enforcement of the agreement is manifestly incompatible with public
1039 policy;

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

1041 (3) the agreement is incompatible with a support order involving the same parties and
1042 having the same purpose in the commonwealth, another state, or a foreign country if the support
1043 order is entitled to recognition and enforcement under this chapter in the commonwealth; or

1044 (4) the record submitted under subsection (b) lacks authenticity or integrity.

1045 (e) A proceeding for recognition and enforcement of a foreign support agreement must be
1046 suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of
1047 another state or a foreign country.

1048 Section 7-711. Modification of Convention child support order.

1049 (a) A tribunal of the commonwealth may not modify a Convention child support order if
1050 the obligee remains a resident of the foreign country where the support order was issued unless:

1051 (1) the obligee submits to the jurisdiction of a tribunal of the commonwealth, either
1052 expressly or by defending on the merits of the case without objecting to the jurisdiction at the
1053 first available opportunity; or

1054 (2) the foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order
1055 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.

1058 Section 7-712. Personal information; limit on use. Personal information gathered or
1059 transmitted under this article may be used only for the purposes for which it was gathered or
1060 transmitted.

1061 Section 7-713. Record in original language; English translation. A record filed with a
1062 tribunal of the commonwealth under this article must be in the original language and, if not in
1063 English, must be accompanied by an English translation.

1064 ARTICLE 8 – INTERSTATE RENDITION

1065 Section 8-801. Grounds for rendition.

1066 (a) For purposes of this article, “governor” includes an individual performing the
1067 functions of governor or the executive authority of a state covered by this chapter.

1068 (b) The governor of the commonwealth may:

1069 (1) demand that the governor of another state surrender an individual found in the other
1070 state who is charged criminally in the commonwealth with having failed to provide for the
1071 support of an obligee; or

1072 (2) on the demand by the governor of another state, surrender an individual found in the
1073 commonwealth who is charged criminally in the other state with having failed to provide for the
1074 support of an obligee.

1075 (c) A provision for extradition of individuals not inconsistent with this chapter applies to
1076 the demand even if the individual whose surrender is demanded was not in the demanding state
1077 when the crime was allegedly committed and has not fled therefrom.

1078 Section 8-802. Conditions of rendition.

1079 (a) Before making a demand that the governor of another state surrender an individual
1080 charged criminally in the commonwealth with having failed to provide for the support of an
1081 obligee, the governor of the commonwealth may require a prosecutor of the commonwealth to
1082 demonstrate that at least 60 days previously the obligee had initiated proceedings for support
1083 pursuant to this chapter or that the proceeding would be of no avail.

1084 (b) If, under this chapter or a law substantially similar to this chapter, the governor of
1085 another state makes a demand that the governor of the commonwealth surrender an individual
1086 charged criminally in that state with having failed to provide for the support of a child or other
1087 individual to whom a duty of support is owed, the governor may require a prosecutor to
1088 investigate the demand and report whether a proceeding for support has been initiated or would
1089 be effective. If it appears that a proceeding would be effective but has not been initiated, the
1090 governor may delay honoring the demand for a reasonable time to permit the initiation of a
1091 proceeding.

1092 (c) If a proceeding for support has been initiated and the individual whose rendition is
1093 demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and
1094 the individual whose rendition is demanded is subject to a support order, the governor may
1095 decline to honor the demand if the individual is complying with the support order.

1096 ARTICLE 9 – MISCELLANEOUS PROVISIONS

1097 Section 9-901. Uniformity of application and construction. In applying and construing
1098 this uniform act, consideration must be given to the need to promote uniformity of the law with
1099 respect to its subject matter among states that enact it.

1100

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