

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 186

SENATE BILL 1332

AN ACT

REPEALING TITLE 25, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES; AMENDING TITLE 25, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Title 25, chapter 5, article 4, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 25, Arizona Revised Statutes, is amended by adding
5 chapter 9, to read:

6 CHAPTER 9

7 UNIFORM INTERSTATE FAMILY SUPPORT ACT

8 ARTICLE 1. GENERAL PROVISIONS

9 25-1201. Short title

10 THIS ACT MAY BE CITED AS THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

11 25-1202. Definitions

12 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

17 2. "CHILD SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A CHILD, INCLUDING
18 A CHILD WHO HAS ATTAINED THE AGE OF MAJORITY UNDER THE LAW OF THE ISSUING
19 STATE.

20 3. "DUTY OF SUPPORT" MEANS AN OBLIGATION IMPOSED OR IMPOSABLE BY LAW
21 TO PROVIDE SUPPORT FOR A CHILD, SPOUSE OR FORMER SPOUSE, INCLUDING AN
22 UNSATISFIED OBLIGATION TO PROVIDE SUPPORT.

23 4. "HOME STATE" MEANS THE STATE IN WHICH A CHILD LIVED WITH A PARENT
24 OR A PERSON ACTING AS PARENT FOR AT LEAST SIX CONSECUTIVE MONTHS IMMEDIATELY
25 PRECEDING THE TIME OF FILING A PETITION OR A COMPARABLE PLEADING FOR SUPPORT
26 AND, IF A CHILD IS LESS THAN SIX MONTHS OLD, THE STATE IN WHICH THE CHILD
27 LIVED FROM BIRTH WITH ANY OF THEM. A PERIOD OF TEMPORARY ABSENCE OF ANY OF
28 THEM IS COUNTED AS PART OF THE SIX MONTH OR OTHER PERIOD.

29 5. "INCOME" INCLUDES EARNINGS OR OTHER PERIODIC ENTITLEMENTS TO MONEY
30 FROM ANY SOURCE AND ANY OTHER PROPERTY SUBJECT TO WITHHOLDING FOR SUPPORT
31 UNDER THE LAWS OF THIS STATE.

32 6. "INCOME WITHHOLDING ORDER" MEANS AN ORDER OR OTHER LEGAL PROCESS
33 DIRECTED TO AN OBLIGOR'S EMPLOYER OR OTHER DEBTOR TO WITHHOLD SUPPORT FROM
34 THE INCOME OF THE OBLIGOR.

35 7. "INITIATING STATE" MEANS A STATE FROM WHICH A PROCEEDING IS
36 FORWARDED OR IN WHICH A PROCEEDING IS FILED FOR FORWARDING TO A RESPONDING
37 STATE UNDER THIS CHAPTER OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS
38 CHAPTER.

39 8. "INITIATING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN AN
40 INITIATING STATE.

41 9. "ISSUING STATE" MEANS THE STATE IN WHICH A TRIBUNAL ISSUES A
42 SUPPORT ORDER OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

43 10. "ISSUING TRIBUNAL" MEANS THE TRIBUNAL THAT ISSUES A SUPPORT ORDER
44 OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

1 11. "LAW" INCLUDES DECISIONAL AND STATUTORY LAW AND RULES AND
2 REGULATIONS HAVING THE FORCE OF LAW.

3 12. "OBLIGEE" MEANS ANY OF THE FOLLOWING:

4 (a) AN INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OR IS ALLEGED TO BE
5 OWED OR IN WHOSE FAVOR A SUPPORT ORDER HAS BEEN ISSUED OR A JUDGMENT
6 DETERMINING PARENTAGE HAS BEEN RENDERED.

7 (b) A STATE OR POLITICAL SUBDIVISION TO WHICH THE RIGHTS UNDER A DUTY
8 OF SUPPORT OR SUPPORT ORDER HAVE BEEN ASSIGNED OR THAT HAS INDEPENDENT CLAIMS
9 BASED ON FINANCIAL ASSISTANCE PROVIDED TO AN INDIVIDUAL OBLIGEE.

10 (c) AN INDIVIDUAL WHO SEEKS A JUDGMENT DETERMINING PARENTAGE OF THE
11 INDIVIDUAL'S CHILD.

12 13. "OBLIGOR" MEANS AN INDIVIDUAL OR THE ESTATE OF A DECEDENT THAT
13 MEETS ANY OF THE FOLLOWING CONDITIONS:

14 (a) OWES OR IS ALLEGED TO OWE A DUTY OF SUPPORT.

15 (b) IS ALLEGED BUT HAS NOT BEEN ADJUDICATED TO BE A PARENT OF A CHILD.

16 (c) IS LIABLE UNDER A SUPPORT ORDER.

17 14. "PERSON" HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.

18 15. "PETITION" INCLUDES A COMPLAINT.

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

22 17. "REGISTER" MEANS TO FILE A SUPPORT ORDER OR JUDGMENT DETERMINING
23 PARENTAGE IN SUPERIOR COURT.

24 18. "REGISTERING TRIBUNAL" MEANS A TRIBUNAL IN WHICH A SUPPORT ORDER
25 IS REGISTERED.

26 19. "RESPONDING STATE" MEANS A STATE IN WHICH A PROCEEDING IS FILED OR
27 TO WHICH A PROCEEDING IS FORWARDED FOR FILING FROM AN INITIATING STATE UNDER
28 THIS CHAPTER OR A LAW SUBSTANTIALLY SIMILAR TO THIS CHAPTER.

29 20. "RESPONDING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN A RESPONDING
30 STATE.

31 21. "SPOUSAL SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A SPOUSE OR
32 FORMER SPOUSE OF THE OBLIGOR.

33 22. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
34 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS OR ANY TERRITORY OR
35 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES. STATE
36 INCLUDES:

37 (a) AN INDIAN TRIBE.

38 (b) A FOREIGN COUNTRY OR POLITICAL SUBDIVISION THAT HAS:

39 (i) BEEN DECLARED TO BE A FOREIGN RECIPROCATING COUNTRY OR POLITICAL
40 SUBDIVISION UNDER FEDERAL LAW.

41 (ii) ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD SUPPORT WITH THIS
42 STATE PURSUANT TO SECTION 25-1248.

43 (iii) ENACTED A LAW OR ESTABLISHED PROCEDURES FOR ISSUANCE AND
44 ENFORCEMENT OF SUPPORT ORDERS THAT ARE SUBSTANTIALLY SIMILAR TO THE
45 PROCEDURES UNDER THIS CHAPTER.

1 1. AT THE TIME OF THE FILING OF A REQUEST FOR MODIFICATION THIS STATE
2 IS THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL OBLIGEE OR THE CHILD FOR
3 WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED.

4 2. IF THIS STATE IS NOT THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL
5 OBLIGEE OR THE CHILD FOR WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED, THE
6 PARTIES CONSENT IN A RECORD OR IN OPEN COURT THAT THE TRIBUNAL OF THIS STATE
7 MAY CONTINUE TO EXERCISE JURISDICTION TO MODIFY ITS ORDER.

8 B. A TRIBUNAL OF THIS STATE THAT HAS ISSUED A CHILD SUPPORT ORDER
9 CONSISTENT WITH THE LAW OF THIS STATE SHALL NOT EXERCISE CONTINUING,
10 EXCLUSIVE JURISDICTION TO MODIFY THE ORDER IF EITHER:

11 1. ALL OF THE PARTIES WHO ARE INDIVIDUALS FILE CONSENT IN A RECORD
12 WITH THE TRIBUNAL OF THIS STATE THAT A TRIBUNAL OF ANOTHER STATE THAT HAS
13 JURISDICTION OVER AT LEAST ONE OF THE PARTIES WHO IS AN INDIVIDUAL OR THAT
14 IS LOCATED IN THE STATE OF RESIDENCE OF THE CHILD MAY MODIFY THE ORDER AND
15 ASSUME CONTINUING, EXCLUSIVE JURISDICTION.

16 2. ITS ORDER IS NOT THE CONTROLLING ORDER.

17 C. IF A TRIBUNAL OF ANOTHER STATE HAS ISSUED A CHILD SUPPORT ORDER
18 PURSUANT TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT OR A LAW SUBSTANTIALLY
19 SIMILAR TO THAT ACT AND THAT MODIFIES A CHILD SUPPORT ORDER OF A TRIBUNAL OF
20 THIS STATE, TRIBUNALS OF THIS STATE SHALL RECOGNIZE THE CONTINUING, EXCLUSIVE
21 JURISDICTION OF THE TRIBUNAL OF THE OTHER STATE.

22 D. A TRIBUNAL OF THIS STATE THAT LACKS CONTINUING, EXCLUSIVE
23 JURISDICTION TO MODIFY A CHILD SUPPORT ORDER MAY SERVE AS AN INITIATING
24 TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO MODIFY A SUPPORT ORDER
25 ISSUED IN THAT STATE.

26 E. A TEMPORARY SUPPORT ORDER ISSUED EX PARTE OR PENDING RESOLUTION OF
27 A JURISDICTIONAL CONFLICT DOES NOT CREATE CONTINUING, EXCLUSIVE JURISDICTION
28 IN THE ISSUING TRIBUNAL.

29 25-1226. Continuing jurisdiction to enforce child support order

30 A. A TRIBUNAL OF THIS STATE THAT HAS ISSUED A CHILD SUPPORT ORDER
31 CONSISTENT WITH THE LAWS OF THIS STATE MAY SERVE AS AN INITIATING TRIBUNAL
32 TO REQUEST A TRIBUNAL OF ANOTHER STATE TO ENFORCE:

33 1. THE ORDER IF THE ORDER IS THE CONTROLLING ORDER AND HAS NOT BEEN
34 MODIFIED BY A TRIBUNAL OF ANOTHER STATE THAT ASSUMED JURISDICTION PURSUANT
35 TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

36 2. A MONEY JUDGMENT FOR ARREARS OF SUPPORT AND INTEREST ON THE ORDER
37 ACCRUED BEFORE A DETERMINATION THAT AN ORDER OF ANOTHER STATE IS THE
38 CONTROLLING ORDER.

39 B. A TRIBUNAL OF THIS STATE HAVING CONTINUING JURISDICTION OVER A
40 SUPPORT ORDER MAY ACT AS A RESPONDING TRIBUNAL TO ENFORCE THE ORDER.

41 25-1227. Determination of controlling child support order

42 A. IF A PROCEEDING IS BROUGHT UNDER THIS CHAPTER AND ONLY ONE TRIBUNAL
43 HAS ISSUED A CHILD SUPPORT ORDER, THE ORDER OF THAT TRIBUNAL IS CONTROLLING
44 AND SHALL BE RECOGNIZED.

1 B. IF A PROCEEDING IS BROUGHT UNDER THIS CHAPTER AND TWO OR MORE CHILD
2 SUPPORT ORDERS HAVE BEEN ISSUED BY TRIBUNALS IN THIS STATE OR ANOTHER STATE
3 WITH REGARD TO THE SAME OBLIGOR AND THE SAME CHILD, A TRIBUNAL OF THIS STATE
4 HAVING PERSONAL JURISDICTION OVER BOTH THE OBLIGOR AND INDIVIDUAL OBLIGEE
5 SHALL APPLY THE FOLLOWING RULES AND BY ORDER SHALL DETERMINE WHICH ORDER
6 CONTROLS:

7 1. IF ONLY ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE
8 JURISDICTION UNDER THIS CHAPTER, THE ORDER OF THAT TRIBUNAL IS CONTROLLING
9 AND SHALL BE RECOGNIZED.

10 2. IF MORE THAN ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE
11 JURISDICTION UNDER THIS CHAPTER, AN ORDER ISSUED BY A TRIBUNAL IN THE CURRENT
12 HOME STATE OF THE CHILD IS CONTROLLING. IF AN ORDER HAS NOT BEEN ISSUED IN
13 THE CURRENT HOME STATE OF THE CHILD, THE ORDER MOST RECENTLY ISSUED IS
14 CONTROLLING.

15 3. IF NONE OF THE TRIBUNALS WOULD HAVE CONTINUING EXCLUSIVE
16 JURISDICTION UNDER THIS CHAPTER, THE TRIBUNAL OF THIS STATE SHALL ISSUE A
17 CHILD SUPPORT ORDER THAT IS CONTROLLING.

18 C. IF TWO OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED FOR THE SAME
19 OBLIGOR AND THE SAME CHILD, ON REQUEST OF A PARTY THAT IS AN INDIVIDUAL OR
20 A SUPPORT ENFORCEMENT AGENCY, A TRIBUNAL OF THIS STATE HAVING PERSONAL
21 JURISDICTION OVER BOTH THE OBLIGOR AND THE OBLIGEE WHO IS AN INDIVIDUAL SHALL
22 DETERMINE WHICH ORDER CONTROLS UNDER SUBSECTION B OF THIS SECTION. THE
23 REQUEST MAY BE FILED WITH A REGISTRATION FOR ENFORCEMENT OR REGISTRATION FOR
24 MODIFICATION PURSUANT TO ARTICLE 6 OF THIS CHAPTER.

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

29 E. THE TRIBUNAL THAT ISSUED THE ORDER THAT IS RECOGNIZED AS
30 CONTROLLING UNDER SUBSECTION A, B OR C OF THIS SECTION HAS CONTINUING
31 JURISDICTION TO THE EXTENT PROVIDED PURSUANT TO SECTION 25-1225 OR 25-1226.

32 F. A TRIBUNAL OF THIS STATE THAT DETERMINES THE ORDER THAT IS THE
33 CONTROLLING CHILD SUPPORT ORDER UNDER SUBSECTION B, PARAGRAPH 1 OR 2 OF THIS
34 SECTION OR SUBSECTION C OF THIS SECTION OR THAT ISSUES A NEW CONTROLLING
35 CHILD SUPPORT ORDER UNDER SUBSECTION B, PARAGRAPH 3 OF THIS SECTION SHALL
36 STATE IN THAT ORDER:

37 1. THE BASIS ON WHICH THE TRIBUNAL MADE ITS DETERMINATION.

38 2. THE AMOUNT OF PROSPECTIVE SUPPORT, IF ANY.

39 3. THE TOTAL AMOUNT OF CONSOLIDATED ARREARS AND ACCRUED INTEREST, IF
40 ANY, UNDER ALL OF THE ORDERS AFTER ALL PAYMENTS MADE ARE CREDITED PURSUANT
41 TO SECTION 25-1229.

42 G. WITHIN THIRTY DAYS AFTER ISSUANCE OF AN ORDER DETERMINING THE
43 CONTROLLING ORDER, THE PARTY OBTAINING THE ORDER SHALL FILE A CERTIFIED COPY
44 OF THE ORDER IN EACH TRIBUNAL THAT HAD ISSUED OR REGISTERED AN EARLIER ORDER
45 OF CHILD SUPPORT. A PARTY OR SUPPORT ENFORCEMENT AGENCY THAT OBTAINS THE

1 CONTROLLING ORDER BUT FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO
2 APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE
3 ARISES. THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY
4 OF THE CONTROLLING ORDER.

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

9 25-1228. Child support orders for two or more obligees

10 IN RESPONDING TO REGISTRATIONS OR PETITIONS FOR ENFORCEMENT OF TWO OR
11 MORE CHILD SUPPORT ORDERS IN EFFECT AT THE SAME TIME WITH REGARD TO THE SAME
12 OBLIGOR AND DIFFERENT INDIVIDUAL OBLIGES, AT LEAST ONE OF WHICH WAS ISSUED
13 BY A TRIBUNAL OF ANOTHER STATE, A TRIBUNAL OF THIS STATE SHALL ENFORCE THOSE
14 ORDERS IN THE SAME MANNER AS IF THE ORDERS HAD BEEN ISSUED BY A TRIBUNAL OF
15 THIS STATE.

16 25-1229. Credit for payments

17 A TRIBUNAL OF THIS STATE SHALL CREDIT AMOUNTS COLLECTED FOR A
18 PARTICULAR PERIOD PURSUANT TO ANY CHILD SUPPORT ORDER AGAINST THE AMOUNTS
19 OWED FOR THE SAME PERIOD UNDER ANY OTHER CHILD SUPPORT ORDER FOR SUPPORT OF
20 THE SAME CHILD ISSUED BY A TRIBUNAL OF THIS STATE OR ANY OTHER STATE.

21 25-1230. Application of chapter to nonresident subject to
22 personal jurisdiction

23 A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER A
24 NONRESIDENT IN A PROCEEDING UNDER THIS CHAPTER OR OTHER LAWS OF THIS STATE
25 RELATING TO A SUPPORT ORDER, OR RECOGNIZING A SUPPORT ORDER OF A FOREIGN
26 COUNTRY OR POLITICAL SUBDIVISION ON THE BASIS OF COMITY, MAY RECEIVE EVIDENCE
27 FROM ANOTHER STATE PURSUANT TO SECTION 25-1256, COMMUNICATE WITH A TRIBUNAL
28 OF ANOTHER STATE PURSUANT TO SECTION 25-1257 AND OBTAIN DISCOVERY THROUGH A
29 TRIBUNAL OF ANOTHER STATE PURSUANT TO SECTION 25-1258. IN ALL OTHER
30 RESPECTS, ARTICLES 3 THROUGH 7 OF THIS CHAPTER DO NOT APPLY AND THE TRIBUNAL
31 SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE.

32 25-1231. Continuing, exclusive jurisdiction to modify spousal
33 support order

34 A. A TRIBUNAL OF THIS STATE ISSUING A SPOUSAL SUPPORT ORDER CONSISTENT
35 WITH THE LAWS OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY
36 THE SPOUSAL SUPPORT ORDER THROUGHOUT THE EXISTENCE OF THE SUPPORT OBLIGATION.

37 B. A TRIBUNAL OF THIS STATE MAY NOT MODIFY A SPOUSAL SUPPORT ORDER
38 ISSUED BY A TRIBUNAL OF ANOTHER STATE HAVING CONTINUING, EXCLUSIVE
39 JURISDICTION OVER THAT ORDER UNDER THE LAWS OF THAT STATE.

40 C. A TRIBUNAL OF THIS STATE THAT HAS CONTINUING, EXCLUSIVE
41 JURISDICTION OVER A SPOUSAL SUPPORT ORDER MAY SERVE AS EITHER:

42 1. AN INITIATING TRIBUNAL OF ANOTHER STATE TO ENFORCE THE SPOUSAL
43 SUPPORT ORDER ISSUED IN THAT STATE.

44 2. A RESPONDING TRIBUNAL TO ENFORCE OR MODIFY ITS OWN SPOUSAL SUPPORT
45 ORDER.

ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

25-1241. Proceedings under this chapter

A. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THIS ARTICLE APPLIES TO ALL PROCEEDINGS UNDER THIS CHAPTER.

B. AN INDIVIDUAL PETITIONER OR A SUPPORT ENFORCEMENT AGENCY MAY INITIATE A PROCEEDING AUTHORIZED UNDER THIS CHAPTER BY FILING A PETITION IN AN INITIATING TRIBUNAL FOR FORWARDING TO A RESPONDING TRIBUNAL OR BY FILING A PETITION OR A COMPARABLE PLEADING DIRECTLY IN A TRIBUNAL OF ANOTHER STATE THAT HAS OR CAN OBTAIN PERSONAL JURISDICTION OVER THE RESPONDENT.

25-1242. Proceeding by minor parent

A MINOR PARENT OR A GUARDIAN OR OTHER LEGAL REPRESENTATIVE OF A MINOR PARENT MAY MAINTAIN A PROCEEDING ON BEHALF OF OR FOR THE BENEFIT OF THE MINOR'S CHILD.

25-1243. Application of law of state

EXCEPT AS OTHERWISE PROVIDED BY THIS CHAPTER, A RESPONDING TRIBUNAL OF THIS STATE SHALL:

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

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

25-1244. Duties of initiating tribunal

A. ON THE FILING OF A PETITION AUTHORIZED BY THIS CHAPTER, AN INITIATING TRIBUNAL OF THIS STATE SHALL FORWARD THE PETITION AND ITS ACCOMPANYING DOCUMENTS EITHER:

1. TO THE RESPONDING TRIBUNAL OR THE APPROPRIATE SUPPORT ENFORCEMENT AGENCY IN THE RESPONDING STATE.

2. IF THE IDENTITY OF THE RESPONDING TRIBUNAL IS UNKNOWN, TO THE STATE INFORMATION AGENCY OF THE RESPONDING STATE WITH A REQUEST THAT THE PETITION BE FORWARDED TO THE APPROPRIATE TRIBUNAL AND THAT RECEIPT BE ACKNOWLEDGED.

B. IF REQUESTED BY THE RESPONDING TRIBUNAL, A TRIBUNAL OF THIS STATE SHALL ISSUE ANY CERTIFICATE OR OTHER DOCUMENT AND MAY MAKE FINDINGS REQUIRED BY THE LAW OF THE RESPONDING STATE. IF THE RESPONDING STATE IS A FOREIGN COUNTRY OR POLITICAL SUBDIVISION, ON REQUEST THE TRIBUNAL 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 STATE.

25-1245. Duties and powers of responding tribunal

A. WHEN A RESPONDING TRIBUNAL OF THIS STATE RECEIVES A PETITION OR COMPARABLE PLEADING FROM AN INITIATING TRIBUNAL OR DIRECTLY PURSUANT TO SECTION 25-1241, SUBSECTION B, IT SHALL FILE THE PETITION OR PLEADING AND NOTIFY THE PETITIONER OF WHERE AND WHEN IT WAS FILED.

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

1 1. ISSUE OR ENFORCE A SUPPORT ORDER, MODIFY A CHILD SUPPORT ORDER,
2 DETERMINE THE CONTROLLING CHILD SUPPORT ORDER OR DETERMINE PARENTAGE.

3 2. ORDER AN OBLIGOR TO COMPLY WITH A SUPPORT ORDER, SPECIFYING THE
4 AMOUNT AND THE MANNER OF COMPLIANCE.

5 3. ORDER INCOME WITHHOLDING.

6 4. DETERMINE THE AMOUNT OF ANY ARREARAGES AND SPECIFY A METHOD OF
7 PAYMENT.

8 5. ENFORCE ORDERS BY CIVIL OR CRIMINAL CONTEMPT, OR BOTH.

9 6. SET ASIDE PROPERTY FOR SATISFACTION OF THE SUPPORT ORDER.

10 7. PLACE LIENS AND ORDER EXECUTION ON THE OBLIGOR'S PROPERTY.

11 8. ORDER AN OBLIGOR TO KEEP THE TRIBUNAL INFORMED OF THE OBLIGOR'S
12 CURRENT RESIDENTIAL ADDRESS, TELEPHONE NUMBER, EMPLOYER, ADDRESS OF
13 EMPLOYMENT AND TELEPHONE NUMBER AT THE PLACE OF EMPLOYMENT.

14 9. ISSUE A CIVIL ARREST WARRANT FOR AN OBLIGOR WHO HAS FAILED AFTER
15 PROPER NOTICE TO APPEAR AT A HEARING ORDERED BY THE TRIBUNAL AND ENTER THE
16 CIVIL ARREST WARRANT IN ANY LOCAL AND STATE COMPUTER SYSTEMS FOR CRIMINAL
17 WARRANTS.

18 10. ORDER THE OBLIGOR TO SEEK APPROPRIATE EMPLOYMENT BY SPECIFIED
19 METHODS.

20 11. AWARD REASONABLE ATTORNEY FEES AND OTHER FEES AND COSTS.

21 12. GRANT ANY OTHER AVAILABLE REMEDY.

22 C. A RESPONDING TRIBUNAL OF THIS STATE SHALL INCLUDE IN A SUPPORT
23 ORDER ISSUED UNDER THIS CHAPTER OR IN THE DOCUMENTS ACCOMPANYING THE ORDER
24 THE CALCULATIONS ON WHICH THE SUPPORT ORDER IS BASED.

25 D. A RESPONDING TRIBUNAL OF THIS STATE MAY NOT CONDITION THE PAYMENT
26 OF A SUPPORT ORDER ISSUED UNDER THIS CHAPTER ON COMPLIANCE BY A PARTY WITH
27 PROVISIONS FOR VISITATION.

28 E. IF A RESPONDING TRIBUNAL OF THIS STATE ISSUES AN ORDER UNDER THIS
29 CHAPTER, THE TRIBUNAL SHALL SEND A COPY OF THE ORDER TO THE PETITIONER AND
30 THE RESPONDENT AND TO THE INITIATING TRIBUNAL, IF ANY.

31 F. IF REQUESTED TO ENFORCE A SUPPORT ORDER, ARREARS OR JUDGMENT OR
32 MODIFY A SUPPORT ORDER STATED IN A FOREIGN CURRENCY, A RESPONDING TRIBUNAL
33 OF THIS STATE SHALL CONVERT THE AMOUNT STATED IN THE FOREIGN CURRENCY TO THE
34 EQUIVALENT AMOUNT IN DOLLARS UNDER THE APPLICABLE OFFICIAL OR MARKET EXCHANGE
35 RATE AS PUBLICLY REPORTED.

36 25-1246. Inappropriate tribunal

37 IF A PETITION OR COMPARABLE PLEADING IS RECEIVED BY AN INAPPROPRIATE
38 TRIBUNAL OF THIS STATE, THE TRIBUNAL SHALL FORWARD THE PLEADING AND
39 ACCOMPANYING DOCUMENTS TO AN APPROPRIATE TRIBUNAL IN THIS STATE OR ANOTHER
40 STATE AND NOTIFY THE PETITIONER WHERE AND WHEN THE PLEADING WAS SENT.

41 25-1247. Duties of support enforcement agency

42 A. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE, ON REQUEST, SHALL
43 PROVIDE SERVICES TO A PETITIONER IN A PROCEEDING UNDER THIS CHAPTER.

44 B. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT IS PROVIDING
45 SERVICES TO THE PETITIONER SHALL:

1 1. TAKE ALL STEPS NECESSARY TO ENABLE AN APPROPRIATE TRIBUNAL IN THIS
2 STATE OR ANOTHER STATE TO OBTAIN JURISDICTION OVER THE RESPONDENT.

3 2. REQUEST AN APPROPRIATE TRIBUNAL TO SET A DATE, TIME AND PLACE FOR
4 A HEARING.

5 3. MAKE A REASONABLE EFFORT TO OBTAIN ALL RELEVANT INFORMATION,
6 INCLUDING INFORMATION AS TO INCOME AND PROPERTY OF THE PARTIES.

7 4. WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND OTHER LEGAL
8 HOLIDAYS, AFTER RECEIPT OF A WRITTEN NOTICE IN A RECORD FROM AN INITIATING,
9 RESPONDING OR REGISTERING TRIBUNAL, SEND A COPY OF THE NOTICE BY FIRST CLASS
10 MAIL TO THE PETITIONER.

11 5. WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND OTHER LEGAL
12 HOLIDAYS, AFTER RECEIPT OF A WRITTEN COMMUNICATION IN A RECORD FROM THE
13 RESPONDENT OR THE RESPONDENT'S ATTORNEY, SEND A COPY OF THE COMMUNICATION BY
14 FIRST CLASS MAIL TO THE PETITIONER.

15 6. NOTIFY THE PETITIONER IF JURISDICTION OVER THE RESPONDENT CANNOT
16 BE OBTAINED.

17 C. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS
18 REGISTRATION OF A CHILD SUPPORT ORDER IN THIS STATE FOR ENFORCEMENT OR FOR
19 MODIFICATION SHALL MAKE REASONABLE EFFORTS TO EITHER:

20 1. ENSURE THAT THE ORDER TO BE REGISTERED IS THE CONTROLLING ORDER.

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

24 D. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS
25 REGISTRATION AND ENFORCEMENT OF A SUPPORT ORDER, ARREARS OR JUDGMENT STATED
26 IN A FOREIGN CURRENCY SHALL CONVERT THE AMOUNTS STATED IN THE FOREIGN
27 CURRENCY INTO THE EQUIVALENT AMOUNTS IN DOLLARS UNDER THE APPLICABLE OFFICIAL
28 OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED.

29 E. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE SHALL REQUEST A TRIBUNAL
30 OF THIS STATE TO ISSUE A CHILD SUPPORT ORDER AND AN INCOME WITHHOLDING ORDER
31 THAT REDIRECT PAYMENT OF CURRENT SUPPORT, ARREARS AND INTEREST IF REQUESTED
32 TO DO SO BY A SUPPORT ENFORCEMENT AGENCY OF ANOTHER STATE PURSUANT TO SECTION
33 25-1259.

34 F. THIS CHAPTER DOES NOT CREATE OR NEGATE A RELATIONSHIP OF ATTORNEY
35 AND CLIENT OR OTHER FIDUCIARY RELATIONSHIP BETWEEN A SUPPORT ENFORCEMENT
36 AGENCY OR THE ATTORNEY FOR THE AGENCY AND THE INDIVIDUAL BEING ASSISTED BY
37 THE AGENCY.

38 25-1248. Duty of the attorney general

39 A. IF THE ATTORNEY GENERAL DETERMINES THAT THE SUPPORT ENFORCEMENT
40 AGENCY IS NEGLECTING OR REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL, THE
41 ATTORNEY GENERAL MAY ORDER THE AGENCY TO PERFORM ITS DUTIES UNDER THIS
42 CHAPTER OR MAY PROVIDE THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.

43 B. THE ATTORNEY GENERAL MAY DETERMINE THAT A FOREIGN COUNTRY OR
44 POLITICAL SUBDIVISION HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD

1 SUPPORT WITH THIS STATE AND TAKE APPROPRIATE ACTION FOR NOTIFICATION OF THE
2 DETERMINATION.

3 25-1249. Private counsel

4 AN INDIVIDUAL MAY EMPLOY PRIVATE COUNSEL TO REPRESENT THE INDIVIDUAL
5 IN PROCEEDINGS AUTHORIZED BY THIS CHAPTER.

6 25-1250. Duties of department of economic security

7 A. THE DEPARTMENT OF ECONOMIC SECURITY IS THE STATE INFORMATION AGENCY
8 UNDER THIS CHAPTER.

9 B. THE DEPARTMENT SHALL:

10 1. COMPILE AND MAINTAIN A CURRENT LIST, INCLUDING ADDRESSES, OF THE
11 TRIBUNALS IN THIS STATE THAT HAVE JURISDICTION UNDER THIS CHAPTER AND ANY
12 SUPPORT ENFORCEMENT AGENCIES IN THIS STATE AND TRANSMIT A COPY TO THE STATE
13 INFORMATION AGENCY OF EVERY OTHER STATE.

14 2. MAINTAIN A REGISTER OF TRIBUNALS AND SUPPORT ENFORCEMENT AGENCIES
15 RECEIVED FROM OTHER STATES.

16 3. FORWARD TO THE APPROPRIATE TRIBUNAL IN THE COUNTY IN THIS STATE IN
17 WHICH THE OBLIGEE OR THE OBLIGOR RESIDES OR IN WHICH THE OBLIGOR'S PROPERTY
18 IS BELIEVED TO BE LOCATED ALL DOCUMENTS CONCERNING A PROCEEDING UNDER THIS
19 CHAPTER RECEIVED FROM AN INITIATING TRIBUNAL OR THE STATE INFORMATION AGENCY
20 OF THE INITIATING STATE.

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

28 25-1251. Pleadings and accompanying documents

29 A. IN A PROCEEDING UNDER THIS CHAPTER, A PETITIONER SEEKING TO
30 ESTABLISH A SUPPORT ORDER, DETERMINE PARENTAGE OR REGISTER AND MODIFY A
31 SUPPORT ORDER OF ANOTHER STATE MUST FILE A PETITION. UNLESS OTHERWISE
32 ORDERED UNDER SECTION 25-1252, THE PETITION OR ACCOMPANYING DOCUMENTS SHALL
33 PROVIDE, AS FAR AS KNOWN, THE NAME, RESIDENTIAL ADDRESS AND SOCIAL SECURITY
34 NUMBER OF THE OBLIGOR AND THE OBLIGEE AND THE NAME, SEX, RESIDENTIAL ADDRESS,
35 SOCIAL SECURITY NUMBER AND DATE OF BIRTH OF EACH CHILD FOR WHOSE BENEFIT
36 SUPPORT IS SOUGHT OR WHOSE PARENTAGE IS TO BE DETERMINED. UNLESS FILED AT
37 THE TIME OF REGISTRATION, THE PETITION MUST BE ACCOMPANIED BY A COPY OF ANY
38 SUPPORT ORDER KNOWN TO HAVE BEEN ISSUED BY ANOTHER TRIBUNAL. THE PETITION
39 MAY INCLUDE ANY OTHER INFORMATION THAT MAY ASSIST IN LOCATING OR IDENTIFYING
40 THE RESPONDENT.

41 B. THE PETITION SHALL SPECIFY THE RELIEF SOUGHT. THE PETITION AND
42 ACCOMPANYING DOCUMENTS SHALL CONFORM SUBSTANTIALLY WITH THE REQUIREMENTS
43 IMPOSED BY THE FORMS MANDATED BY FEDERAL LAW FOR USE IN CASES FILED BY A
44 SUPPORT ENFORCEMENT AGENCY.

1 25-1256. Special evidence and procedure

2 A. THE PHYSICAL PRESENCE OF A NONRESIDENT PARTY WHO IS AN INDIVIDUAL
3 IN A TRIBUNAL PROCEEDING OF THIS STATE IS NOT REQUIRED FOR THE ESTABLISHMENT,
4 ENFORCEMENT OR MODIFICATION OF A SUPPORT ORDER OR THE RENDITION OF A JUDGMENT
5 DETERMINING PARENTAGE.

6 B. AN AFFIDAVIT, A DOCUMENT SUBSTANTIALLY COMPLYING WITH FEDERALLY
7 MANDATED FORMS OR A DOCUMENT INCORPORATED BY REFERENCE IN ANY AFFIDAVIT OR
8 MANDATED FORM THAT WOULD NOT BE EXCLUDED UNDER THE HEARSAY RULE IF GIVEN IN
9 PERSON IS ADMISSIBLE IN EVIDENCE IF GIVEN UNDER PENALTY OF PERJURY BY A PARTY
10 OR WITNESS RESIDING IN ANOTHER STATE.

11 C. A COPY OF THE RECORD OF CHILD SUPPORT PAYMENTS CERTIFIED AS A TRUE
12 COPY OF THE ORIGINAL BY THE CUSTODIAN OF THE RECORD MAY BE FORWARDED TO A
13 RESPONDING TRIBUNAL. THE COPY IS EVIDENCE OF FACTS ASSERTED IN IT AND IS
14 ADMISSIBLE TO SHOW WHETHER PAYMENTS WERE MADE.

15 D. COPIES OF BILLS FOR TESTING FOR PARENTAGE AND FOR PRENATAL AND
16 POSTNATAL HEALTH CARE OF THE MOTHER AND CHILD FURNISHED TO THE ADVERSE PARTY
17 AT LEAST TEN DAYS BEFORE TRIAL ARE ADMISSIBLE IN EVIDENCE TO PROVE THE AMOUNT
18 OF THE CHARGES BILLED AND THAT THE CHARGES WERE REASONABLE, NECESSARY AND
19 CUSTOMARY.

20 E. DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A TRIBUNAL
21 OF THIS STATE BY TELEPHONE, FAX OR OTHER MEANS THAT DO NOT PROVIDE AN
22 ORIGINAL RECORD SHALL NOT BE EXCLUDED FROM EVIDENCE ON AN OBJECTION BASED ON
23 THE MEANS OF TRANSMISSION.

24 F. IN A PROCEEDING UNDER THIS CHAPTER, A TRIBUNAL OF THIS STATE SHALL
25 PERMIT A PARTY OR WITNESS RESIDING IN ANOTHER STATE TO BE DEPOSED OR TO
26 TESTIFY BY TELEPHONE, AUDIOVISUAL MEANS OR OTHER ELECTRONIC MEANS AT A
27 DESIGNATED TRIBUNAL OR OTHER LOCATION IN THAT STATE. A TRIBUNAL OF THIS
28 STATE SHALL COOPERATE WITH TRIBUNALS OF OTHER STATES IN DESIGNATING AN
29 APPROPRIATE LOCATION FOR THE DEPOSITION OR TESTIMONY.

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

33 H. A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SPOUSES
34 DOES NOT APPLY IN A PROCEEDING UNDER THIS CHAPTER.

35 I. THE DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF HUSBAND AND
36 WIFE OR PARENT AND CHILD DOES NOT APPLY IN A PROCEEDING UNDER THIS CHAPTER.

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

39 25-1257. Communications between tribunals

40 A TRIBUNAL OF THIS STATE MAY COMMUNICATE WITH A TRIBUNAL OF ANOTHER
41 STATE OR A FOREIGN COUNTRY OR POLITICAL SUBDIVISION IN A RECORD OR BY
42 TELEPHONE OR OTHER MEANS TO OBTAIN INFORMATION CONCERNING THE LAWS, THE LEGAL
43 EFFECT OF A JUDGMENT, DECREE OR ORDER OF THAT TRIBUNAL AND THE STATUS OF A
44 PROCEEDING IN THE OTHER STATE OR THE FOREIGN COUNTRY OR POLITICAL
45 SUBDIVISION. A TRIBUNAL OF THIS STATE MAY FURNISH SIMILAR INFORMATION BY

1 SIMILAR MEANS TO A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY OR
2 POLITICAL SUBDIVISION.

3 25-1258. Assistance with discovery

4 A TRIBUNAL OF THIS STATE MAY:

5 1. REQUEST A TRIBUNAL OF ANOTHER STATE TO ASSIST IN OBTAINING
6 DISCOVERY.

7 2. ON REQUEST, COMPEL A PERSON OVER WHOM IT HAS JURISDICTION TO
8 RESPOND TO A DISCOVERY ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE.

9 25-1259. Receipt and disbursement of payments

10 A. A SUPPORT ENFORCEMENT AGENCY OR TRIBUNAL OF THIS STATE SHALL
11 DISBURSE PROMPTLY ANY AMOUNTS RECEIVED PURSUANT TO A SUPPORT ORDER, AS
12 DIRECTED BY THE ORDER. THE AGENCY OR TRIBUNAL SHALL FURNISH TO A REQUESTING
13 PARTY OR TRIBUNAL OF ANOTHER STATE A CERTIFIED STATEMENT BY THE CUSTODIAN OF
14 THE RECORD OF THE AMOUNTS AND DATES OF ALL PAYMENTS RECEIVED.

15 B. IF NEITHER THE OBLIGOR, THE OBLIGEE WHO IS AN INDIVIDUAL NOR THE
16 CHILD RESIDES IN THIS STATE, ON REQUEST FROM THE SUPPORT ENFORCEMENT AGENCY
17 OF THIS STATE OR ANOTHER STATE, A TRIBUNAL OF THIS STATE SHALL:

18 1. DIRECT THAT THE SUPPORT PAYMENT BE MADE TO THE SUPPORT ENFORCEMENT
19 AGENCY IN THE STATE IN WHICH THE OBLIGEE IS RECEIVING SERVICES.

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

23 C. THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE RECEIVING REDIRECTED
24 PAYMENTS FROM ANOTHER STATE PURSUANT TO A LAW SIMILAR TO SUBSECTION B SHALL
25 FURNISH TO A REQUESTING PARTY OR TRIBUNAL OF THE OTHER STATE A CERTIFIED
26 STATEMENT BY THE CUSTODIAN OF THE RECORD OF THE AMOUNT AND DATES OF ALL
27 PAYMENTS RECEIVED.

28 ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

29 25-1271. Petition to establish support order

30 A. IF A SUPPORT ORDER ENTITLED TO RECOGNITION UNDER THIS CHAPTER HAS
31 NOT BEEN ISSUED, A RESPONDING TRIBUNAL OF THIS STATE MAY ISSUE A SUPPORT
32 ORDER IF EITHER:

33 1. THE INDIVIDUAL SEEKING THE ORDER RESIDES IN ANOTHER STATE.

34 2. THE SUPPORT ENFORCEMENT AGENCY SEEKING THE ORDER IS LOCATED IN
35 ANOTHER STATE.

36 B. THE TRIBUNAL MAY ISSUE A TEMPORARY CHILD SUPPORT ORDER IF THE
37 TRIBUNAL DETERMINES THAT SUCH AN ORDER IS APPROPRIATE AND THE INDIVIDUAL
38 ORDERED TO PAY IS:

39 1. A PRESUMED FATHER OF THE CHILD.

40 2. PETITIONING TO HAVE HIS PATERNITY ADJUDICATED.

41 3. IDENTIFIED AS THE FATHER OF THE CHILD THROUGH GENETIC TESTING.

42 4. AN ALLEGED FATHER WHO HAS DECLINED TO SUBMIT TO GENETIC TESTING.

43 5. SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE THE FATHER OF THE
44 CHILD.

45 6. AN ACKNOWLEDGED FATHER AS PROVIDED PURSUANT TO SECTION 36-322.

1 7. THE MOTHER OF THE CHILD.

2 8. AN INDIVIDUAL WHO HAS BEEN ORDERED TO PAY CHILD SUPPORT IN A
3 PREVIOUS PROCEEDING AND THE ORDER HAS NOT BEEN REVERSED OR VACATED.

4 C. ON FINDING, AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, THAT AN
5 OBLIGOR OWES A DUTY OF SUPPORT, THE TRIBUNAL SHALL ISSUE A SUPPORT ORDER
6 DIRECTED TO THE OBLIGOR AND MAY ISSUE OTHER ORDERS PURSUANT TO SECTION
7 25-1245.

8 ARTICLE 5. ENFORCEMENT OF ORDER OF
9 ANOTHER STATE WITHOUT REGISTRATION

10 25-1281. Employer's receipt of income withholding order of
11 another state

12 AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE MAY BE SENT BY OR
13 ON BEHALF OF THE OBLIGEE OR BY THE SUPPORT ENFORCEMENT AGENCY TO THE PERSON
14 DEFINED AS THE OBLIGOR'S EMPLOYER UNDER THE INCOME WITHHOLDING LAWS OF THIS
15 STATE WITHOUT FIRST FILING A PETITION OR COMPARABLE PLEADING OR REGISTERING
16 THE ORDER WITH A TRIBUNAL OF THIS STATE.

17 25-1282. Employer's compliance with income withholding order of
18 another state

19 A. ON RECEIPT OF AN INCOME WITHHOLDING ORDER, THE OBLIGOR'S EMPLOYER
20 SHALL IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE OBLIGOR.

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

24 C. EXCEPT AS PROVIDED BY SUBSECTION D OF THIS SECTION AND SECTION
25 25-1283, THE EMPLOYER SHALL WITHHOLD AND DISTRIBUTE THE FUNDS AS DIRECTED IN
26 THE WITHHOLDING ORDER BY COMPLYING WITH THE TERMS OF THE ORDER THAT SPECIFY:

27 1. THE DURATION AND THE AMOUNT OF PERIODIC PAYMENTS OF CURRENT CHILD
28 SUPPORT, STATED AS A SUM CERTAIN.

29 2. THE PERSON DESIGNATED TO RECEIVE PAYMENTS AND THE ADDRESS TO WHICH
30 THE PAYMENTS ARE TO BE FORWARDED.

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

35 4. THE AMOUNT OF PERIODIC PAYMENTS OF FEES AND COSTS FOR A SUPPORT
36 ENFORCEMENT AGENCY, THE ISSUING TRIBUNAL AND THE OBLIGEE'S ATTORNEY, STATED
37 AS SUMS CERTAIN.

38 5. THE AMOUNT OF PERIODIC PAYMENTS OF ARREARS AND INTEREST ON ARREARS,
39 STATED AS SUMS CERTAIN.

40 D. THE EMPLOYER SHALL COMPLY WITH THE LAW OF THE STATE OF THE
41 OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT FOR WITHHOLDING FROM INCOME WITH
42 RESPECT TO:

43 1. THE EMPLOYER'S FEE FOR PROCESSING AN INCOME WITHHOLDING ORDER.

44 2. THE MAXIMUM AMOUNT PERMITTED TO BE WITHHELD FROM THE OBLIGOR'S
45 INCOME.

1 3. THE TIME WITHIN WHICH THE EMPLOYER SHALL IMPLEMENT THE WITHHOLDING
2 ORDER AND FORWARD THE CHILD SUPPORT PAYMENT.

3 25-1283. Employer's compliance with two or more income
4 withholding orders

5 IF THE OBLIGOR'S EMPLOYER RECEIVES TWO OR MORE ORDERS TO WITHHOLD
6 SUPPORT FROM THE EARNINGS, INCOME, ENTITLEMENTS OR OTHER MONIES OF THE SAME
7 OBLIGOR, THE EMPLOYER IS DEEMED TO HAVE SATISFIED THE TERMS OF THE ORDERS IF
8 THE EMPLOYER COMPLIES WITH THE LAW OF THE STATE OF THE OBLIGOR'S PRINCIPAL
9 PLACE OF EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR WITHHOLDING AND
10 ALLOCATING INCOME WITHHELD FOR TWO OR MORE CHILD SUPPORT OBLIGEEES.

11 25-1284. Immunity from civil liability

12 AN EMPLOYER WHO COMPLIES WITH AN INCOME WITHHOLDING ORDER ISSUED IN
13 ANOTHER STATE IN ACCORDANCE WITH THIS ARTICLE IS NOT SUBJECT TO CIVIL
14 LIABILITY TO AN INDIVIDUAL OR AGENCY WITH REGARD TO THE EMPLOYER'S
15 WITHHOLDING OF CHILD SUPPORT FROM THE OBLIGOR'S INCOME.

16 25-1285. Penalties for noncompliance

17 AN EMPLOYER WHO WILLFULLY FAILS TO COMPLY WITH AN INCOME WITHHOLDING
18 ORDER ISSUED BY ANOTHER STATE AND RECEIVED FOR ENFORCEMENT IS SUBJECT TO THE
19 SAME PENALTIES THAT MAY BE IMPOSED FOR NONCOMPLIANCE WITH AN ORDER ISSUED BY
20 A TRIBUNAL OF THIS STATE.

21 25-1286. Contest by obligor

22 A. AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCEMENT OF AN INCOME
23 WITHHOLDING ORDER ISSUED IN ANOTHER STATE AND RECEIVED DIRECTLY BY AN
24 EMPLOYER IN THIS STATE BY REGISTERING THE ORDER IN A TRIBUNAL OF THIS STATE
25 AND FILING A CONTEST TO THAT ORDER AS PROVIDED IN ARTICLE 6 OF THIS CHAPTER
26 OR OTHERWISE CONTESTING THE ORDER IN THE SAME MANNER AS IF THE ORDER HAD BEEN
27 ISSUED BY A TRIBUNAL OF THIS STATE.

28 B. THE OBLIGOR SHALL GIVE NOTICE OF THE CONTEST TO:

29 1. A SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO THE OBLIGEE.
30 2. EACH EMPLOYER THAT HAS DIRECTLY RECEIVED AN INCOME WITHHOLDING
31 ORDER.

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

34 25-1287. Administrative enforcement of orders

35 A. A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO ENFORCE A SUPPORT
36 ORDER OR AN INCOME WITHHOLDING ORDER, OR BOTH, ISSUED BY A TRIBUNAL OF
37 ANOTHER STATE MAY SEND THE DOCUMENTS REQUIRED FOR REGISTERING THE ORDER TO
38 A SUPPORT ENFORCEMENT AGENCY OF THIS STATE.

39 B. ON RECEIPT OF THE DOCUMENTS, THE SUPPORT ENFORCEMENT AGENCY,
40 WITHOUT INITIALLY SEEKING TO REGISTER THE ORDER, SHALL CONSIDER AND, IF
41 APPROPRIATE, USE ANY ADMINISTRATIVE PROCEDURE AUTHORIZED BY THE LAWS OF THIS
42 STATE TO ENFORCE A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER, OR BOTH. IF
43 THE OBLIGOR DOES NOT CONTEST ADMINISTRATIVE ENFORCEMENT, THE ORDER NEED NOT
44 BE REGISTERED. IF THE OBLIGOR CONTESTS THE VALIDITY OR ADMINISTRATIVE

1 ENFORCEMENT OF THE ORDER, THE SUPPORT ENFORCEMENT AGENCY SHALL REGISTER THE
2 ORDER PURSUANT TO THIS CHAPTER.

3 ARTICLE 6. REGISTRATION, ENFORCEMENT
4 AND MODIFICATION OF SUPPORT ORDER

5 25-1301. Registration of order for enforcement

6 A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER ISSUED BY A TRIBUNAL OF
7 ANOTHER STATE MAY BE REGISTERED IN THIS STATE FOR ENFORCEMENT.

8 25-1302 Procedure to register order for enforcement

9 A. A SUPPORT ORDER OR INCOME WITHHOLDING ORDER OF ANOTHER STATE MAY
10 BE REGISTERED IN THIS STATE BY SENDING THE FOLLOWING DOCUMENTS AND
11 INFORMATION TO THE APPROPRIATE TRIBUNAL IN THIS STATE:

12 1. A LETTER OF TRANSMITTAL TO THE TRIBUNAL REQUESTING REGISTRATION AND
13 ENFORCEMENT.

14 2. TWO COPIES, INCLUDING ONE CERTIFIED COPY, OF THE ORDER TO BE
15 REGISTERED, INCLUDING ANY MODIFICATION OF THE ORDER.

16 3. A SWORN STATEMENT BY THE PERSON REQUESTING REGISTRATION OR A
17 CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORDS SHOWING THE AMOUNT OF ANY
18 ARREARAGE.

19 4. THE NAME OF THE OBLIGOR AND, IF KNOWN:

20 (a) THE OBLIGOR'S ADDRESS AND SOCIAL SECURITY NUMBER.

21 (b) THE NAME AND ADDRESS OF THE OBLIGOR'S EMPLOYER AND ANY OTHER
22 SOURCE OF INCOME OF THE OBLIGOR.

23 (c) A DESCRIPTION AND THE LOCATION OF PROPERTY OF THE OBLIGOR IN THIS
24 STATE NOT EXEMPT FROM EXECUTION.

25 5. EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-1252, THE NAME AND
26 ADDRESS OF THE OBLIGEE AND, IF APPLICABLE, THE PERSON TO WHOM SUPPORT
27 PAYMENTS ARE TO BE REMITTED.

28 B. ON RECEIPT OF A REQUEST FOR REGISTRATION, THE REGISTERING TRIBUNAL
29 SHALL CAUSE THE ORDER TO BE FILED AS A FOREIGN JUDGMENT, TOGETHER WITH ONE
30 COPY OF THE DOCUMENTS AND INFORMATION, REGARDLESS OF THEIR FORM.

31 C. IF TWO OR MORE ORDERS ARE IN EFFECT, THE PERSON REQUESTING
32 REGISTRATION SHALL:

33 1. FURNISH TO THE TRIBUNAL A COPY OF EVERY SUPPORT ORDER ASSERTED TO
34 BE IN EFFECT IN ADDITION TO THE DOCUMENTS SPECIFIED IN THIS SECTION.

35 2. SPECIFY THE ORDER ALLEGED TO BE THE CONTROLLING ORDER, IF ANY.

36 3. SPECIFY THE AMOUNT OF CONSOLIDATED ARREARS, IF ANY.

37 D. A REQUEST FOR A DETERMINATION OF WHICH IS THE CONTROLLING ORDER MAY
38 BE FILED SEPARATELY OR WITH A REQUEST FOR REGISTRATION AND ENFORCEMENT OR FOR
39 REGISTRATION AND MODIFICATION. THE PERSON REQUESTING REGISTRATION SHALL GIVE
40 NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE
41 DETERMINATION.

42 25-1303. Effect of registration for enforcement

43 A. A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE
44 IS REGISTERED WHEN THE ORDER IS FILED IN THE REGISTERING TRIBUNAL OF THIS
45 STATE.

1 B. A REGISTERED ORDER ISSUED IN ANOTHER STATE IS ENFORCEABLE IN THE
2 SAME MANNER AND IS SUBJECT TO THE SAME PROCEDURES AS AN ORDER ISSUED BY A
3 TRIBUNAL OF THIS STATE.

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

7 25-1304. Choice of law

8 A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION D, THE LAW OF THE
9 ISSUING STATE GOVERNS:

10 1. THE NATURE, EXTENT, AMOUNT AND DURATION OF CURRENT PAYMENTS UNDER
11 A REGISTERED SUPPORT ORDER.

12 2. THE COMPUTATION AND PAYMENT OF ARREARAGES AND ACCRUAL OF INTEREST
13 ON THE ARREARAGES UNDER THE ORDER.

14 3. THE EXISTENCE AND SATISFACTION OF OTHER OBLIGATIONS UNDER THE
15 SUPPORT ORDER.

16 B. IN A PROCEEDING FOR ARREARS UNDER A REGISTERED SUPPORT ORDER, THE
17 STATUTE OF LIMITATION OF THIS STATE OR OF THE ISSUING STATE, WHICHEVER IS
18 LONGER, APPLIES.

19 C. A RESPONDING TRIBUNAL OF THIS STATE SHALL APPLY THE PROCEDURES AND
20 REMEDIES OF THIS STATE TO ENFORCE CURRENT SUPPORT AND COLLECT ARREARS AND
21 INTEREST DUE ON A SUPPORT ORDER OF ANOTHER STATE REGISTERED IN THIS STATE.

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

27 25-1305. Notice of registration of order

28 A. WHEN A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN ANOTHER
29 STATE IS REGISTERED, THE REGISTERING TRIBUNAL SHALL NOTIFY THE NONREGISTERING
30 PARTY. NOTICE SHALL BE GIVEN BY FIRST CLASS OR REGISTERED MAIL OR BY ANY
31 MEANS OF PERSONAL SERVICE AUTHORIZED BY THE LAW OF THIS STATE. THE NOTICE
32 SHALL BE ACCOMPANIED BY A COPY OF THE REGISTERED ORDER AND THE DOCUMENTS AND
33 RELEVANT INFORMATION ACCOMPANYING THE ORDER.

34 B. A NOTICE SHALL INFORM THE NONREGISTERING PARTY:

35 1. THAT A REGISTERED ORDER IS ENFORCEABLE AS OF THE DATE OF
36 REGISTRATION IN THE SAME MANNER AS AN ORDER ISSUED BY A TRIBUNAL OF THIS
37 STATE.

38 2. THAT A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE
39 REGISTERED ORDER MUST BE REQUESTED WITHIN TWENTY DAYS AFTER THE DATE OF
40 MAILING OR PERSONAL SERVICE OF THE NOTICE.

41 3. THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE
42 REGISTERED ORDER IN A TIMELY MANNER WILL RESULT IN CONFIRMATION OF THE ORDER
43 AND ENFORCEMENT OF THE ORDER AND THE ALLEGED ARREARAGES AND PRECLUDES FURTHER
44 CONTEST OF THAT ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN
45 ASSERTED.

- 1 4. OF THE AMOUNT OF ANY ALLEGED ARREARAGES.
2 C. IF THE REGISTERING PARTY ASSERTS THAT TWO OR MORE ORDERS ARE IN
3 EFFECT, A NOTICE MUST ALSO:
4 1. IDENTIFY THE TWO OR MORE ORDERS AND THE ORDER ALLEGED BY THE
5 REGISTERING PERSON TO BE THE CONTROLLING ORDER AND THE CONSOLIDATED ARREARS,
6 IF ANY.
7 2. NOTIFY THE NONREGISTERING PARTY OF THE RIGHT TO A DETERMINATION OF
8 WHICH IS THE CONTROLLING ORDER.
9 3. STATE THAT THE PROCEDURES PROVIDED IN SUBSECTION B OF THIS SECTION
10 APPLY TO THE DETERMINATION OF WHICH IS THE CONTROLLING ORDER.
11 4. STATE THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE
12 ORDER ALLEGED TO BE THE CONTROLLING ORDER IN A TIMELY MANNER MAY RESULT IN
13 CONFIRMATION THAT THE ORDER IS THE CONTROLLING ORDER.
14 D. ON REGISTRATION OF AN INCOME WITHHOLDING ORDER FOR ENFORCEMENT, THE
15 REGISTERING TRIBUNAL SHALL SERVE THE OBLIGOR'S EMPLOYER WITH A WAGE
16 ASSIGNMENT SUBJECT TO THE PROVISIONS OF SECTION 25-504 OR 25-506.
17 25-1306. Procedure to contest validity or enforcement of
18 registered order
19 A. A NONREGISTERING PARTY SEEKING TO CONTEST THE VALIDITY OR
20 ENFORCEMENT OF A REGISTERED ORDER IN THIS STATE SHALL REQUEST A HEARING
21 WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF NOTICE
22 OF THE REGISTRATION. THE NONREGISTERING PARTY MAY SEEK TO VACATE THE
23 REGISTRATION, TO ASSERT ANY DEFENSE TO AN ALLEGATION OF NONCOMPLIANCE WITH
24 THE REGISTERED ORDER OR TO CONTEST THE REMEDIES BEING SOUGHT OR THE AMOUNT
25 OF ANY ALLEGED ARREARAGES PURSUANT TO SECTION 25-1307.
26 B. IF THE NONREGISTERING PARTY FAILS TO CONTEST THE VALIDITY OR
27 ENFORCEMENT OF THE REGISTERED ORDER IN A TIMELY MANNER, THE ORDER IS
28 CONFIRMED BY OPERATION OF LAW.
29 C. IF A NONREGISTERING PARTY REQUESTS A HEARING TO CONTEST THE
30 VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER, THE REGISTERING TRIBUNAL
31 SHALL SCHEDULE THE MATTER FOR A HEARING AND GIVE NOTICE TO THE PARTIES BY
32 FIRST CLASS MAIL OF THE DATE, TIME AND PLACE OF THE HEARING.
33 25-1307. Contest of registration or enforcement
34 A. A PARTY CONTESTING THE VALIDITY OR ENFORCEMENT OF A REGISTERED
35 ORDER OR SEEKING TO VACATE THE REGISTRATION HAS THE BURDEN OF PROVING ONE OR
36 MORE OF THE FOLLOWING DEFENSES:
37 1. THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION OVER THE
38 CONTESTING PARTY.
39 2. THE ORDER WAS OBTAINED BY FRAUD.
40 3. THE ORDER HAS BEEN VACATED, SUSPENDED OR MODIFIED BY A LATER ORDER.
41 4. THE ISSUING TRIBUNAL HAS STAYED THE ORDER PENDING APPEAL.
42 5. THERE IS A DEFENSE UNDER THE LAW OF THIS STATE TO THE REMEDY
43 SOUGHT.
44 6. FULL OR PARTIAL PAYMENT HAS BEEN MADE.

1 7. THE STATUTE OF LIMITATION APPLICABLE UNDER SECTION 25-1304
2 PRECLUDES ENFORCEMENT OF SOME OR ALL OF THE ARREARAGES.

3 8. THE ALLEGED CONTROLLING ORDER IS NOT THE CONTROLLING ORDER.

4 B. IF A PARTY PRESENTS EVIDENCE ESTABLISHING A FULL OR PARTIAL DEFENSE
5 UNDER SUBSECTION A OF THIS SECTION, A TRIBUNAL MAY STAY ENFORCEMENT OF THE
6 REGISTERED ORDER, CONTINUE THE PROCEEDING TO PERMIT PRODUCTION OF ADDITIONAL
7 RELEVANT EVIDENCE AND ISSUE OTHER APPROPRIATE ORDERS. AN UNCONTESTED PORTION
8 OF THE REGISTERED ORDER MAY BE ENFORCED BY ALL REMEDIES AVAILABLE UNDER THE
9 LAWS OF THIS STATE.

10 C. IF THE CONTESTING PARTY DOES NOT ESTABLISH A DEFENSE UNDER
11 SUBSECTION A OF THIS SECTION TO THE VALIDITY OR ENFORCEMENT OF THE ORDER, THE
12 REGISTERING TRIBUNAL SHALL ISSUE AN ORDER CONFIRMING THE ORDER.

13 25-1308. Confirmed order

14 CONFIRMATION OF A REGISTERED ORDER, WHETHER BY OPERATION OF LAW OR
15 AFTER NOTICE AND A HEARING, PRECLUDES FURTHER CONTEST OF THE ORDER WITH
16 RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED AT THE TIME OF
17 REGISTRATION.

18 25-1309. Procedure to register child support order of another
19 state for modification

20 A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY
21 AND ENFORCE, A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE SHALL REGISTER
22 THAT ORDER IN THIS STATE IN THE SAME MANNER AS PROVIDED IN THIS ARTICLE IF
23 THE ORDER HAS NOT BEEN REGISTERED. A PETITION FOR MODIFICATION MAY BE FILED
24 AT THE SAME TIME AS A REQUEST FOR REGISTRATION OR LATER. THE PLEADING SHALL
25 SPECIFY THE GROUNDS FOR MODIFICATION.

26 25-1310. Effect of registration for modification

27 A TRIBUNAL OF THIS STATE MAY ENFORCE A CHILD SUPPORT ORDER OF ANOTHER
28 STATE REGISTERED FOR PURPOSES OF MODIFICATION IN THE SAME MANNER AS IF THE
29 ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE, BUT THE REGISTERED ORDER
30 MAY BE MODIFIED ONLY IF THE REQUIREMENTS OF SECTION 25-1311, 25-1313 OR
31 25-1315 OF THIS SECTION HAVE BEEN MET.

32 25-1311. Modification of child support order of another state

33 A. IF SECTION 25-1313 DOES NOT APPLY AND EXCEPT AS PROVIDED IN SECTION
34 25-1315, ON PETITION, A TRIBUNAL OF THIS STATE MAY MODIFY A CHILD SUPPORT
35 ORDER ISSUED IN ANOTHER STATE THAT IS REGISTERED IN THIS STATE IF, AFTER
36 NOTICE AND A HEARING, IT FINDS THAT ANY OF THE FOLLOWING IS TRUE:

37 1. THE FOLLOWING REQUIREMENTS ARE MET:

38 (a) NEITHER THE CHILD, THE OBLIGEE WHO IS AN INDIVIDUAL NOR THE
39 OBLIGOR RESIDES IN THE ISSUING STATE.

40 (b) A PETITIONER WHO IS A NONRESIDENT OF THIS STATE SEEKS
41 MODIFICATION.

42 (c) THE RESPONDENT IS SUBJECT TO THE PERSONAL JURISDICTION OF THE
43 TRIBUNAL OF THIS STATE.

44 2. THIS STATE IS THE STATE OF RESIDENCE OF THE CHILD, OR A PARTY WHO
45 IS AN INDIVIDUAL IS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL OF

1 THIS STATE, AND ALL OF THE PARTIES WHO ARE INDIVIDUALS HAVE FILED CONSENTS
2 IN THE RECORD IN THE ISSUING TRIBUNAL FOR A TRIBUNAL OF THIS STATE TO MODIFY
3 THE SUPPORT ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION.

4 B. MODIFICATION OF A REGISTERED CHILD SUPPORT ORDER IS SUBJECT TO THE
5 SAME REQUIREMENTS, PROCEDURES AND DEFENSES THAT APPLY TO THE MODIFICATION OF
6 AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE, AND THE ORDER MAY BE ENFORCED
7 AND SATISFIED IN THE SAME MANNER.

8 C. EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-1315, A TRIBUNAL OF THIS
9 STATE MAY NOT MODIFY ANY ASPECT OF A CHILD SUPPORT ORDER THAT MAY NOT BE
10 MODIFIED UNDER THE LAWS OF THE ISSUING STATE, INCLUDING THE DURATION OF THE
11 OBLIGATION OF SUPPORT. IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
12 ORDERS FOR THE SAME OBLIGOR AND CHILD, THE ORDER THAT IS CONTROLLING AND
13 RECOGNIZED UNDER SECTION 25-1227 ESTABLISHES THE ASPECTS OF THE SUPPORT ORDER
14 THAT ARE NONMODIFIABLE.

15 D. IN A PROCEEDING TO MODIFY A CHILD SUPPORT ORDER, THE LAW OF THE
16 STATE THAT IS DETERMINED TO HAVE ISSUED THE INITIAL CONTROLLING ORDER GOVERNS
17 THE DURATION OF THE OBLIGATION OF SUPPORT. THE OBLIGOR'S FULFILLMENT OF THE
18 DUTY OF SUPPORT ESTABLISHED BY THAT ORDER PRECLUDES IMPOSITION OF A FURTHER
19 OBLIGATION OF SUPPORT BY A TRIBUNAL OF THIS STATE.

20 E. ON ISSUANCE OF AN ORDER BY A TRIBUNAL OF THIS STATE MODIFYING A
21 CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE, THE TRIBUNAL OF THIS STATE
22 BECOMES THE TRIBUNAL HAVING CONTINUING, EXCLUSIVE JURISDICTION.

23 25-1312. Recognition of order modified in another state

24 IF A CHILD SUPPORT ORDER ISSUED BY A TRIBUNAL OF THIS STATE IS MODIFIED
25 BY A TRIBUNAL OF ANOTHER STATE THAT ASSUMED JURISDICTION PURSUANT TO THE
26 UNIFORM INTERSTATE FAMILY SUPPORT ACT, A TRIBUNAL OF THIS STATE:

27 1. MAY ENFORCE THE ORDER THAT WAS MODIFIED ONLY AS TO ARREARS AND
28 INTEREST ACCRUING BEFORE THE MODIFICATION.

29 2. MAY PROVIDE APPROPRIATE RELIEF FOR VIOLATIONS OF ITS ORDER THAT
30 OCCURRED BEFORE THE EFFECTIVE DATE OF THE MODIFICATION.

31 3. SHALL RECOGNIZE THE MODIFYING ORDER OF THE OTHER STATE, ON
32 REGISTRATION, FOR THE PURPOSE OF ENFORCEMENT.

33 25-1313. Jurisdiction to modify child support order of another
34 state if individual parties reside in this state

35 A. IF ALL OF THE INDIVIDUAL PARTIES RESIDE IN THIS STATE AND THE CHILD
36 DOES NOT RESIDE IN THE ISSUING STATE, A TRIBUNAL OF THIS STATE HAS
37 JURISDICTION TO ENFORCE AND MODIFY THE ISSUING STATE'S CHILD SUPPORT ORDER
38 IN A PROCEEDING TO REGISTER THAT ORDER.

39 B. A TRIBUNAL OF THIS STATE EXERCISING JURISDICTION AS PROVIDED IN
40 THIS SECTION SHALL APPLY THE PROVISIONS OF THIS ARTICLE AND ARTICLES 1 AND
41 2 OF THIS CHAPTER TO THE ENFORCEMENT OR MODIFICATION PROCEEDING. ARTICLES
42 3, 4, 5, 7 AND 8 OF THIS CHAPTER DO NOT APPLY, AND THE TRIBUNAL SHALL APPLY
43 THE PROCEDURAL AND SUBSTANTIVE LAWS OF THIS STATE.

1 25-1314. Notice to issuing tribunal of modification

2 WITHIN THIRTY DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT ORDER,
3 THE PARTY OBTAINING THE MODIFICATION SHALL FILE A CERTIFIED COPY OF THE ORDER
4 WITH THE ISSUING TRIBUNAL THAT HAD CONTINUING, EXCLUSIVE JURISDICTION OVER
5 THE EARLIER ORDER AND IN EACH TRIBUNAL IN WHICH THE PARTY KNOWS THE EARLIER
6 ORDER HAS BEEN REGISTERED. A PARTY THAT OBTAINS THE ORDER AND FAILS TO FILE
7 A CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH
8 THE ISSUE OF FAILURE TO FILE ARISES. THE FAILURE TO FILE DOES NOT AFFECT THE
9 VALIDITY OR ENFORCEABILITY OF THE MODIFIED ORDER OF THE NEW TRIBUNAL OF
10 CONTINUING, EXCLUSIVE JURISDICTION.

11 25-1315. Jurisdiction to modify child support order of foreign
12 country or political subdivision

13 A. IF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION THAT IS A STATE WILL
14 NOT OR MAY NOT MODIFY ITS ORDER PURSUANT TO ITS LAWS, A TRIBUNAL OF THIS
15 STATE MAY ASSUME JURISDICTION TO MODIFY THE CHILD SUPPORT ORDER AND BIND ALL
16 INDIVIDUALS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL WHETHER OR
17 NOT THE CONSENT TO MODIFICATION OF A CHILD SUPPORT ORDER OTHERWISE REQUIRED
18 OF THE INDIVIDUAL PURSUANT TO SECTION 25-1311 HAS BEEN GIVEN OR WHETHER THE
19 INDIVIDUAL SEEKING MODIFICATION IS A RESIDENT OF THIS STATE OR OF THE FOREIGN
20 COUNTRY OR POLITICAL SUBDIVISION.

21 B. AN ORDER ISSUED PURSUANT TO THIS SECTION IS THE CONTROLLING ORDER.

22 ARTICLE 7. DETERMINATION OF PARENTAGE

23 25-1331. Proceeding to determine parentage

24 A COURT OF THIS STATE AUTHORIZED TO DETERMINE PARENTAGE OF A CHILD MAY
25 SERVE AS A RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE PARENTAGE.

26 ARTICLE 8. INTERSTATE RENDITION

27 25-1341. Grounds for rendition

28 A. THE GOVERNOR OF THIS STATE MAY:

29 1. DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER AN INDIVIDUAL
30 FOUND IN THE OTHER STATE WHO IS CHARGED CRIMINALLY IN THIS STATE WITH HAVING
31 FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE.

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

35 B. A PROVISION FOR EXTRADITION OF INDIVIDUALS NOT INCONSISTENT WITH
36 THIS CHAPTER APPLIES TO THE DEMAND EVEN IF THE INDIVIDUAL WHOSE SURRENDER IS
37 DEMANDED WAS NOT IN THE DEMANDING STATE WHEN THE CRIME WAS ALLEGEDLY
38 COMMITTED AND HAS NOT FLED FROM THAT STATE.

39 25-1342. Conditions of rendition

40 A. BEFORE MAKING A DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER
41 AN INDIVIDUAL, THE GOVERNOR OF THIS STATE MAY REQUIRE A PROSECUTOR OF THIS
42 STATE TO DEMONSTRATE THAT AT LEAST SIXTY DAYS PREVIOUSLY THE OBLIGEE HAD
43 INITIATED PROCEEDINGS FOR SUPPORT PURSUANT TO THIS CHAPTER OR THAT THE
44 PROCEEDING WOULD BE OF NO AVAIL.

1 B. IF UNDER THIS CHAPTER OR A LAW SUBSTANTIALLY SIMILAR TO THIS
2 CHAPTER, THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE REVISED
3 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT, THE GOVERNOR OF ANOTHER STATE
4 MAKES A DEMAND THAT THE GOVERNOR OF THIS STATE SURRENDER AN INDIVIDUAL
5 CHARGED CRIMINALLY IN THAT STATE WITH HAVING FAILED TO PROVIDE FOR THE
6 SUPPORT OF A CHILD OR OTHER INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OWED, THE
7 GOVERNOR MAY REQUIRE A PROSECUTOR TO INVESTIGATE THE DEMAND AND REPORT
8 WHETHER A PROCEEDING FOR SUPPORT HAS BEEN INITIATED OR WOULD BE EFFECTIVE.
9 IF IT APPEARS THAT A PROCEEDING WOULD BE EFFECTIVE BUT HAS NOT BEEN
10 INITIATED, THE GOVERNOR MAY DELAY HONORING THE DEMAND FOR A REASONABLE TIME
11 TO PERMIT THE INITIATION OF A PROCEEDING.

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

17 Sec. 3. Conditional enactment

18 A. This act is not effective unless the department of economic
19 security applies for and receives, on or before April 15, 2005, an exemption
20 from the mandatory law and procedure in section 466(f) of the social security
21 act regarding the uniform interstate family support act of 1996.

22 B. The director of the department shall notify the director of
23 legislative council, in writing, on receipt of the exemption or if the
24 department is denied an exemption or fails to be granted an exemption on or
25 before the date specified in subsection A.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.

Passed the House April 20, 2004

by the following vote: 55 Ayes,

1 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 26, 2004

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Bennett
President of the Senate

Chermin B. Bunting
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1332

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 27, 2004,

by the following vote: 25 Ayes,

0 Nays, 5 Not Voting

[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
27th day of April, 2004,

at 1 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 3 day of

May, 2004,

at 2:45 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 3 day of May, 2004,

at 3:51 o'clock P. M.

[Signature]
Secretary of State

S.B. 1332