Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
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First Regular Session
2015

CHAPTER 253

SENATE BILL 1313

AN ACT

AMENDING SECTION 25-1202, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-1203; AMENDING SECTION 25-1204, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-1205; AMENDING SECTIONS 25-1221, 25-1223, 25-1224, 25-1226, 25-1227, 25-1228, 25-1229, 25-1230, 25-1231, 25-1241, 25-1244, 25-1245, 25-1247, 25-1248, 25-1250, 25-1251, 25-1253, 25-1256, 25-1257, 25-1258, 25-1259 AND 25-1271, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 9, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-1272; AMENDING SECTIONS 25-1284, 25-1285, 25-1287, 25-1301, 25-1302, 25-1303, 25-1304, 25-1305, 25-1306, 25-1307, 25-1308, 25-1309, 25-1310, 25-1311 AND 25-1315, ARIZONA REVISED STATUTES; AMENDING TITLE 25, CHAPTER 9, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-1316; REPEALING TITLE 25, CHAPTER 9, ARTICLE 7, ARIZONA REVISED STATUTES; PROVIDING FOR RENUMBERING; AMENDING TITLE 25, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 7; RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 25-1202, Arizona Revised Statutes, is amended to read:

25-1202. Definitions

In this chapter, unless the context otherwise requires:

1. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

2. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state OR FOREIGN COUNTRY.

3. "CONVENTION" MEANS THE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE, CONCLUDED AT THE HAGUE ON NOVEMBER 23, 2007.

~~3.~~ 4. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse or former spouse, including an unsatisfied obligation to provide support.

5. "FOREIGN COUNTRY" MEANS A COUNTRY, INCLUDING A POLITICAL SUBDIVISION OF A COUNTRY, OTHER THAN THE UNITED STATES, THAT AUTHORIZES THE ISSUANCE OF SUPPORT ORDERS AND TO WHICH ANY OF THE FOLLOWING APPLIES:

(a) IT HAS BEEN DECLARED UNDER THE LAW OF THE UNITED STATES TO BE A FOREIGN RECIPROCATING COUNTRY.

(b) IT HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD SUPPORT WITH THIS STATE AS PROVIDED IN SECTION 25-1248.

(c) IT HAS ENACTED A LAW OR ESTABLISHED PROCEDURES FOR THE ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS THAT ARE SUBSTANTIALLY SIMILAR TO THE PROCEDURES PRESCRIBED IN THIS CHAPTER.

(d) THE CONVENTION IS IN FORCE IN THE COUNTRY WITH RESPECT TO THE UNITED STATES.

6. "FOREIGN SUPPORT ORDER" MEANS A SUPPORT ORDER OF A FOREIGN TRIBUNAL.

7. "FOREIGN TRIBUNAL" MEANS A COURT, ADMINISTRATIVE AGENCY OR QUASI-JUDICIAL ENTITY OF A FOREIGN COUNTRY THAT IS AUTHORIZED TO ESTABLISH, ENFORCE OR MODIFY SUPPORT ORDERS OR TO DETERMINE PARENTAGE OF A CHILD. FOREIGN TRIBUNAL INCLUDES A COMPETENT AUTHORITY UNDER THE CONVENTION.

~~4.~~ 8. "Home state" means the state OR FOREIGN COUNTRY in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing a petition or a comparable pleading for support and, if a child is less than six months old, the state OR FOREIGN COUNTRY in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six month or other period.

~~5.~~ 9. "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the laws of this state.

~~6.~~ 10. "Income withholding order" means an order or other legal process directed to an obligor's employer, PAYOR or other debtor to withhold support from the income of the obligor.

~~7. "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter.~~

~~8.~~ 11. "Initiating tribunal" means the ~~authorized~~ tribunal ~~in an initiating~~ OF A state OR FOREIGN COUNTRY FROM WHICH A PETITION OR COMPARABLE PLEADING IS FORWARDED OR IN WHICH A PETITION OR COMPARABLE PLEADING IS FILED FOR FORWARDING TO ANOTHER STATE OR FOREIGN COUNTRY.

12. "ISSUING FOREIGN COUNTRY" MEANS THE FOREIGN COUNTRY IN WHICH A TRIBUNAL ISSUES A SUPPORT ORDER OR A JUDGMENT DETERMINING PARENTAGE OF A CHILD.

~~9.~~ 13. "Issuing state" means the state in which a tribunal issues a support order or ~~renders~~ a judgment determining parentage OF A CHILD.

~~10.~~ 14. "Issuing tribunal" means the tribunal OF A STATE OR FOREIGN COUNTRY that issues a support order or ~~renders~~ a judgment determining parentage OF A CHILD.

~~11.~~ 15. "Law" includes decisional and statutory law and rules and regulations having the force of law.

~~12.~~ 16. "Obligee" means any of the following:

(a) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage OF A CHILD has been ~~rendered~~ ISSUED.

(b) A FOREIGN COUNTRY, A state or A political subdivision OF A STATE to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee IN PLACE OF CHILD SUPPORT.

(c) An individual who seeks a judgment determining parentage of the individual's child.

(d) A PERSON THAT IS A CREDITOR IN A PROCEEDING UNDER ARTICLE 7 OF THIS CHAPTER.

~~13.~~ 17. "Obligor" means an individual or the estate of a decedent that meets any of the following conditions:

(a) Owes or is alleged to owe a duty of support.

(b) Is alleged but has not been adjudicated to be a parent of a child.

(c) Is liable under a support order.

(d) IS A DEBTOR IN A PROCEEDING UNDER ARTICLE 7 OF THIS CHAPTER.

18. "OUTSIDE THIS STATE" MEANS A LOCATION IN ANOTHER STATE OR A COUNTRY OTHER THAN THE UNITED STATES, WHETHER OR NOT THE COUNTRY IS A FOREIGN COUNTRY.

~~14.~~ 19. "Person" ~~has the same meaning prescribed in section 1-215~~ MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT VENTURE, PUBLIC CORPORATION, GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY OR INSTRUMENTALITY, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

~~15.~~ 20. "Petition" includes a complaint.

~~16.~~ 21. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

~~17.~~ 22. "Register" means to file IN A TRIBUNAL IN THIS STATE a support order or judgment ~~determining~~ THAT DETERMINES parentage ~~in superior court~~ OF A CHILD AND THAT IS ISSUED IN ANOTHER STATE OR A FOREIGN COUNTRY.

~~18.~~ 23. "Registering tribunal" means a tribunal in which a support order OR A JUDGMENT DETERMINING PARENTAGE OF A CHILD is registered.

~~19.~~ 24. "Responding state" means a state in which a ~~proceeding~~ PETITION OR COMPARABLE PLEADING FOR SUPPORT OR DETERMINATION OF PARENTAGE is filed or to which a ~~proceeding~~ PETITION OR COMPARABLE PLEADING is forwarded for filing from ~~an initiating~~ ANOTHER state ~~under this chapter or a law substantially similar to this chapter~~ OR A FOREIGN COUNTRY.

~~20.~~ 25. "Responding tribunal" means the authorized tribunal in a responding state OR A FOREIGN COUNTRY.

~~21.~~ 26. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

~~22.~~ 27. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. State includes~~:~~

~~(a)~~ an Indian NATION OR tribe.

~~(b) A foreign country or political subdivision that has:~~

~~(i) Been declared to be a foreign reciprocating country or political subdivision under federal law.~~

~~(ii) Established a reciprocal arrangement for child support with this state pursuant to section 25-1248.~~

~~(iii) Enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter.~~

~~23.~~ 28. "Support enforcement agency" means a public official ~~or~~, GOVERNMENTAL ENTITY OR PRIVATE agency authorized to ~~seek~~ DO ANY OF THE FOLLOWING:

(a) SEEK the enforcement of support orders or laws relating to the duty of support.

(b) SEEK the establishment or modification of child support.

(c) ~~The~~ REQUEST A determination of parentage.

(d) ~~The location of~~ ATTEMPT TO LOCATE obligors or their assets.

(e) REQUEST a determination of the controlling child support order.

~~24.~~ 29. "Support order" means a judgment, decree, order, DECISION or directive, whether temporary, final or subject to modification, ISSUED IN A STATE OR FOREIGN COUNTRY for the benefit of a child, a spouse or a former spouse, that provides for monetary support, health care, arrearages, RETROACTIVE SUPPORT or reimbursement ~~and that~~ FOR FINANCIAL ASSISTANCE PROVIDED TO AN INDIVIDUAL OBLIGEE IN PLACE OF CHILD SUPPORT. SUPPORT ORDER may include related costs and fees, interest, income withholding, AUTOMATIC ADJUSTMENT, REASONABLE attorney fees and other relief.

~~25.~~ 30. "Tribunal" means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage OF A CHILD.

Sec. 2. Title 25, chapter 9, article 1, Arizona Revised Statutes, is amended by adding section 25-1203, to read:

25-1203. State tribunal and support enforcement agency

A. THE SUPERIOR COURT IS THE TRIBUNAL OF THIS STATE.

B. THE DEPARTMENT OF ECONOMIC SECURITY IS THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE.

Sec. 3. Section 25-1204, Arizona Revised Statutes, is amended to read:

25-1204. Remedies cumulative

A. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law~~, including~~ OR the recognition of a FOREIGN support order ~~of a foreign country or political subdivision~~ on the basis of comity.

B. This chapter does not:

1. Provide the exclusive method of establishing or enforcing a support order under the laws of this state.

2. Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to ~~access~~ LEGAL DECISION-MAKING and parenting times in a proceeding under this chapter.

Sec. 4. Title 25, chapter 9, article 1, Arizona Revised Statutes, is amended by adding section 25-1205, to read:

25-1205. Application of chapter to resident of foreign country and foreign support proceeding

A. A TRIBUNAL OF THIS STATE SHALL APPLY ARTICLES 1, 2, 3, 4, 5 AND 6 OF THIS CHAPTER AND, AS APPLICABLE, ARTICLE 7 OF THIS CHAPTER TO A SUPPORT PROCEEDING THAT INVOLVES ANY OF THE FOLLOWING:

1. A FOREIGN SUPPORT ORDER.

2. A FOREIGN TRIBUNAL.

3. AN OBLIGEE, AN OBLIGOR OR A CHILD RESIDING IN A FOREIGN COUNTRY.

B. A TRIBUNAL OF THIS STATE THAT IS REQUESTED TO RECOGNIZE AND ENFORCE A SUPPORT ORDER ON THE BASIS OF COMITY MAY APPLY THE PROCEDURAL AND SUBSTANTIVE PROVISIONS OF ARTICLES 1, 2, 3, 4, 5 AND 6 OF THIS CHAPTER.

C. ARTICLE 7 OF THIS CHAPTER APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE CONVENTION. IN SUCH A PROCEEDING, IF A PROVISION OF ARTICLE 7 OF THIS CHAPTER IS INCONSISTENT WITH ARTICLES 1, 2, 3, 4, 5 AND 6 OF THIS CHAPTER, THE ARTICLE 7 PROVISION CONTROLS.

Sec. 5. Section 25-1221, Arizona Revised Statutes, is amended to read:

25-1221. Bases for jurisdiction over nonresident

A. In a proceeding to establish or enforce a support order or to determine parentage OF A CHILD, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following is true:

1. The individual is personally served within this state.

2. The individual submits to the jurisdiction of this state by consent IN A RECORD, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

3. The individual resided with the child in this state.

4. The individual resided in this state and provided prenatal expenses or support for the child.

5. The child resides in this state as a result of the acts or directives of the individual.

6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.

7. The individual asserted parentage OF A CHILD on a birth certificate filed in this state.

8. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

B. The bases of personal jurisdiction prescribed in subsection A of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of section 25-1311 ~~or 25-1315~~ are met, OR, IN THE CASE OF A FOREIGN SUPPORT ORDER, UNLESS THE REQUIREMENTS OF SECTION 25-1315 ARE MET.

Sec. 6. Section 25-1223, Arizona Revised Statutes, is amended to read:

25-1223. Initiating and responding tribunal of state

Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to A TRIBUNAL OF another state and as a responding tribunal for proceedings initiated in another state OR A FOREIGN COUNTRY.

Sec. 7. Section 25-1224, Arizona Revised Statutes, is amended to read:

25-1224. Simultaneous proceedings

A. A tribunal of this state may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a

pleading is filed in another state OR A FOREIGN COUNTRY only if all of the following are true:

1. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state OR THE FOREIGN COUNTRY for filing a responsive pleading challenging the exercise of jurisdiction by the other state OR THE FOREIGN COUNTRY.

2. The contesting party timely challenges the exercise of jurisdiction in the other state OR THE FOREIGN COUNTRY.

3. If relevant, this state is the home state of the child.

B. A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state OR A FOREIGN COUNTRY if all of the following are true:

1. The petition or comparable pleading in the other state OR THE FOREIGN COUNTRY is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

2. The contesting party timely challenges the exercise of jurisdiction in this state.

3. If relevant, the other state OR THE FOREIGN COUNTRY is the home state of the child.

Sec. 8. Section 25-1226, Arizona Revised Statutes, is amended to read:

25-1226. Continuing jurisdiction to enforce child support order

A. A tribunal of this state that has issued a child support order consistent with the laws of this state may serve as an initiating tribunal to request a tribunal of another state to enforce:

1. The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the uniform interstate family support act.

2. A money judgment for arrears of support and interest on the order accrued before a determination that an order OF A TRIBUNAL of another state is the controlling order.

B. A tribunal of this state having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.

Sec. 9. Section 25-1227, Arizona Revised Statutes, is amended to read:

25-1227. Determination of controlling child support order

A. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal is controlling and shall be recognized.

B. If a proceeding is brought under this chapter and two or more child support orders have been issued by tribunals in this state, ~~or~~ another state OR A FOREIGN COUNTRY with regard to the same obligor and the same child, a tribunal of this state having personal jurisdiction over both the obligor and

individual obligee shall apply the following rules and by order shall determine which order controls AND MUST BE RECOGNIZED:

1. If only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal ~~is controlling and shall be recognized~~ CONTROLS.

2. If more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child is controlling. If an order has not been issued in the current home state of the child, the order most recently issued is controlling.

3. If none of the tribunals would have continuing exclusive jurisdiction under this chapter, the tribunal of this state shall issue a child support order that is controlling.

C. If two or more child support orders have been issued for the same obligor and the same child, on request of a party ~~that~~ WHO is an individual or THAT IS a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection B of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to article 6 of this chapter OR MAY BE FILED AS A SEPARATE PROCEEDING.

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

E. The tribunal that issued the order that is recognized as controlling under subsection A, B or C of this section has continuing jurisdiction to the extent provided pursuant to section 25-1225 or 25-1226.

F. A tribunal of this state that determines the order that is the controlling ~~child~~ support order under subsection B, paragraph 1 or 2 of this section or subsection C of this section or that issues a new controlling ~~child~~ support order under subsection B, paragraph 3 of this section shall state in that order:

1. The basis on which the tribunal made its determination.

2. The amount of prospective support, if any.

3. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited pursuant to section 25-1229.

G. Within thirty days after issuance of an order determining WHICH IS the controlling order, the party obtaining the order shall file a certified copy of the order in each tribunal that had issued or registered an earlier order of child support. A party or support enforcement agency that obtains the controlling order but fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file

arises. The failure to file does not affect the validity or enforceability of the controlling order.

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

Sec. 10. Section 25-1228, Arizona Revised Statutes, is amended to read:

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

In responding to registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state OR A FOREIGN COUNTRY, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

Sec. 11. Section 25-1229, Arizona Revised Statutes, is amended to read:

25-1229. Credit for payments

A tribunal of this state shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this state, ~~or any other~~ ANOTHER state OR A FOREIGN COUNTRY.

Sec. 12. Section 25-1230, Arizona Revised Statutes, is amended to read:

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

A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under this chapter or other laws of this state relating to a support order, or recognizing a FOREIGN support order ~~of a foreign country or political subdivision on the basis of comity~~, may receive evidence from ~~another~~ OUTSIDE THIS state pursuant to section 25-1256, communicate with a tribunal ~~of another~~ OUTSIDE THIS state pursuant to section 25-1257 and obtain discovery through a tribunal ~~of another~~ OUTSIDE THIS state pursuant to section 25-1258. In all other respects, articles 3, ~~through 7~~ 4, 5 AND 6 of this chapter do not apply and the tribunal shall apply the procedural and substantive law of this state.

Sec. 13. Section 25-1231, Arizona Revised Statutes, is amended to read:

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

A. A tribunal of this state issuing a spousal support order consistent with the laws of this state has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

B. A tribunal of this state may not modify a spousal support order issued by a tribunal of another state OR A FOREIGN COUNTRY having continuing, exclusive jurisdiction over that order under the laws of that state OR FOREIGN COUNTRY.

C. A tribunal of this state that has continuing, exclusive jurisdiction over a spousal support order may serve as either:

1. An initiating tribunal TO REQUEST A TRIBUNAL of another state to enforce the spousal support order issued in ~~that~~ THIS state.

2. A responding tribunal to enforce or modify its own spousal support order.

Sec. 14. Section 25-1241, Arizona Revised Statutes, is amended to read:

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 OR A FOREIGN COUNTRY that has or can obtain personal jurisdiction over the respondent.

Sec. 15. Section 25-1244, Arizona Revised Statutes, is amended to read:

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~~ A certificate or other document and may make findings required by the law of the responding state. If the responding ~~state~~ TRIBUNAL is IN a foreign country ~~or political subdivision~~, on request the tribunal OF THIS STATE 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~~ FOREIGN TRIBUNAL.

Sec. 16. Section 25-1245, Arizona Revised Statutes, is amended to read:

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. ~~Issue~~ ESTABLISH or enforce a support order, modify a child support order, determine the controlling child support order or determine parentage OF A CHILD.

2. Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

3. Order income withholding.

4. Determine the amount of any arrearages and specify a method of payment.

5. Enforce orders by civil or criminal contempt, or both.

6. Set aside property for satisfaction of the support order.

7. Place liens and order execution on the obligor's property.

8. Order an obligor to keep the tribunal informed of the obligor's current residential address, E-MAIL ADDRESS, telephone number, employer, address of employment and telephone number at the place of employment.

9. Issue a ~~civil~~ CHILD SUPPORT arrest warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the ~~civil~~ CHILD SUPPORT arrest warrant in any local and state computer systems for criminal warrants.

10. Order the obligor to seek appropriate employment by specified methods.

11. Award reasonable attorney fees and other fees and costs.

12. Grant any other available remedy.

C. A responding tribunal of this state shall include in a support order issued under this chapter or in the documents accompanying the order the calculations on which the support order is based.

D. A responding tribunal of this state may not condition the payment of a support order issued under this chapter on compliance by a party with provisions for visitation.

E. If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

F. If requested to enforce a support order, arrears or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the

equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Sec. 17. Section 25-1247, Arizona Revised Statutes, is amended to read:

25-1247. Duties of support enforcement agency

A. IN A PROCEEDING UNDER THIS CHAPTER, a support enforcement agency of this state, on request: ~~,~~

1. Shall provide services to a petitioner ~~in a proceeding under this chapter~~ THAT RESIDES IN A STATE.

2. SHALL PROVIDE SERVICES TO A PETITIONER THAT REQUESTS SERVICES THROUGH A CENTRAL AUTHORITY OF A FOREIGN COUNTRY DESCRIBED IN SECTION 25-1202, PARAGRAPH 5, SUBDIVISION (a) OR (d).

3. MAY PROVIDE SERVICES TO A PETITIONER WHO IS AN INDIVIDUAL NOT RESIDING IN A STATE.

B. A support enforcement agency of this state that is providing services to the petitioner shall:

1. Take all steps necessary to enable an appropriate tribunal ~~in~~ OF this state, ~~or~~ another state OR A FOREIGN COUNTRY to obtain jurisdiction over the respondent.

2. Request an appropriate tribunal to set a date, time and place for a hearing.

3. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties.

4. Within two days, exclusive of Saturdays, Sundays and ~~other~~ legal holidays, after receipt of a ~~written~~ notice in a record from an initiating, responding or registering tribunal, send a copy of the notice by first class mail to the petitioner.

5. Within two days, exclusive of Saturdays, Sundays and ~~other~~ legal holidays, after receipt of a ~~written~~ communication in a record from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner.

6. Notify the petitioner if jurisdiction over the respondent cannot be obtained.

C. A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts to either:

1. Ensure that the order to be registered is the controlling order.

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

D. A support enforcement agency of this state that requests registration and enforcement of a support order, arrears or judgment stated in a foreign currency shall convert the amounts stated in the foreign

currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

E. A support enforcement agency of this state shall request a tribunal of this state to issue a child support order and an income withholding order that redirect payment of current support, arrears and interest if requested to do so by a support enforcement agency of another state pursuant to section 25-1259.

F. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 18. Section 25-1248, Arizona Revised Statutes, is amended to read:

25-1248. Duty of the attorney general

A. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

B. The attorney general may determine that a foreign country ~~or political subdivision~~ has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

Sec. 19. Section 25-1250, Arizona Revised Statutes, is amended to read:

25-1250. Duties of department of economic security

A. The department of economic security is the state information agency under this chapter.

B. The department shall:

1. Compile and maintain a current list, including addresses, of the tribunals in this state that have jurisdiction under this chapter and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state.

2. Maintain a register OF NAMES AND ADDRESSES of tribunals and support enforcement agencies received from other states.

3. Forward to the appropriate tribunal in the county in this state in which the obligee WHO IS AN INDIVIDUAL or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from ~~an initiating tribunal or the~~ ANOTHER state ~~information agency of the initiating state~~ OR A FOREIGN COUNTRY.

4. Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification, federal or state locator services, examination of telephone directories, requests for the obligor's address from employers and

examination of governmental records, including to the extent not prohibited by other law those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver licenses and social security.

Sec. 20. Section 25-1251, Arizona Revised Statutes, is amended to read:

25-1251. Pleadings and accompanying documents

A. In a proceeding under this chapter, a petitioner seeking to establish a support order, determine parentage OF A CHILD or register and modify a support order OF A TRIBUNAL of another state OR A FOREIGN COUNTRY must file a petition. Unless otherwise ordered under section 25-1252, the petition or accompanying documents shall provide, as far as known, the name, residential address and social security number of the obligor and the obligee OR THE PARENT AND ALLEGED PARENT and the name, sex, residential address, social security number and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Any social security numbers may be redacted and filed separately pursuant to section 25-501, subsection G. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

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

Sec. 21. Section 25-1253, Arizona Revised Statutes, is amended to read:

25-1253. Costs and fees

A. The petitioner ~~shall not~~ MAY NOT BE REQUIRED TO pay a filing fee or other costs.

B. If an obligee prevails, a responding tribunal OF THIS STATE may assess against an obligor filing fees, reasonable attorney fees, other costs and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal shall not assess fees, costs or expenses against the obligee or the support enforcement agency of either the initiating or the responding state OR FOREIGN COUNTRY, except as provided by other law. Attorney fees may be taxed as costs and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

C. The tribunal shall order the payment of costs and reasonable attorney fees if it determines that a hearing was requested primarily for delay. In a proceeding under article 6 of this chapter for the enforcement and modification of a support order after registration, a hearing is presumed

to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 22. Section 25-1256, Arizona Revised Statutes, is amended to read:

25-1256. Special rules of evidence and procedure

A. The physical presence of a nonresident party who is an individual in a tribunal ~~proceeding~~ of this state is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage OF A CHILD.

B. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any affidavit or mandated form that would not be excluded under the hearsay rule if given in person is admissible in evidence if given under penalty of perjury by a party or witness residing ~~in another~~ OUTSIDE THIS state.

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

D. Copies of bills for testing for parentage OF A CHILD and for prenatal and postnatal health care of the mother and child furnished to the adverse party at least ten days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

E. Documentary evidence transmitted from ~~another~~ OUTSIDE THIS state to a tribunal of this state by telephone, fax or other ELECTRONIC means that do not provide an original record shall not be excluded from evidence on an objection based on the means of transmission.

F. In a proceeding under this chapter, a tribunal of this state shall permit a party or witness residing ~~in another~~ OUTSIDE THIS state to be deposed or to testify UNDER PENALTY OF PERJURY by telephone, audiovisual means or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of this state shall cooperate with OTHER tribunals ~~of other states~~ in designating an appropriate location for the deposition or testimony.

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

H. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

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

J. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

Sec. 23. Section 25-1257, Arizona Revised Statutes, is amended to read:

25-1257. Communications between tribunals

A tribunal of this state may communicate with a tribunal ~~of another~~ OUTSIDE THIS state ~~or a foreign country or political subdivision~~ in a record or by telephone, E-MAIL or other means to obtain information concerning the laws, the legal effect of a judgment, decree or order of that tribunal and the status of a proceeding ~~in the other state or the foreign country or political subdivision~~. A tribunal of this state may furnish similar information by similar means to a tribunal ~~of another~~ OUTSIDE THIS state ~~or a foreign country or political subdivision~~.

Sec. 24. Section 25-1258, Arizona Revised Statutes, is amended to read:

25-1258. Assistance with discovery

A tribunal of this state may:

1. Request a tribunal ~~of another~~ OUTSIDE THIS state to assist in obtaining discovery.

2. On request, compel a person over ~~whom~~ WHICH it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ OUTSIDE THIS state.

Sec. 25. Section 25-1259, Arizona Revised Statutes, is amended to read:

25-1259. Receipt and disbursement of payments

A. A support enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state OR A FOREIGN COUNTRY a certified statement by the custodian of the record of the amounts and dates of all payments received.

B. If neither the obligor, the obligee who is an individual nor the child resides in this state, on request from the support enforcement agency of this state or another state, a tribunal of this state shall:

1. Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services.

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

C. The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection B shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 26. Heading change

The article heading of title 25, chapter 9, article 4, Arizona Revised Statutes, is changed from "ESTABLISHMENT OF SUPPORT ORDER" to "ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE".

Sec. 27. Section 25-1271, Arizona Revised Statutes, is amended to read:

25-1271. Establishment of support order

A. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state WITH PERSONAL JURISDICTION OVER THE PARTIES may issue a support order if either:

1. The individual seeking the order resides ~~in another~~ OUTSIDE THIS state.

2. The support enforcement agency seeking the order is located ~~in another~~ OUTSIDE THIS state.

B. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

1. A presumed father of the child.

2. Petitioning to have his paternity adjudicated.

3. Identified as the father of the child through genetic testing.

4. An alleged father who has declined to submit to genetic testing.

5. Shown by clear and convincing evidence to be the father of the child.

6. An acknowledged father as provided pursuant to section ~~36-322~~ 36-334.

7. The mother of the child.

8. An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

C. On finding, after notice and an opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 25-1245.

Sec. 28. Title 25, chapter 9, article 4, Arizona Revised Statutes, is amended by adding section 25-1272, to read:

25-1272. Proceeding to determine parentage of a child

A TRIBUNAL OF THIS STATE AUTHORIZED TO DETERMINE PARENTAGE OF A CHILD MAY SERVE AS A RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE THE PARENTAGE OF A CHILD BROUGHT UNDER THIS CHAPTER OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER.

Sec. 29. Heading change

The article heading of title 25, chapter 9, article 5, Arizona Revised Statutes, is changed from "ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION" to "ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION".

Sec. 30. Section 25-1284, Arizona Revised Statutes, is amended to read:

25-1284. Immunity from civil liability

An employer ~~who~~ THAT complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

Sec. 31. Section 25-1285, Arizona Revised Statutes, is amended to read:

25-1285. Penalties for noncompliance

An employer ~~who~~ THAT wilfully fails to comply with an income withholding order issued ~~by~~ IN another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

Sec. 32. Section 25-1287, Arizona Revised Statutes, is amended to read:

25-1287. Administrative enforcement of orders

A. A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued ~~by a tribunal of~~ IN another state OR A FOREIGN SUPPORT ORDER may send the documents required for registering the order to a support enforcement agency of this state.

B. On receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the laws of this state to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

Sec. 33. Section 25-1301, Arizona Revised Statutes, is amended to read:

25-1301. Registration of order for enforcement

A support order or an income withholding order issued ~~by a tribunal of~~ IN another state OR A FOREIGN SUPPORT ORDER may be registered in this state for enforcement.

Sec. 34. Section 25-1302, Arizona Revised Statutes, is amended to read:

25-1302. Procedure to register order for enforcement

A. EXCEPT AS PROVIDED IN SECTION 25-1336, a support order or income withholding order of another state OR A FOREIGN SUPPORT ORDER may be registered in this state by sending the following documents ~~and information~~ to the appropriate tribunal in this state:

1. A letter of transmittal to the tribunal requesting registration and enforcement.

2. Two copies, including one certified copy, of the order to be registered, including any modification of the order.

3. A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage.

4. The name of the obligor and, if known:

(a) The obligor's address and social security number. The obligor's social security number may be redacted and filed separately pursuant to section 25-501, subsection G.

(b) The name and address of the obligor's employer and any other source of income of the obligor.

(c) A description and the location of property of the obligor in this state not exempt from execution.

5. Except as otherwise provided in section 25-1252, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

B. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as ~~a foreign judgment~~ AN ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN SUPPORT ORDER, together with one copy of the documents and information, regardless of their form.

C. A PETITION OR COMPARABLE PLEADING SEEKING A REMEDY THAT MUST BE AFFIRMATIVELY SOUGHT UNDER OTHER LAW OF THIS STATE MAY BE FILED AT THE SAME TIME AS THE REQUEST FOR REGISTRATION OR LATER. THE PLEADING MUST SPECIFY THE GROUNDS FOR THE REMEDY SOUGHT.

~~C.~~ D. If two or more orders are in effect, the person requesting registration shall:

1. Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section.

2. Specify the order alleged to be the controlling order, if any.

3. Specify the amount of consolidated arrears, if any.

~~D.~~ E. A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 35. Section 25-1303, Arizona Revised Statutes, is amended to read:

25-1303. Effect of registration for enforcement

A. A support order or income withholding order issued in another state OR A FOREIGN SUPPORT ORDER is registered when the order is filed in the registering tribunal of this state.

B. A registered SUPPORT order issued in another state OR A FOREIGN COUNTRY is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.

C. Except as otherwise provided in this article, a tribunal of this state shall recognize and enforce, but may not modify, a registered SUPPORT order if the issuing tribunal had jurisdiction.

Sec. 36. Section 25-1304, Arizona Revised Statutes, is amended to read:

25-1304. Choice of law

A. Except as otherwise provided in subsection D OF THIS SECTION, the law of the issuing state OR FOREIGN COUNTRY governs:

1. The nature, extent, amount and duration of current payments under a registered support order.

2. The computation and payment of arrearages and accrual of interest on the arrearages under the SUPPORT order.

3. The existence and satisfaction of other obligations under the support order.

B. In a proceeding for arrears under a registered support order, the statute of limitation of this state or of the issuing state OR FOREIGN COUNTRY, whichever is longer, applies.

C. A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state OR A FOREIGN COUNTRY registered in this state.

D. After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state OR FOREIGN COUNTRY issuing the controlling order, including its law on interest on arrears, on current and future support and on consolidated arrears.

Sec. 37. Section 25-1305, Arizona Revised Statutes, is amended to read:

25-1305. Notice of registration of order

A. When a support order or income withholding order issued in another state OR A FOREIGN SUPPORT ORDER is registered, the registering tribunal OF THIS STATE shall notify the nonregistering party. Notice shall be given by first class or registered mail or by any means of personal service authorized by the law of this state. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

B. A notice shall inform the nonregistering party:

1. That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.

2. That a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice, UNLESS THE REGISTERED ORDER IS UNDER SECTION 25-1337.

3. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.

4. Of the amount of any alleged arrearages.

C. If the registering party asserts that two or more orders are in effect, a notice must also:

1. Identify the two or more orders and the order alleged by the registering ~~person~~ PARTY to be the controlling order and the consolidated arrears, if any.

2. Notify the nonregistering party of the right to a determination of which is the controlling order.

3. State that the procedures provided in subsection B of this section apply to the determination of which is the controlling order.

4. State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

D. On registration of an income withholding order for enforcement, THE SUPPORT ENFORCEMENT AGENCY OR the registering tribunal shall serve the obligor's employer with a wage assignment subject to the provisions of section 25-504 or 25-506.

Sec. 38. Section 25-1306, Arizona Revised Statutes, is amended to read:

25-1306. <u>Procedure to contest validity or enforcement of registered support order</u>

A. A nonregistering party seeking to contest the validity or enforcement of a registered SUPPORT order in this state shall request a hearing within ~~twenty days after the date of mailing or personal service of notice of the registration~~ THE TIME REQUIRED BY SECTION 25-1305. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 25-1307.

B. If the nonregistering party fails to contest the validity or enforcement of the registered SUPPORT order in a timely manner, the order is confirmed by operation of law.

C. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered SUPPORT order, the registering tribunal shall schedule the matter for a hearing and give notice to the parties by first class mail of the date, time and place of the hearing.

Sec. 39. Section 25-1307, Arizona Revised Statutes, is amended to read:

25-1307. Contest of registration or enforcement

A. A party contesting the validity or enforcement of a registered SUPPORT order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

1. The issuing tribunal lacked personal jurisdiction over the contesting party.

2. The order was obtained by fraud.

3. The order has been vacated, suspended or modified by a later order.

4. The issuing tribunal has stayed the order pending appeal.

5. There is a defense under the law of this state to the remedy sought.

6. Full or partial payment has been made.

7. The statute of limitation applicable under section 25-1304 precludes enforcement of some or all of the ALLEGED arrearages.

8. The alleged controlling order is not the controlling order.

B. If a party presents evidence establishing a full or partial defense under subsection A of this section, a tribunal may stay enforcement of ~~the~~ A registered SUPPORT order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered SUPPORT order may be enforced by all remedies available under the laws of this state.

C. If the contesting party does not establish a defense under subsection A of this section to the validity or enforcement of ~~the~~ A REGISTERED SUPPORT order, the registering tribunal shall issue an order confirming the order.

Sec. 40. Section 25-1308, Arizona Revised Statutes, is amended to read:

25-1308. Confirmed order

Confirmation of a registered SUPPORT order, whether by operation of law or after notice and a hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

Sec. 41. Section 25-1309, Arizona Revised Statutes, is amended to read:

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

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner as provided in ~~this article~~ SECTIONS 25-1301, 25-1302, 25-1303, 25-1304, 25-1305, 25-1306, 25-1307 AND 25-1308 if the order has not been registered. A petition for modification

may be filed at the same time as a request for registration or later. The pleading shall specify the grounds for modification.

Sec. 42. Section 25-1310, Arizona Revised Statutes, is amended to read:

25-1310. Effect of registration for modification

A tribunal of this state may enforce a child support order of another state registered for purposes of modification in the same manner as if the order had been issued by a tribunal of this state, but the registered SUPPORT order may be modified only if the requirements of section 25-1311~~,~~ OR 25-1313 ~~or 25-1315 of this section~~ have been met.

Sec. 43. Section 25-1311, Arizona Revised Statutes, is amended to read:

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

A. If section 25-1313 does not apply ~~and except as provided in section 25-1315~~, on petition, a tribunal of this state may modify a child support order issued in another state that is registered in this state if, after notice and a hearing, it finds that any of the following is true:

1. The following requirements are met:

(a) Neither the child, the obligee who is an individual nor the obligor resides in the issuing state.

(b) A petitioner who is a nonresident of this state seeks modification.

(c) The respondent is subject to the personal jurisdiction of the tribunal of this state.

2. This state is the ~~state of~~ residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed consents in ~~the~~ A record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

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

C. ~~Except as otherwise provided in section 25-1315,~~ A tribunal of this state may not modify any aspect of a child support order that may not be modified under the laws of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and SAME child, the order that ~~is controlling~~ CONTROLS and MUST BE recognized under section 25-1227 establishes the aspects of the support order that are nonmodifiable.

D. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the

duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

E. On issuance of an order by a tribunal of this state modifying a child support order issued in another state, the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

F. NOTWITHSTANDING THIS SECTION AND SECTION 25-1221, SUBSECTION B, A TRIBUNAL OF THIS STATE RETAINS JURISDICTION TO MODIFY AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE IF BOTH OF THE FOLLOWING ARE TRUE:

1. ONE PARTY RESIDES IN ANOTHER STATE.

2. THE OTHER PARTY RESIDES OUTSIDE THE UNITED STATES.

Sec. 44. Section 25-1315, Arizona Revised Statutes, is amended to read:

25-1315. Jurisdiction to modify child support order of foreign country

A. EXCEPT AS PROVIDED IN SECTION 25-1341, if a foreign country ~~or political subdivision that is a state will not or may not modify its order~~ LACKS OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS CHILD SUPPORT ORDER pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether ~~or not~~ the consent to modification of a child support order otherwise required of the individual pursuant to section 25-1311 has been given or whether the individual seeking modification is a resident of this state or of the foreign country ~~or political subdivision~~.

B. An order issued BY A TRIBUNAL OF THIS STATE MODIFYING A FOREIGN CHILD SUPPORT ORDER pursuant to this section is the controlling order.

Sec. 45. Title 25, chapter 9, article 6, Arizona Revised Statutes, is amended by adding section 25-1316, to read:

25-1316. Procedure to register child support order of foreign country for modification

A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY AND ENFORCE, A FOREIGN CHILD SUPPORT ORDER NOT UNDER THE CONVENTION MAY REGISTER THAT ORDER IN THIS STATE IN THE SAME MANNER AS PROVIDED IN SECTIONS 25-1301, 25-1302, 25-1303, 25-1304, 25-1305, 25-1306, 25-1307 AND 25-1308 IF THE ORDER HAS NOT BEEN REGISTERED. A PETITION FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR REGISTRATION, OR AT ANOTHER TIME. THE PETITION MUST SPECIFY THE GROUNDS FOR MODIFICATION.

Sec. 46. Repeal

Title 25, chapter 9, article 7, Arizona Revised Statutes, is repealed.

Sec. 47. Renumber

The following sections are renumbered:

Former Sections	New Sections
25-1341	25-1361
25-1342	25-1362

1 Sec. 48. Title 25, chapter 9, Arizona Revised Statutes, is amended by
2 adding a new article 7, to read:
3 ARTICLE 7. SUPPORT PROCEEDING UNDER CONVENTION
4 25-1331. Definitions
5 IN THIS ARTICLE:
6 1. "APPLICATION" MEANS A REQUEST UNDER THE CONVENTION BY AN OBLIGEE OR
7 OBLIGOR, OR ON BEHALF OF A CHILD, MADE THROUGH A CENTRAL AUTHORITY FOR
8 ASSISTANCE FROM ANOTHER CENTRAL AUTHORITY.
9 2. "CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY THE UNITED
10 STATES OR A FOREIGN COUNTRY DESCRIBED IN SECTION 25-1202, PARAGRAPH 5,
11 SUBDIVISION (d) TO PERFORM THE FUNCTIONS SPECIFIED IN THE CONVENTION.
12 3. "CONVENTION SUPPORT ORDER" MEANS A SUPPORT ORDER OF A TRIBUNAL OF A
13 FOREIGN COUNTRY DESCRIBED IN SECTION 25-1202, PARAGRAPH 5, SUBDIVISION (d).
14 4. "DIRECT REQUEST" MEANS A PETITION FILED BY AN INDIVIDUAL IN A
15 TRIBUNAL OF THIS STATE IN A PROCEEDING INVOLVING AN OBLIGEE, OBLIGOR OR CHILD
16 RESIDING OUTSIDE THE UNITED STATES.
17 5. "FOREIGN CENTRAL AUTHORITY" MEANS THE ENTITY DESIGNATED BY A
18 FOREIGN COUNTRY DESCRIBED IN SECTION 25-1202 TO PERFORM THE FUNCTIONS
19 SPECIFIED IN THE CONVENTION.
20 6. "FOREIGN SUPPORT AGREEMENT":
21 (a) MEANS AN AGREEMENT FOR SUPPORT IN A RECORD TO WHICH ALL OF THE
22 FOLLOWING APPLY:
23 (i) IT IS ENFORCEABLE AS A SUPPORT ORDER IN THE COUNTRY OF ORIGIN.
24 (ii) IT HAS BEEN FORMALLY DRAWN UP OR REGISTERED AS AN AUTHENTIC
25 INSTRUMENT BY A FOREIGN TRIBUNAL OR AUTHENTICATED BY, OR CONCLUDED,
26 REGISTERED OR FILED WITH, A FOREIGN TRIBUNAL.
27 (iii) IT MAY BE REVIEWED AND MODIFIED BY A FOREIGN TRIBUNAL.
28 (b) INCLUDES A MAINTENANCE ARRANGEMENT OR AUTHENTIC INSTRUMENT UNDER
29 THE CONVENTION.
30 7. "UNITED STATES CENTRAL AUTHORITY" MEANS THE SECRETARY OF THE UNITED
31 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.
32 25-1332. Applicability
33 THIS ARTICLE APPLIES ONLY TO A SUPPORT PROCEEDING UNDER THE CONVENTION.
34 IN SUCH A PROCEEDING, IF A PROVISION OF THIS ARTICLE IS INCONSISTENT WITH
35 ARTICLES 1, 2, 3, 4, 5 AND 6 OF THIS CHAPTER, THIS ARTICLE CONTROLS.
36 25-1333. Relationship of department of economic security to
37 United States central authority
38 THE DEPARTMENT OF ECONOMIC SECURITY IS RECOGNIZED AS THE AGENCY
39 DESIGNATED BY THE UNITED STATES CENTRAL AUTHORITY TO PERFORM SPECIFIC
40 FUNCTIONS UNDER THE CONVENTION.
41 25-1334. Initiation by department of economic security of
42 support proceeding under convention
43 A. IN A SUPPORT PROCEEDING UNDER THIS ARTICLE, THE DEPARTMENT OF
44 ECONOMIC SECURITY SHALL DO BOTH OF THE FOLLOWING:

1. TRANSMIT AND RECEIVE APPLICATIONS.

2. INITIATE OR FACILITATE THE INSTITUTION OF A PROCEEDING REGARDING AN APPLICATION IN A TRIBUNAL OF THIS STATE.

B. THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE TO AN OBLIGEE UNDER THE CONVENTION:

1. RECOGNITION OR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER.

2. ENFORCEMENT OF A SUPPORT ORDER ISSUED OR RECOGNIZED IN THIS STATE.

3. ESTABLISHMENT OF A SUPPORT ORDER IF THERE IS NO EXISTING ORDER, INCLUDING, IF NECESSARY, A DETERMINATION OF PARENTAGE OF A CHILD.

4. ESTABLISHMENT OF A SUPPORT ORDER IF RECOGNITION OF A FOREIGN SUPPORT ORDER IS REFUSED UNDER SECTION 25-1338, SUBSECTION B, PARAGRAPH 2, 4 OR 9.

5. MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE.

6. MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

C. THE FOLLOWING SUPPORT PROCEEDINGS ARE AVAILABLE UNDER THE CONVENTION TO AN OBLIGOR AGAINST WHICH THERE IS AN EXISTING SUPPORT ORDER:

1. RECOGNITION OF AN ORDER SUSPENDING OR LIMITING ENFORCEMENT OF AN EXISTING SUPPORT ORDER OF A TRIBUNAL OF THIS STATE.

2. MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF THIS STATE.

3. MODIFICATION OF A SUPPORT ORDER OF A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

D. A TRIBUNAL OF THIS STATE MAY NOT REQUIRE SECURITY, BOND OR DEPOSIT, HOWEVER DESCRIBED, TO GUARANTEE THE PAYMENT OF COSTS AND EXPENSES IN PROCEEDINGS UNDER THE CONVENTION.

25-1335. Direct request

A. A PETITIONER MAY FILE A DIRECT REQUEST SEEKING ESTABLISHMENT OR MODIFICATION OF A SUPPORT ORDER OR DETERMINATION OF PARENTAGE OF A CHILD. IN THE PROCEEDING, THE LAW OF THIS STATE APPLIES.

B. A PETITIONER MAY FILE A DIRECT REQUEST SEEKING RECOGNITION AND ENFORCEMENT OF A SUPPORT ORDER OR SUPPORT AGREEMENT. IN THE PROCEEDING, SECTIONS 25-1336, 25-1337, 25-1338, 25-1339, 25-1340, 25-1341, 25-1342 AND 25-1343 APPLY.

C. IN A DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF A CONVENTION SUPPORT ORDER OR FOREIGN SUPPORT AGREEMENT:

1. A SECURITY, BOND OR DEPOSIT IS NOT REQUIRED TO GUARANTEE THE PAYMENT OF COSTS AND EXPENSES.

2. AN OBLIGEE OR OBLIGOR THAT IN THE ISSUING COUNTRY HAS BENEFITED FROM FREE LEGAL ASSISTANCE IS ENTITLED TO BENEFIT, AT LEAST TO THE SAME EXTENT, FROM ANY FREE LEGAL ASSISTANCE PROVIDED FOR BY THE LAW OF THIS STATE UNDER THE SAME CIRCUMSTANCES.

D. A PETITIONER FILING A DIRECT REQUEST IS NOT ENTITLED TO ASSISTANCE FROM THE DEPARTMENT OF ECONOMIC SECURITY.

1 E. THIS ARTICLE DOES NOT PREVENT THE APPLICATION OF LAWS OF THIS STATE
2 THAT PROVIDE SIMPLIFIED, MORE EXPEDITIOUS RULES REGARDING A DIRECT REQUEST
3 FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT ORDER OR FOREIGN SUPPORT
4 AGREEMENT.
5 25-1336. Registration of convention support order
6 A. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A PARTY WHO IS AN
7 INDIVIDUAL OR THAT IS A SUPPORT ENFORCEMENT AGENCY SEEKING RECOGNITION OF A
8 CONVENTION SUPPORT ORDER SHALL REGISTER THE ORDER IN THIS STATE AS PROVIDED
9 IN ARTICLE 6 OF THIS CHAPTER.
10 B. NOTWITHSTANDING SECTION 25-1251 AND SECTION 25-1302, SUBSECTION A,
11 A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER MUST BE ACCOMPANIED
12 BY ALL OF THE FOLLOWING:
13 1. A COMPLETE TEXT OF THE SUPPORT ORDER OR AN ABSTRACT OR EXTRACT OF
14 THE SUPPORT ORDER DRAWN UP BY THE ISSUING FOREIGN TRIBUNAL, WHICH MAY BE IN
15 THE FORM RECOMMENDED BY THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW.
16 2. A RECORD STATING THAT THE SUPPORT ORDER IS ENFORCEABLE IN THE
17 ISSUING COUNTRY.
18 3. IF THE RESPONDENT DID NOT APPEAR AND WAS NOT REPRESENTED IN THE
19 PROCEEDINGS IN THE ISSUING COUNTRY, A RECORD ATTESTING, AS APPROPRIATE,
20 EITHER THAT THE RESPONDENT HAD PROPER NOTICE OF THE PROCEEDINGS AND AN
21 OPPORTUNITY TO BE HEARD OR THAT THE RESPONDENT HAD PROPER NOTICE OF THE
22 SUPPORT ORDER AND AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT
23 OR LAW BEFORE A TRIBUNAL.
24 4. A RECORD SHOWING THE AMOUNT OF ARREARS, IF ANY, AND THE DATE THE
25 AMOUNT WAS CALCULATED.
26 5. A RECORD SHOWING A REQUIREMENT FOR AUTOMATIC ADJUSTMENT OF THE
27 AMOUNT OF SUPPORT, IF ANY, AND THE INFORMATION NECESSARY TO MAKE THE
28 APPROPRIATE CALCULATIONS.
29 6. IF NECESSARY, A RECORD SHOWING THE EXTENT TO WHICH THE APPLICANT
30 RECEIVED FREE LEGAL ASSISTANCE IN THE ISSUING COUNTRY.
31 C. A REQUEST FOR REGISTRATION OF A CONVENTION SUPPORT ORDER MAY SEEK
32 RECOGNITION AND PARTIAL ENFORCEMENT OF THE ORDER.
33 D. A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A
34 CONVENTION SUPPORT ORDER WITHOUT THE FILING OF A CONTEST UNDER SECTION
35 25-1337 ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS THAT
36 RECOGNITION AND ENFORCEMENT OF THE ORDER WOULD BE MANIFESTLY INCOMPATIBLE
37 WITH PUBLIC POLICY.
38 E. THE TRIBUNAL SHALL PROMPTLY NOTIFY THE PARTIES OF THE REGISTRATION
39 OR THE ORDER VACATING THE REGISTRATION OF A CONVENTION SUPPORT ORDER.
40 25-1337. Contest of registered convention support order
41 A. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, SECTIONS 25-1305,
42 25-1306, 25-1307 AND 25-1308 APPLY TO A CONTEST OF A REGISTERED CONVENTION
43 SUPPORT ORDER.

B. A PARTY CONTESTING A REGISTERED CONVENTION SUPPORT ORDER SHALL FILE A CONTEST NOT LATER THAN THIRTY DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF THE NOTICE OF THE REGISTRATION, BUT IF THE CONTESTING PARTY DOES NOT RESIDE IN THE UNITED STATES, THE CONTESTING PARTY SHALL FILE THE CONTEST NOT LATER THAN SIXTY DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF THE NOTICE OF THE REGISTRATION.

C. IF THE NONREGISTERING PARTY FAILS TO CONTEST THE REGISTERED CONVENTION SUPPORT ORDER BY THE TIME SPECIFIED IN SUBSECTION B OF THIS SECTION, THE ORDER IS ENFORCEABLE.

D. A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER MAY BE BASED ONLY ON GROUNDS SET FORTH IN SECTION 25-1338. THE CONTESTING PARTY BEARS THE BURDEN OF PROOF.

E. IN A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER, A TRIBUNAL OF THIS STATE:

1. IS BOUND BY THE FINDINGS OF FACT ON WHICH THE FOREIGN TRIBUNAL BASED ITS JURISDICTION.

2. MAY NOT REVIEW THE MERITS OF THE ORDER.

F. A TRIBUNAL OF THIS STATE DECIDING A CONTEST OF A REGISTERED CONVENTION SUPPORT ORDER SHALL PROMPTLY NOTIFY THE PARTIES OF ITS DECISION.

G. A CHALLENGE OR APPEAL, IF ANY, DOES NOT STAY THE ENFORCEMENT OF A CONVENTION SUPPORT ORDER UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES.

25-1338. <u>Recognition and enforcement of registered convention support order</u>

A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A REGISTERED CONVENTION SUPPORT ORDER.

B. THE FOLLOWING GROUNDS ARE THE ONLY GROUNDS ON WHICH A TRIBUNAL OF THIS STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF A REGISTERED CONVENTION SUPPORT ORDER:

1. RECOGNITION AND ENFORCEMENT OF THE ORDER IS MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY, INCLUDING THE FAILURE OF THE ISSUING TRIBUNAL TO OBSERVE MINIMUM STANDARDS OF DUE PROCESS, WHICH INCLUDE NOTICE AND AN OPPORTUNITY TO BE HEARD.

2. THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION CONSISTENT WITH SECTION 25-1221.

3. THE ORDER IS NOT ENFORCEABLE IN THE ISSUING COUNTRY.

4. THE ORDER WAS OBTAINED BY FRAUD IN CONNECTION WITH A MATTER OF PROCEDURE.

5. A RECORD TRANSMITTED UNDER SECTION 25-1336 LACKS AUTHENTICITY OR INTEGRITY.

6. A PROCEEDING BETWEEN THE SAME PARTIES AND HAVING THE SAME PURPOSE IS PENDING BEFORE A TRIBUNAL OF THIS STATE AND THAT PROCEEDING WAS THE FIRST TO BE FILED.

7. THE ORDER IS INCOMPATIBLE WITH A MORE RECENT SUPPORT ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IF THE MORE RECENT

1 SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS CHAPTER
2 IN THIS STATE.
3 8. PAYMENT, TO THE EXTENT ALLEGED ARREARS HAVE BEEN PAID IN WHOLE OR
4 IN PART.
5 9. IN A CASE IN WHICH THE RESPONDENT DID NOT APPEAR OR WAS NOT
6 REPRESENTED IN THE PROCEEDING IN THE ISSUING FOREIGN COUNTRY:
7 (a) IF THE LAW OF THAT COUNTRY PROVIDES FOR PRIOR NOTICE OF
8 PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE PROCEEDINGS AND
9 AN OPPORTUNITY TO BE HEARD.
10 (b) IF THE LAW OF THAT COUNTRY DOES NOT PROVIDE FOR PRIOR NOTICE OF
11 THE PROCEEDINGS, THE RESPONDENT DID NOT HAVE PROPER NOTICE OF THE ORDER AND
12 AN OPPORTUNITY TO BE HEARD IN A CHALLENGE OR APPEAL ON FACT OR LAW BEFORE A
13 TRIBUNAL.
14 10. THE ORDER WAS MADE IN VIOLATION OF SECTION 25-1341.
15 C. IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE A CONVENTION SUPPORT
16 ORDER UNDER SUBSECTION B, PARAGRAPH 2, 4 OR 9 OF THIS SECTION:
17 1. THE TRIBUNAL MAY NOT DISMISS THE PROCEEDING WITHOUT ALLOWING A
18 REASONABLE TIME FOR A PARTY TO REQUEST THE ESTABLISHMENT OF A NEW CONVENTION
19 SUPPORT ORDER.
20 2. THE DEPARTMENT OF ECONOMIC SECURITY SHALL TAKE ALL APPROPRIATE
21 MEASURES TO REQUEST A CHILD SUPPORT ORDER FOR THE OBLIGEE IF THE APPLICATION
22 FOR RECOGNITION AND ENFORCEMENT WAS RECEIVED UNDER SECTION 25-1334.
23 25-1339. Partial enforcement
24 IF A TRIBUNAL OF THIS STATE DOES NOT RECOGNIZE AND ENFORCE A CONVENTION
25 SUPPORT ORDER IN ITS ENTIRETY, IT SHALL ENFORCE ANY SEVERABLE PART OF THE
26 ORDER. AN APPLICATION OR DIRECT REQUEST MAY SEEK RECOGNITION AND PARTIAL
27 ENFORCEMENT OF A CONVENTION SUPPORT ORDER.
28 25-1340. Foreign support agreement
29 A. EXCEPT AS PROVIDED IN SUBSECTIONS C AND D OF THIS SECTION, A
30 TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE A FOREIGN SUPPORT
31 AGREEMENT REGISTERED IN THIS STATE.
32 B. AN APPLICATION OR DIRECT REQUEST FOR RECOGNITION AND ENFORCEMENT OF
33 A FOREIGN SUPPORT AGREEMENT MUST BE ACCOMPANIED BY BOTH OF THE FOLLOWING:
34 1. A COMPLETE TEXT OF THE FOREIGN SUPPORT AGREEMENT.
35 2. A RECORD STATING THAT THE FOREIGN SUPPORT AGREEMENT IS ENFORCEABLE
36 AS AN ORDER OF SUPPORT IN THE ISSUING COUNTRY.
37 C. A TRIBUNAL OF THIS STATE MAY VACATE THE REGISTRATION OF A FOREIGN
38 SUPPORT AGREEMENT ONLY IF, ACTING ON ITS OWN MOTION, THE TRIBUNAL FINDS THAT
39 RECOGNITION AND ENFORCEMENT WOULD BE MANIFESTLY INCOMPATIBLE WITH PUBLIC
40 POLICY.
41 D. IN A CONTEST OF A FOREIGN SUPPORT AGREEMENT, A TRIBUNAL OF THIS
42 STATE MAY REFUSE RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IF IT FINDS ANY
43 OF THE FOLLOWING:

1. RECOGNITION AND ENFORCEMENT OF THE AGREEMENT IS MANIFESTLY INCOMPATIBLE WITH PUBLIC POLICY.

2. THE AGREEMENT WAS OBTAINED BY FRAUD OR FALSIFICATION.

3. THE AGREEMENT IS INCOMPATIBLE WITH A SUPPORT ORDER INVOLVING THE SAME PARTIES AND HAVING THE SAME PURPOSE IN THIS STATE, ANOTHER STATE OR A FOREIGN COUNTRY IF THE SUPPORT ORDER IS ENTITLED TO RECOGNITION AND ENFORCEMENT UNDER THIS CHAPTER IN THIS STATE.

4. THE RECORD SUBMITTED UNDER SUBSECTION B OF THIS SECTION LACKS AUTHENTICITY OR INTEGRITY.

E. A PROCEEDING FOR RECOGNITION AND ENFORCEMENT OF A FOREIGN SUPPORT AGREEMENT MUST BE SUSPENDED DURING THE PENDENCY OF A CHALLENGE TO OR APPEAL OF THE AGREEMENT BEFORE A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY.

25-1341. Modification of convention child support order

A. A TRIBUNAL OF THIS STATE MAY NOT MODIFY A CONVENTION CHILD SUPPORT ORDER IF THE OBLIGEE REMAINS A RESIDENT OF THE FOREIGN COUNTRY WHERE THE SUPPORT ORDER WAS ISSUED UNLESS EITHER OF THE FOLLOWING APPLIES:

1. THE OBLIGEE SUBMITS TO THE JURISDICTION OF A TRIBUNAL OF THIS STATE, EITHER EXPRESSLY OR BY DEFENDING ON THE MERITS OF THE CASE WITHOUT OBJECTING TO THE JURISDICTION AT THE FIRST AVAILABLE OPPORTUNITY.

2. THE FOREIGN TRIBUNAL LACKS OR REFUSES TO EXERCISE JURISDICTION TO MODIFY ITS SUPPORT ORDER OR ISSUE A NEW SUPPORT ORDER.

B. IF A TRIBUNAL OF THIS STATE DOES NOT MODIFY A CONVENTION CHILD SUPPORT ORDER BECAUSE THE ORDER IS NOT RECOGNIZED IN THIS STATE, SECTION 25-1338, SUBSECTION C APPLIES.

25-1342. Personal information; limit on use

PERSONAL INFORMATION GATHERED OR TRANSMITTED UNDER THIS ARTICLE MAY BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS GATHERED OR TRANSMITTED.

25-1343. Record in original language; English translation

A RECORD FILED WITH A TRIBUNAL OF THIS STATE UNDER THIS ARTICLE MUST BE IN THE ORIGINAL LANGUAGE AND, IF NOT IN ENGLISH, MUST BE ACCOMPANIED BY AN ENGLISH TRANSLATION.

Sec. 49. Uniformity of application and construction

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

Sec. 50. Severability

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

APPROVED BY THE GOVERNOR APRIL 10, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2015.

Passed the House April 3, 20 15,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Speaker of the House

Jim Drake

Chief Clerk of the House

Passed the Senate March 3, 20 15,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Susan Aceves
Assistant

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

6th day of April, 20 15,

at 8:23 o'clock A. M.

Secretary to the Governor

Approved this 10th day of

April, 20 15,

at 4:30 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of April, 20 15,

at 8:30 o'clock A M.

Michele Reagan

Secretary of State

S.B. 1313