

2015 Regular Session

HOUSE BILL NO. 609

BY REPRESENTATIVE ROBERT JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/SUPPORT: Provides relative to family support enforcement

1 AN ACT

2 To amend and reenact Chapter 1 of Title XIII of the Louisiana Children's Code, formerly
3 comprised of Articles 1301.1 through 1308.2, to be comprised of Articles 1301.1
4 through 1309.3, and R.S. 46:236.3(I), relative to family support enforcement; to
5 provide for a revision of the Uniform Interstate Family Support Act; to provide with
6 respect to procedures for the registration, recognition, enforcement, and modification
7 of family support orders; to extend applicability to foreign countries; to provide for
8 jurisdiction; to provide procedures applicable to initiating and responding tribunals;
9 to provide for the duties of the Department of Children and Family Services; to
10 provide definitions; to provide with respect to income withholding to enforce a child
11 support obligation; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 1 of Title XIII of the Louisiana Children's Code, formerly
14 comprised of Articles 1301.1 through 1308.2, to be comprised of Articles 1301.1 through
15 1309.3, is hereby amended and reenacted to read as follows:

16 TITLE XIII

17 SUPPORT OF FAMILY

18 CHAPTER 1. UNIFORM INTERSTATE FAMILY

19 SUPPORT ACT

20 Section 1. General Provisions

21 Art. 1301.1. Short title

22 This Chapter may be cited as the "Uniform Interstate Family Support Act".

1 Art. 1301.2. ~~Uniformity of application and construction~~

2 This Chapter shall be applied and construed to effectuate its general purpose
3 to make uniform the law with respect to the subject of this Chapter among states
4 enacting it.

5 ~~Art. 1301.3~~ Definitions

6 As used in In this Chapter:

7 (1) ~~"Act"~~ means the Uniform Interstate Family Support Act.

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

11 ~~(3)~~(2) "~~Child support~~ Child support order" means a support order for a child,
12 including a child who has attained the age of majority under the law of the issuing
13 state or foreign country.

14 ~~(4)~~(3) "~~Department~~" means the Department of Children and Family Services.
15 "Convention" means the Convention on the International Recovery of Child Support
16 and Other Forms of Family Maintenance, concluded at The Hague on November 23,
17 2007.

18 ~~(5)~~(4) "Duty of support" means an obligation imposed or imposable by law
19 to provide support for a child, spouse, or former spouse, including an unsatisfied
20 obligation to provide support.

21 (5) "Foreign country" means a country, including a political subdivision
22 thereof, other than the United States, that authorizes the issuance of support orders
23 and:

24 (a) Which has been declared under the law of the United States to be a
25 foreign reciprocating country;

26 (b) Which has established a reciprocal arrangement for child support with
27 this state as provided in Article 1303.8;

1 (c) Which has enacted a law or established procedures for the issuance and
2 enforcement of support orders which are substantially similar to the procedures
3 under this Chapter; or

4 (d) In which the Convention is in full force with respect to the United States.

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

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

10 ~~(6)~~(8) "Home state" means the state or foreign country in which a child lived
11 with a parent or a person acting as parent for at least six consecutive months
12 immediately preceding the time of filing of a petition or comparable pleading for
13 support and, if a child is less than six months old, the state or foreign country in
14 which the child lived from birth with any of them. A period of temporary absence
15 of any of them is counted as part of the six-month or other period.

16 ~~(7)~~(9) "Income" includes earnings or other periodic entitlements to money
17 from any source and any other property subject to withholding for support under the
18 ~~laws~~ law of this state.

19 ~~(8)~~(10) "Income-withholding order" means an order or other legal process
20 directed to an obligor's employer or other debtor, as defined by the income-
21 withholding law of this state, to withhold support from the income of the obligor.

22 ~~(9) "Initiating state" means a state from which a proceeding is forwarded or~~
23 ~~in which a proceeding is filed for forwarding to a responding state under this Chapter~~
24 ~~or a law or procedure substantially similar to this Chapter, the Uniform Reciprocal~~
25 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of~~
26 ~~Support Act.~~

27 ~~(10)~~(11) "Initiating tribunal" means the ~~authorized tribunal in an initiating~~
28 ~~state.~~ tribunal of a state or foreign country from which a petition or comparable

1 pleading is forwarded or in which a petition or comparable pleading is filed for
2 forwarding to another state or foreign country.

3 (12) "Issuing foreign country" means the foreign country in which a tribunal
4 issues a support order or a judgment determining parentage of a child.

5 ~~(11)~~(13) "Issuing state" means the state in which a tribunal issues a support
6 order or ~~renders~~ a judgment determining parentage of a child.

7 ~~(12)~~(14) "Issuing tribunal" means the tribunal of a state or foreign country
8 that issues a support order or ~~renders~~ a judgment determining parentage of a child.

9 ~~(13)~~(15) "Law" includes decisional and statutory law and rules and
10 regulations having the force of law.

11 ~~(14)~~(16) "Obligee" means ~~any of the following:~~

12 (a) An individual to whom a duty of support is ~~owed~~ or is alleged to be owed
13 or in whose favor a support order ~~has been issued or a judgment determining~~
14 ~~parentage has been rendered~~ or a judgment determining parentage of a child has been
15 issued;

16 (b) A foreign country, state or political subdivision of a state to which the
17 rights under a duty of support or support order have been assigned or which has
18 independent claims based on financial assistance provided to an individual obligee
19 in place of child support;

20 (c) An individual seeking a judgment determining parentage of the
21 individual's child; or

22 (d) A person that is a creditor in a proceeding under Section 7.

23 ~~(15)~~(17) "Obligor" means an individual or the estate of a decedent who, ~~with~~
24 ~~respect to any of the following:~~

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

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

27 (c) Is liable under a support order; or

28 (d) Is a debtor in a proceeding under Section 7.

1 (18) "Outside this state" means a location in another state or a country other
2 than the United States, whether or not the country is a foreign country.

3 (19) "Person" means an individual, corporation, business trust, estate, trust,
4 partnership, limited liability company, association, joint venture, public corporation,
5 government or governmental subdivision, agency, or instrumentality, or any other
6 legal or commercial entity.

7 (20) "Record" means information that is inscribed on a tangible medium or
8 that is stored in an electronic or other medium and is retrievable in perceivable form.

9 ~~(16)~~(21) "Register" means to record or file in a tribunal of this state a support
10 order or judgment determining parentage in the registry of foreign support orders of
11 a child issued in another state or a foreign country.

12 ~~(17)~~(22) "Registering tribunal" means a tribunal in which a support order or
13 judgment determining parentage of a child is registered.

14 ~~(18) "Registry of foreign support orders" means any place where a clerk of~~
15 ~~court records all support orders rendered in another state and enforced within this~~
16 ~~state.~~

17 ~~(19)~~(23) "Responding state" means a state in which a proceeding is filed or
18 ~~to which a proceeding is forwarded for filing from an initiating state under this~~
19 ~~Chapter or a law or procedure substantially similar to this Chapter, the Uniform~~
20 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal~~
21 ~~Enforcement of Support Act~~ petition or comparable pleading for support or to
22 determine parentage of a child is filed or to which a petition or comparable pleading
23 is forwarded for filing from another state or a foreign country.

24 ~~(20)~~(24) "Responding tribunal" means the authorized tribunal in a
25 responding state or foreign country.

26 ~~(21)~~(25) "Spousal support order" means a support order for a spouse or
27 former spouse of the obligor.

28 ~~(22)~~(26) "State" means a state of the United States, the District of Columbia,
29 Puerto Rico, the United States Virgin Islands, or any territory or insular possession

1 ~~subject to~~ under the jurisdiction of the United States. The term "state" includes ~~both~~
2 ~~of the following:~~ an Indian nation or tribe.

3 ~~(a) An Indian tribe.~~

4 ~~(b) A foreign jurisdiction that has enacted a law or established procedures~~
5 ~~for issuance and enforcement of support orders that are substantially similar to the~~
6 ~~procedures under this Chapter, the Uniform Reciprocal Enforcement of Support Act,~~
7 ~~or the Revised Uniform Reciprocal Enforcement of Support Act.~~

8 ~~(23)(27)~~ "Support enforcement agency" means a public official or an agency,
9 governmental entity, or private agency authorized to seek any of the following:

10 ~~(a) Enforcement~~ seek enforcement of support orders or laws relating to the
11 duty of support;

12 ~~(b) Establishment~~ seek establishment or modification of child support;

13 ~~(c) Determination~~ request determination of parentage;

14 ~~(d) Location of attempt to locate~~ obligors or their assets; or

15 (e) request determination of the controlling child support order.

16 ~~(24)(28)~~ "Support order" means a judgment, decree, or order, decision, or
17 directive, whether temporary, final, or subject to modification, issued in a state or
18 foreign country for the benefit of a child, a spouse, or a former spouse, which
19 provides for monetary support, health care, arrearages, retroactive support, or
20 reimbursement for financial assistance provided to an individual obligee in place of
21 child support. , and The term may include related costs and fees, interest, income
22 withholding, automatic adjustment, reasonable attorney fees, and other relief.

23 ~~(25)(29)~~ "Tribunal" means a court, administrative agency, or quasi judicial
24 entity authorized to establish, enforce, or modify support orders or to determine
25 parentage of a child. However, with respect to the establishment, enforcement, or
26 modification of support orders or the determination of parentage in Louisiana, a
27 "tribunal" is limited to a state court of competent jurisdiction.

1 Art. ~~1301.4.~~ 1301.3. ~~Tribunals of state~~ State Tribunal and Support Enforcement

2 Agency

3 A. The district courts or, if applicable, the family or juvenile courts, and the
4 division of administrative review, ~~office of the secretary,~~ Department of Children
5 and Family Services, or other administrative law division authorized by law, are the
6 tribunals of this state for purposes of this Chapter.

7 B. The Department of Children and Family Services is the support
8 enforcement agency of this state.

9 Art. ~~1301.5.~~ 1301.4. Remedies cumulative

10 A. Remedies provided by this Chapter are cumulative and do not affect the
11 availability of remedies under other law or the recognition of a foreign support order
12 on the basis of comity.

13 B. This Chapter does not:

14 (1) Provide the exclusive method of establishing or enforcing a support order
15 under the law of this state; or

16 (2) Grant a tribunal of this state jurisdiction to render judgment or issue an
17 order relating to child custody or visitation in a proceeding under this Chapter.

18 Art. 1301.5. Application of Chapter to resident of foreign support proceeding

19 A. A tribunal of this state shall apply Sections 1 through 6 and, as applicable,
20 Section 7, to a support proceeding involving:

21 (1) A foreign support order;

22 (2) A foreign tribunal; or

23 (3) An obligee, obligor, or child residing in a foreign country.

24 B. A tribunal of this state that is requested to recognize and enforce a support
25 order on the basis of comity may apply the procedural and substantive provisions of
26 Sections 1 through 6.

27 C. Section 7 applies only to a support proceeding under the Convention. In
28 such a proceeding, if a provision of Section 7 is inconsistent with Section 1 through
29 6, Section 7 controls.

1 Section 2. Jurisdiction

2 ~~Subsection A. Extended Personal Jurisdiction~~

3 Art. 1302.1. Basis for jurisdiction over nonresident

4 A. In a proceeding to establish; or enforce; ~~or modify~~ a support order or to
5 determine parentage of a child, a tribunal of this state may exercise personal
6 jurisdiction over a nonresident individual; ~~or his tutor~~ the individual's guardian,
7 curator, or tutor, in any of the following situations if:

8 (1) The individual is personally served with citation, summons, or notice
9 within this state;₂

10 (2) The individual submits to the jurisdiction of this state by consent in a
11 record, by entering a general appearance, or by filing a responsive document having
12 the effect of waiving any ~~exception or~~ contest to personal jurisdiction;₂

13 (3) The individual resided with the child in this state;₂

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

16 (5) The child resides in this state as a result of the acts or directives of the
17 individual;₂

18 (6) The individual engaged in sexual intercourse in this state and the child
19 may have been conceived by that act of intercourse;₂

20 (7) The individual asserted parentage in the putative father registry
21 maintained in this state by the Department of Health and Hospitals, office of public
22 health; or

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

25 B. The basis for personal jurisdiction set forth in Paragraph A or in any other
26 law of this state may not be used to acquire personal jurisdiction for a tribunal of this
27 state to modify a child support order of another state unless the requirements of
28 Article 1306.11 are met, or, in the case of a foreign support order, unless the
29 requirements of Article 1306.15 are met.

1 Art. 1302.2. ~~Procedure when exercising jurisdiction over nonresident~~ Duration of
2 personal jurisdiction

3 A tribunal of this state exercising personal jurisdiction over a nonresident
4 under Article 1302.1 (Basis for jurisdiction over nonresident) may apply Article
5 1303.16 (Special rules of evidence and procedure) to receive evidence from another
6 state, and Article 1303.18 (Assistance with discovery) to obtain discovery through
7 a tribunal of another state. In all other respects, the provisions of Sections 3 through
8 7 of this Chapter do not apply and the tribunal shall apply the procedural and
9 substantive laws of this state, including the rules on choice of law other than those
10 established by this Chapter. Personal jurisdiction acquired by a tribunal of this state
11 in a proceeding under this Chapter or other law of this state relating to a support
12 order continues as long as a tribunal of this state has continuing, exclusive
13 jurisdiction to modify its order or continuing jurisdiction to enforce its order as
14 provided by Articles 1302.5, 1302.6, and 1302.11.

15 ~~Subsection B. Proceedings Involving~~

16 ~~Two or More States~~

17 Art. 1302.3. Initiating and responding tribunal of state

18 Under this Chapter, a tribunal of this state may serve as an initiating tribunal
19 to forward proceedings to a tribunal of another state and as a responding tribunal for
20 proceedings initiated in another state or a foreign country.

21 Art. 1302.4. Simultaneous proceedings ~~in another state~~

22 A. A tribunal of this state may exercise jurisdiction to establish a support
23 order if the petition or comparable pleading is filed after a ~~petition or a comparable~~
24 pleading is filed in another state or a foreign country only if ~~all of the following~~
25 ~~exist~~:

26 (1) The petition or comparable pleading in this state is filed before the
27 expiration of the time allowed in the other state or the foreign country for filing a
28 responsive pleading challenging the exercise of jurisdiction by the other state or
29 foreign country;

1 (2) The contesting party timely challenges the exercise of jurisdiction in the
2 other state or the foreign country; and:

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

4 B. A tribunal of this state may not exercise jurisdiction to establish a support
5 order if the petition or comparable pleading is filed before a petition or comparable
6 pleading is filed in another state or a foreign country if ~~all of the following exist~~:

7 (1) The petition or comparable pleading in the other state or foreign country
8 is filed before the expiration of the time allowed in this state for filing a responsive
9 pleading challenging the exercise of jurisdiction by this state;

10 (2) The contesting party timely challenges the exercise of jurisdiction in this
11 state; and

12 (3) If relevant, the other state or foreign country is the home state of the
13 child.

14 Art. 1302.5. Continuing; exclusive jurisdiction to modify child support order

15 A. A tribunal of this state ~~issuing a~~ that has issued a child support order
16 consistent with the ~~laws~~ law of this state has and shall exercise continuing, exclusive
17 jurisdiction ~~over a child support order as follows~~ to modify its child support order
18 if the order is the controlling order and:

19 (1) ~~As long as this state remains the residence of the obligor, the individual~~
20 ~~obligee, or the child for whose benefit the support order is issued.~~ At the time of the
21 filing of a request for modification, this state is the residence of the obligor, the
22 individual obligee, or the child for whose benefit the support order is issued; or

23 (2) ~~Until all of the parties who are individuals have filed written consent with~~
24 ~~the tribunal of this state for a tribunal of another state to modify the order and~~
25 ~~assume continuing, exclusive jurisdiction~~ Even if this state is not the residence of
26 the obligor, the individual obligee, or the child for whose benefit the support order
27 is issued, the parties consent in a record or in open court that the tribunal of this state
28 may continue to exercise jurisdiction to modify its order.

1 B. A tribunal of this state ~~issuing~~ that has issued a child support order
2 consistent with the law of this state may not exercise ~~its~~ continuing, exclusive
3 jurisdiction to modify the order if: ~~the order has been modified by a tribunal of~~
4 ~~another state pursuant to this Chapter or a law substantially similar to this Chapter.~~

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

9 (2) Its order is not the controlling order.

10 C. ~~If a child support order of this state is modified by a tribunal of another~~
11 ~~state pursuant to this Chapter or a law substantially similar to this Chapter, a tribunal~~
12 ~~of this state loses its continuing, exclusive jurisdiction with regard to prospective~~
13 ~~enforcement of the order issued in this state, and may only:~~

14 (1) ~~Enforce the order that was modified as to amounts accruing before the~~
15 ~~modification.~~

16 (2) ~~Enforce nonmodifiable aspects of that order.~~

17 (3) ~~Provide other appropriate relief for violations of that order which~~
18 ~~occurred before the effective date of the modification.~~ If a tribunal of another state
19 has issued a child-support order pursuant to the Uniform Interstate Family Support
20 Act or a law substantially similar to that Act which modifies a child support order
21 of a tribunal of this state, tribunals of this state shall recognize the continuing,
22 exclusive jurisdiction of the tribunal of the other state.

23 D. ~~A tribunal of this state shall recognize the continuing, exclusive~~
24 ~~jurisdiction of a tribunal of another state which has issued a child support order~~
25 ~~pursuant to this Chapter or a law substantially similar to this Chapter.~~ A tribunal of
26 this state that lacks continuing, exclusive jurisdiction to modify a child support order
27 may serve as an initiating tribunal to request a tribunal of another state to modify a
28 support order issued in that state.

1 E. A temporary support order issued ex parte or pending resolution of a
2 jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing
3 tribunal.

4 ~~F. A tribunal of this state issuing a support order consistent with the laws of
5 this state has continuing, exclusive jurisdiction over a spousal support order
6 throughout the existence of the support obligation. A tribunal of this state may not
7 modify a spousal support order issued by a tribunal of another state having
8 continuing, exclusive jurisdiction over that order under the laws of that state.~~

9 ~~Art. 1302.6. Enforcement and modification of support order by tribunal having~~
10 ~~continuing jurisdiction~~ Continuing jurisdiction to enforce child support order

11 A. A tribunal of this state that has issued a child support order consistent
12 with the law of this state may serve as an initiating tribunal to request a tribunal of
13 another state to enforce ~~or modify a support order issued in that state.:~~

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

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

20 B. A tribunal of this state having continuing, ~~exclusive~~ jurisdiction over a
21 support order may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a~~
22 ~~party subject to the continuing, exclusive jurisdiction of the tribunal no longer~~
23 ~~resides in the issuing state, in subsequent proceedings the tribunal may apply Article~~
24 ~~1303.16 (Special rules of evidence and procedure) to receive evidence from another~~
25 ~~state and Article 1303.18 (Assistance with discovery) to obtain discovery through a~~
26 ~~tribunal of another state.~~

27 ~~C. A tribunal of this state which lacks continuing, exclusive jurisdiction over~~
28 ~~a spousal support order may not serve as a responding tribunal to modify a spousal~~
29 ~~support order of another state.~~

1 ~~Subsection C. Reconciliation of Multiple Orders~~

2 Art. 1302.7. ~~Recognition~~ Determination of controlling child support order

3 A. If a proceeding is brought under this Chapter, and only one tribunal has
4 issued a child support order, the order of that tribunal controls and must be so
5 recognized.

6 B. If a proceeding is brought under this Chapter, and two or more child
7 support orders have been issued by tribunals of this state, ~~or another state, or a~~
8 foreign country with regard to the same obligor and same child, a tribunal of this
9 state having personal jurisdiction over both the obligor and individual obligee shall
10 apply the following rules ~~in determining which order to recognize for purposes of~~
11 ~~continuing, exclusive jurisdiction~~ and by order shall determine which order controls
12 and must be recognized:

13 (1) If only one of the tribunals would have continuing, exclusive jurisdiction
14 under this Chapter, the order of that tribunal controls ~~and must be so recognized.~~

15 (2) If more than one of the tribunals would have continuing, exclusive
16 jurisdiction under this Chapter,:

17 (a) an order issued by a tribunal in the current home state of the child
18 controls ~~and must be so recognized, or~~

19 (b) ~~but~~ if an order has not been issued in the current home state of the child,
20 the order most recently issued controls ~~and must be so recognized.~~

21 (3) If none of the tribunals would have continuing, exclusive jurisdiction
22 under this Chapter, the tribunal of this state ~~having jurisdiction over the parties~~ shall
23 issue a child support order, which controls ~~and must be so recognized.~~

24 C. If two or more child support orders have been issued for the same obligor
25 and same child, ~~and if the obligor or the individual obligee resides in the state, a~~
26 ~~party may request a tribunal of this state to~~ upon request of a party who is an
27 individual or that is a support enforcement agency, a tribunal of this state having
28 personal jurisdiction over both the obligor and the obligee who is an individual shall
29 determine which order controls ~~and must be so recognized~~ under Paragraph B hereof.

1 The request may be filed with a registration for enforcement or registration for
2 modification pursuant to Section 6, or may be filed as a separate proceeding.

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

7 ~~D.E.~~ The tribunal that issued the controlling order under Paragraph A, B, or
8 C of this Article is the tribunal that has continuing, exclusive jurisdiction in
9 accordance with to the extent provided in Article 1302.5 (Continuing, exclusive
10 jurisdiction) or 1302.6.

11 E.F. A tribunal of this state that determines by order ~~the identity of the~~
12 ~~controlling order under Subparagraph B(1) or (2) or that issues a new controlling~~
13 ~~order under Subparagraph B(3) shall state in that order the basis upon which the~~
14 ~~tribunal made its determination, which is the controlling order under Subparagraph~~
15 (B)(1) or (2) or Paragraph C, or that issues a new controlling order under
16 Subparagraph (B)(3), shall state in that order:

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

18 (2) The amount of prospective support, if any; and

19 (3) The total amount of consolidated arrears and accrued interest, if any,
20 under all of the orders after all payments made are credited as provided by Article
21 1302.9.

22 F.G. Within thirty days after issuance of an order determining ~~the identity~~
23 ~~of which is~~ the controlling order, the party obtaining the order shall file a certified
24 copy of it with in each tribunal that issued or registered an earlier order of child
25 support. A party or support enforcement agency obtaining who obtains the order ~~and~~
26 that fails to file a certified copy is subject to appropriate sanctions by a tribunal in
27 which the issue of failure to file arises. The failure to file does not affect the validity
28 or enforceability of the controlling order.

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

4 Art. 1302.8. ~~Multiple child~~ Child support orders for two or more obligees

5 In responding to ~~multiple~~ registrations or petitions for enforcement of two or
6 more child support orders in effect at the same time with regard to the same obligor
7 and different individual obligees, at least one of which was issued by a tribunal of
8 another state or a foreign country, a tribunal of this state shall enforce those orders
9 in the same manner as if the multiple orders had been issued by a tribunal of this
10 state.

11 Art. 1302.9. Credit for payments

12 ~~Amounts collected and credited for a particular period pursuant to a support~~
13 ~~order issued by a tribunal of another state must be credited against the amounts~~
14 ~~accruing or accrued for the same period under a support order issued by the tribunal~~
15 ~~of this state.~~

16 A tribunal of this state shall credit amounts collected for a particular period
17 pursuant to any child support order against the amounts owed for the same period
18 under any other child support order for support of the same child issued by a tribunal
19 of this state, another state, or a foreign country.

20 Art. 1302.10. Application of Chapter to nonresident subject to personal jurisdiction

21 A tribunal of this state exercising personal jurisdiction over a nonresident in
22 a proceeding under this Chapter, under other law of this state relating to a support
23 order, or recognizing a foreign support order may receive evidence from outside this
24 state pursuant to Article 1303.16, communicate with a tribunal outside this state
25 pursuant to Article 1303.17, and obtain discovery through a tribunal outside this state
26 pursuant to Article 1303.18. In all other respects, Sections 3 through 6 do not apply,
27 and the tribunal shall apply the procedural and substantive law of this state.

1 ~~(7) Assertion of jurisdiction over nonresidents pursuant to Subsection A of~~
2 ~~Section 2 of this Chapter.~~

3 C.B. An individual petitioner or a support enforcement agency may
4 ~~commence~~ initiate a proceeding authorized under this Chapter by filing a petition in
5 an initiating tribunal for forwarding to a responding tribunal or by filing a petition
6 or a comparable pleading directly in a tribunal of another state or foreign country
7 which has or can obtain personal jurisdiction over the respondent.

8 Art. 1303.2. Action by minor parent

9 A minor parent₂ or a ~~tutor~~ guardian or other legal representative of a minor
10 parent₂ may maintain a proceeding on behalf of or for the benefit of the minor's child.

11 Art. 1303.3. Application of law of state

12 Except as otherwise provided by this Chapter, a responding tribunal of this
13 state shall:

14 (1) Apply the procedural and substantive law, ~~including the rules on choice~~
15 ~~of law~~, generally applicable to similar proceedings originating in this state and may
16 exercise all powers and provide all remedies available in those proceedings; and

17 (2) Determine the duty of support and the amounts payable in accordance
18 with the law and support guidelines of this state.

19 Art. 1303.4. Duties of initiating tribunal

20 A. Upon the filing of a petition authorized by this Chapter, an initiating
21 tribunal of this state shall forward ~~three copies of~~ the petition and its accompanying
22 documents ~~as follows~~:

23 (1) To the responding tribunal or appropriate support enforcement agency
24 in the responding state; or

25 (2) If the identity of the responding tribunal is unknown, to the state
26 information agency of the responding state with a request that ~~the documents~~ they
27 be forwarded to the appropriate tribunal and that receipt be acknowledged.

28 B. ~~If a responding state has not enacted this Chapter or a law or procedure~~
29 ~~substantially similar to this Chapter, a tribunal of this state may issue a certificate or~~

1 ~~other document and make findings required by the law of the responding state. If the~~
 2 ~~responding state is a foreign jurisdiction, the tribunal may specify the amount of~~
 3 ~~support sought and provide other documents necessary to satisfy the requirements~~
 4 ~~of the responding state. If requested by the responding tribunal, a tribunal of this~~
 5 ~~state shall issue a certificate or other document and make findings required by the~~
 6 ~~law of the responding state. If the responding tribunal is in a foreign country, upon~~
 7 ~~request the tribunal of this state shall specify the amount of support sought, convert~~
 8 ~~that amount into the equivalent amount in the foreign currency under applicable~~
 9 ~~official or market exchange rate as publicly reported, and provide any other~~
 10 ~~documents necessary to satisfy the requirements of the responding foreign tribunal.~~

11 Art. 1303.5. Duties and powers of responding tribunal

12 A. When a responding tribunal of this state receives a petition or comparable
 13 pleading from an initiating tribunal or directly pursuant to Article 1303.1(~~C~~)
 14 (~~Proceeding under this Chapter~~) (B), it shall cause the petition or pleading to be filed
 15 and notify the petitioner where and when it was filed.

16 B. A responding tribunal of this state, to the extent ~~otherwise authorized by~~
 17 not prohibited by other law, may do one or more of the following:

18 (1) ~~Issue~~ Establish or enforce a support order, modify a child support order,
 19 determine the controlling child support order, or ~~render a judgment to~~ determine
 20 parentage of a child;

21 (2) Order an obligor to comply with a support order, specifying the amount
 22 and the manner of compliance;

23 (3) Order income withholding;

24 (4) Determine the amount of any arrearages and specify a method of
 25 payment;

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

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

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

1 (8) Order an obligor to keep the tribunal informed of the obligor's current
2 residential address, electronic mail address, telephone number, employer, address of
3 employment, and telephone number at the place of employment;

4 (9) Issue a bench warrant or an order of contempt ~~or a bench warrant, or~~
5 ~~both~~, for an obligor who has failed; after proper notice; to appear at a hearing ordered
6 by the tribunal and enter the order of contempt and bench warrant in any local and
7 state computer systems for criminal warrants;

8 (10) Order the obligor to seek appropriate employment by specified
9 methods;

10 (11) Award reasonable attorney fees and other fees and costs; and

11 (12) Grant any other available remedy.

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

15 D. A responding tribunal of this state may not condition the payment of a
16 support order issued under this Chapter upon compliance by a party with provisions
17 for visitation.

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

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

25 Art. 1303.6. Inappropriate tribunal

26 If a petition or comparable pleading is received by an inappropriate tribunal
27 of this state, it the tribunal shall forward the pleading and accompanying documents
28 to an appropriate tribunal in this state or another state and notify the petitioner where
29 and when the pleading was sent.

1 Art. 1303.7. Duties of the support enforcement agency

2 A. ~~A support enforcement agency of this state, upon request, shall provide~~
3 ~~services to a petitioner in a proceeding under this Chapter.~~In a proceeding under this
4 Chapter, a support enforcement agency of this state, upon request:

5 (1) Shall provide services to a petitioner residing in a state;

6 (2) Shall provide services to a petitioner requesting services through a central
7 authority of a foreign country as described in Article 1301.2(5)(a) or (d); and

8 (3) May provide services to a petitioner who is an individual not residing in
9 a state.

10 B. A support enforcement agency that is providing services to the petitioner;
11 ~~as appropriate~~, shall:

12 (1) Take all steps necessary to enable an appropriate tribunal in this state, ~~or~~
13 ~~another state, or a foreign country~~ to obtain jurisdiction over the respondent;

14 (2) Request an appropriate tribunal to set a date, time, and place for a
15 hearing;

16 (3) Make a reasonable effort to obtain all relevant information, including
17 information as to income and property of the parties;

18 (4) Within two days, exclusive of Saturdays, Sundays, and legal holidays,
19 after receipt of a ~~written~~ notice in a record from an initiating, responding, or
20 registering tribunal, send a copy of the notice to the petitioner;

21 (5) Within two days, exclusive of Saturdays, Sundays, and legal holidays,
22 after receipt of a ~~written~~ communication in a record from the respondent or the
23 respondent's attorney, send a copy of the communication to the petitioner; or

24 (6) Notify the petitioner if jurisdiction over the respondent cannot be
25 obtained.

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

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

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

4 D. A support enforcement agency of this state that requests registration and
5 enforcement of a support order, arrears, or judgment stated in a foreign currency
6 shall convert the amounts stated in the foreign currency into the equivalent amounts
7 in dollars under the applicable official or market exchange rate as publicly reported.

8 E. A support enforcement agency of this state shall issue or request a tribunal
9 of this state to issue a child support order and an income-withholding order that
10 redirects payment of current support, arrears, and interest if requested to do so by a
11 support enforcement agency of another state pursuant to Article 1303.19.

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

15 Art. 1303.8. Duty of attorney general

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

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

23 Art. 1303.9. Private counsel

24 An individual may employ private counsel to represent the individual in
25 proceedings authorized by this Chapter.

26 Art. 1303.10. Duties of the Department of Children and Family Services; state
27 information agency

28 A. The ~~department~~ Department of Children and Family Services is the state
29 information agency under this Chapter.

1 B. The state information agency shall:

2 (1) Compile and maintain a current list, including addresses, of the tribunals
3 in this state that have jurisdiction under this Chapter and any support enforcement
4 agencies in this state and transmit a copy to the state information agency of every
5 other state;

6 (2) Maintain a register of names and addresses of tribunals and support
7 enforcement agencies received from other states;

8 (3) Forward to the appropriate tribunal in the place in this state in which the
9 obligee who is an individual obligee or the obligor resides, or where in which the
10 obligor's property is believed to be located, all documents concerning a proceeding
11 under this Chapter received from ~~an initiating tribunal or the state information~~
12 ~~agency of the initiating state.~~ another state or a foreign country; and

13 (4) Obtain information concerning the location of the obligor and the
14 obligor's property within this state not exempt from execution, by such means as
15 postal verification and federal or state locator services, examination of telephone
16 directories, requests for the obligor's address from employers, and examination of
17 governmental records, including, to the extent not prohibited by other law, those
18 relating to real property, vital statistics, law enforcement, taxation, motor vehicles,
19 drivers' licenses, and social security.

20 Art. 1303.11. Pleadings and accompanying documents

21 A. ~~A petitioner seeking to establish or modify a support order or to~~
22 ~~determine parentage in a proceeding under this Chapter must verify the petition. In~~
23 a proceeding under this Chapter, a petitioner seeking to establish a support order, to
24 determine parentage of a child, or to register and modify a support order of a tribunal
25 of another state or a foreign country must file a petition. Unless otherwise ordered
26 under Article 1303.12 (~~Non~~disclosure of information in exceptional circumstances),
27 the petition or accompanying documents must provide, so far as known, the name,
28 residential address, and social security numbers of the obligor and the obligee or the
29 parent and alleged parent, and the name, sex, residential address, social security

1 number, and the date of birth of each child for ~~whom~~ whose benefit support is sought
2 or whose parentage is to be determined. ~~The~~ Unless filed at the time of registration,
3 the petition must be accompanied by a ~~certified~~ copy of any support order ~~in effect~~
4 known to have been issued by another tribunal. The petition may include any other
5 information that may assist in locating or identifying the respondent.

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

10 Art. 1303.12. Nondisclosure of information in exceptional circumstances

11 ~~Upon a finding, which may be made ex parte, that the health, safety, or~~
12 ~~liberty of a party or child would be unreasonably put at risk by the disclosure of~~
13 ~~identifying information, or if an existing order so provides, a tribunal shall order that~~
14 ~~the address of the child or party or other identifying information not be disclosed in~~
15 ~~a pleading or other document filed in a proceeding under this Chapter. If a party~~
16 ~~alleges in an affidavit or a pleading under oath that the health, safety, or liberty of~~
17 ~~a party or child would be jeopardized by disclosure of specific identifying~~
18 ~~information, that information shall be sealed and shall not be disclosed to the other~~
19 ~~party or the public. After a hearing in which a tribunal takes into consideration the~~
20 ~~health, safety, or liberty of the party or child, the tribunal may order disclosure of~~
21 ~~information that the tribunal determines to be in the interest of justice.~~

22 Art. 1303.13. Costs and fees

23 A. The petitioner may not be required to pay a filing fee or other costs.

24 B. If an obligee prevails, a responding tribunal may assess against an obligor
25 filing fees, reasonable ~~attorney~~ attorney's fees, other costs, and necessary travel and
26 other reasonable expenses incurred by the obligee and the obligee's witnesses. The
27 tribunal may not assess fees, costs, or expenses against the obligee or the support
28 enforcement agency of either the initiating or the responding state or foreign country,
29 except as provided by other law. ~~Attorney~~ Attorney's fees may be taxed as costs and

1 may be ordered paid directly to the attorney, who may enforce the order in the
2 attorney's own name. Payment of support owed to the obligee has priority over fees,
3 costs, and expenses.

4 C. The tribunal shall order the payment of costs and reasonable ~~attorney~~
5 attorney's fees if it determines that a hearing was requested primarily for delay. In
6 a proceeding under Section 6 ~~of this Chapter (Enforcement and modification of~~
7 ~~support order after registration)~~, a hearing is presumed to have been requested
8 primarily for delay if a registered support order is confirmed or enforced without
9 change.

10 Art. 1303.14. Limited immunity of petitioner

11 A. Participation by a petitioner in a proceeding under this Chapter before a
12 responding tribunal, whether in person, by private attorney, or through services
13 provided by the support enforcement agency, does not confer personal jurisdiction
14 over the petitioner in another proceeding.

15 B. A petitioner is not amenable to ~~services~~ service of civil process while
16 physically present in this state to participate in a proceeding under this Chapter.

17 C. The immunity granted by this Article does not extend to civil litigation
18 based on acts unrelated to a proceeding under this Chapter committed by a party
19 while physically present in this state to participate in the proceeding.

20 Art. 1303.15. Nonparentage as defense

21 A party whose parentage of a child has been previously determined by or
22 pursuant to law may not plead nonparentage as a defense to a proceeding under this
23 Chapter.

24 Art. 1303.16. Special rules of evidence and ~~procedures~~ procedure

25 A. The physical presence of ~~the petitioner in a responding~~ a nonresident
26 party who is an individual in a tribunal of this state is not required for the
27 establishment, enforcement, or modification of a support order or the rendition of a
28 judgment determining parentage of a child.

1 B. ~~A verified petition,~~ An affidavit, document substantially complying with
2 federally mandated forms, ~~and~~ or a document incorporated by reference in any of
3 them, which would not excluded under the hearsay rule if given in person, is
4 admissible in evidence if given under ~~oath~~ penalty of perjury by a party or witness
5 residing ~~in another~~ outside this state.

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

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

14 E. Documentary evidence transmitted from ~~another~~ outside this state to a
15 tribunal of this state by telephone, telecopier, or other electronic means that do not
16 provide an original ~~writing~~ record may not be excluded from evidence on an
17 objection based on the means of transmission.

18 F. In a proceeding under this Chapter, a tribunal of this state ~~may~~ shall
19 permit a party or witness residing ~~in another~~ outside this state to be deposed or to
20 testify under penalty of perjury by telephone, audiovisual means, or other electronic
21 means at a designated tribunal or other location ~~in that state~~. A tribunal of this state
22 shall cooperate with other tribunals ~~of other states~~ in designating an appropriate
23 location for the deposition or testimony.

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

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

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

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

5 Art. 1303.17. Communications between tribunals

6 A tribunal of this state may communicate with a tribunal ~~of another~~ outside
7 this state in writing, in a record or by telephone, electronic mail, or other means, to
8 obtain information concerning the laws ~~of that state~~, the legal effect of a judgment,
9 decree, or order of that tribunal, and the status of a proceeding ~~in the other state~~. A
10 tribunal of this state may furnish similar information by similar means to a tribunal
11 ~~of another~~ outside this state.

12 Art. 1303.18. Assistance with discovery

13 A tribunal of this state may ~~do all of the following~~:

14 (1) Request a tribunal of another state to assist in obtaining discovery; and

15 (2) ~~Or~~ Upon request, compel a person over whom it has jurisdiction to
16 respond to a discovery order issued by a tribunal ~~of another~~ outside this state.

17 Art. 1303.19. Receipt and disbursement of payments

18 A. A support enforcement agency or tribunal of this state shall disburse
19 promptly any amounts received pursuant to a support order, as directed by the order.
20 The agency or tribunal shall furnish to a requesting party or tribunal of another state
21 or a foreign country a certified statement by the custodian of the record of the
22 amounts and dates of all payments received.

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

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

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

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

8 Section 4. Establishment of Support Order or Determination of Parentage

9 Art. 1304.1. Petition to establish support order

10 A. If a support order entitled to recognition under this Chapter has not been
11 issued, a responding tribunal of this state with personal jurisdiction over the
12 parties may issue a support order if ~~either~~:

13 (1) The individual seeking the order resides ~~in another~~ outside this state; ~~or~~

14 (2) The support enforcement agency seeking the order is located ~~in another~~
15 outside this state.

16 B. ~~The tribunal may issue a temporary child support order in the event of any~~
17 ~~of the following:~~

18 (1) ~~The respondent has signed a verified statement acknowledging parentage.~~

19 (2) ~~The respondent has been determined by or pursuant to law to be the~~
20 ~~parent.~~

21 (3) ~~There is other clear and convincing evidence that the respondent is the~~
22 ~~child's parent.~~

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

25 (1) A presumed father of the child;

26 (2) Petitioning to have his paternity adjudicated;

27 (3) Identified as the father of the child through genetic testing;

28 (4) An alleged father who has declined to submit to genetic testing;

29 (5) Shown by clear and convincing evidence to be the father of the child;

- 1 (6) An acknowledged father as provided by applicable state law;
2 (7) The mother of the child; or
3 (8) An individual who has been ordered to pay child support in a previous
4 proceeding and the order has not been reversed or vacated.

5 C. Upon finding, after notice and opportunity to be heard, that an obligor
6 owes a duty of support, the tribunal shall issue a support order directed to the obligor
7 and may issue other orders pursuant to Article 1303.5 (~~Duties and powers of~~
8 ~~responding tribunal~~).

9 Art. 1304.2. Proceeding to Determine Parentage

10 A tribunal of this state authorized to determine parentage of a child may serve
11 as a responding tribunal in a proceeding to determine parentage of a child brought
12 under this Chapter or a law or procedure substantially similar to this Chapter.

13 Section 5. Enforcement of Order

14 of Another State Without Registration

15 Art. 1305.1. Employer's receipt of income-withholding order of another state

16 An income-withholding order issued in another state may be sent by or on
17 behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~
18 defined as the obligor's employer under the income withholding law of this state
19 without first filing a petition or comparable pleading or registering the order with a
20 tribunal of this state.

21 Art. 1305.2. Employer's compliance with income-withholding ~~order~~ of another state

22 A. Upon receipt of an income-withholding order, the obligor's employer
23 shall immediately provide a copy of the order to the obligor.

24 B. The employer shall treat an income-withholding order issued in another
25 state which appears regular on its face as if it had been issued by a tribunal of this
26 state.

27 C. Except as otherwise provided in Paragraph D ~~hereof~~ and Article 1305.3,
28 the employer shall withhold and distribute the funds as directed in the withholding

1 order by complying with the terms of the order, which ~~specifies all of the following~~
2 specify:

3 (1) The duration and ~~the~~ amount of periodic payments of current child
4 support, stated as a sum certain;:

5 (2) The person or ~~agency~~ designated to receive payments and the address to
6 which the payments are to be forwarded;:

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

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

13 (5) The amount of periodic payments of arrearages and interest on
14 arrearages, stated as sums certain.

15 D. An employer shall comply with the law of the state of the obligor's
16 principal place of employment for withholding from income with respect to ~~all of the~~
17 following:

18 (1) The employer's fee for processing an income-withholding order;:

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

21 (3) The times within which the employer must implement the withholding
22 order and forward the child support payment.

23 Art. 1305.3. ~~Compliance~~ Employer's compliance with ~~multiple~~ two or more income-
24 withholding orders

25 If the obligor's employer receives ~~multiple~~ two or more income-withholding
26 orders with respect to the earnings of the same obligor, the employer satisfies the
27 terms of the ~~multiple~~ orders if the employer complies with the law of the state of the
28 obligor's principal place of employment to establish the priorities for withholding
29 and allocating income withheld for ~~multiple~~ two or more child support obligees.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Art. 1305.4. Immunity from civil liability

2 An employer who complies with an income-withholding order issued in
3 another state in accordance with this Section is not subject to civil liability to ~~any~~ an
4 individual or agency with regard to the employer's withholding of child support from
5 the obligor's income.

6 Art. 1305.5. Penalties for noncompliance

7 An employer ~~who~~ that willfully fails to comply with an income-withholding
8 order issued by in another state and received for enforcement is subject to the same
9 penalties that may be imposed for noncompliance with an order issued by a tribunal
10 of this state.

11 Art. 1305.6. Contest by obligor

12 A. An obligor may contest the validity or enforcement of an income-
13 withholding order issued in another state and received directly by an employer in this
14 state by registering the order in a tribunal of this state and filing a contest to that
15 order as provided in Section 6, or otherwise contesting the order in the same manner
16 as if the order had been issued by a tribunal of this state.

17 B. The obligor shall give notice of the contest to ~~all of the following~~:

18 (1) A support enforcement agency providing services to the obligee;

19 (2) Each employer that has directly received an income-withholding order:
20 relating to the obligor; and

21 (3) The person ~~or agency~~ designated to receive payments in the income-
22 withholding order or, if no person ~~or agency~~ is designated, to the obligee.

23 Art. 1305.7. Administrative enforcement of orders

24 A. A party or support enforcement agency seeking to enforce a support order
25 or an income-withholding order, or both, issued by ~~a tribunal of~~ in another state or
26 a foreign support order may send the documents required for registering the order to
27 a support enforcement agency of this state.

28 B. Upon receipt of the documents, the support enforcement agency, without
29 initially seeking to register the order, shall consider and, if appropriate, use any

1 administrative procedure authorized by the law of this state to enforce a support
2 order or an income-withholding order, or both. If the obligor does not contest
3 administrative enforcement, the order need not be registered. If the obligor contests
4 the validity or administrative enforcement of the order, the support enforcement
5 agency shall register the order pursuant to this Chapter.

6 Section 6. Enforcement and Modification of
7 Support Order After Registration

8 Subsection A. Registration ~~and~~ for Enforcement
9 of Support Order

10 Art. 1306.1. Registration of order for enforcement

11 A support order or an income-withholding order issued ~~by a tribunal of~~
12 ~~another state~~ in another state or a foreign support order may be registered in this state
13 for enforcement.

14 Art. 1306.2. Procedure to register order for enforcement

15 A. Except as otherwise provided in Article 1307.6, ~~A~~ support order or
16 income-withholding order of another state or a foreign support order may be
17 registered in this state by sending the following ~~documents and information~~ records
18 to the appropriate tribunal in this state:

19 (1) A letter of transmittal to the tribunal requesting registration and
20 enforcement.

21 (2) Two copies, including one certified copy, of ~~all orders~~ the order to be
22 registered, including any modification of ~~an~~ the order.

23 (3) A sworn statement by the ~~party seeking~~ person requesting registration or
24 a certified statement by the custodian of the records showing the amount of any
25 arrearage.

26 (4) The name of the obligor and, if known:

27 (a) The obligor's address and social security number.

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

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

3 (5) except as otherwise provided in Article 1303.12, ~~the~~ The name and
4 address of the obligee and, if applicable, the ~~agency or~~ person to whom support
5 payments are to be remitted.

6 B. On receipt of a request for registration, the registering tribunal shall cause
7 the order to be filed as ~~a foreign judgment~~ an order of a tribunal of another state or
8 a foreign support order, together with one copy of the documents and information,
9 regardless of their form.

10 C. A petition or comparable pleading seeking a remedy that must be
11 affirmatively sought under other law of this state may be filed at the same time as the
12 request for registration or later. The pleading must specify the grounds for the
13 remedy sought.

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

16 (1) Furnish to the tribunal a copy of every support order asserted to be in
17 effect in addition to the documents specified in this section;

18 (2) Specify the order alleged to be the controlling order, if any; and

19 (3) Specify the amount of consolidated arrears, if any.

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

24 Art. 1306.3. Effect of registration for enforcement

25 A. A support order or income-withholding order issued in another state or
26 a foreign support order is registered when the order is filed in the registering tribunal
27 of this state.

1 B. A registered support order issued in another state or a foreign country is
2 enforceable in the same manner and is subject to the same procedures as an order
3 issued by a tribunal of this state.

4 C. Except as otherwise provided in this ~~Section~~ Chapter, a tribunal of this
5 state shall recognize and enforce, but may not modify, a registered support order if
6 the issuing tribunal had jurisdiction.

7 Art. 1306.4. Choice of law

8 A. Except as otherwise provided in Paragraph D, the ~~The~~ law of the issuing
9 state or foreign country governs:

10 (1) The ~~the~~ nature, extent, amount, and duration of current payments ~~and~~
11 ~~other obligations of support and the payment of arrearages under the order~~ under a
12 registered support order;

13 (2) The computation and payment of arrearages and accrual of interest on the
14 arrearages under the support order; and

15 (3) The existence and satisfaction of other obligations under the support
16 order.

17 B. In a proceeding for ~~arrearages~~ arrears under a registered support order, the
18 ~~prescriptive period under the laws~~ statute of limitation of this state or of the issuing
19 state or foreign country, whichever is longer, applies.

20 C. A responding tribunal of this state shall apply the procedures and
21 remedies of this state to enforce current support and collect arrears and interest due
22 on a support order of another state or a foreign country registered in this state.

23 D. After a tribunal of this state or another state determines which is the
24 controlling order and issues an order consolidating arrears, if any, a tribunal of this
25 state shall prospectively apply the law of the state or foreign country issuing the
26 controlling order, including its law on interest on arrears, on current and future
27 support, and on consolidated arrears.

1 Subsection B. Contest of Validity or Enforcement

2 Art. 1306.5. Notice of registration of order

3 A. When a support order or income-withholding order issued in another state
4 or a foreign support order is registered, the registering tribunal of this state shall
5 notify the nonregistering party. The notice must be accompanied by a copy of the
6 registered order and the documents and relevant information accompanying the
7 order.

8 B. The notice must inform the nonregistering party ~~of all of the following~~:

9 (1) That a registered support order is enforceable as of the date of
10 registration in the same manner as an order issued by a tribunal of this state;

11 (2) That a hearing to contest the validity or enforcement of the registered
12 order must be requested within twenty days after notice unless the registered order
13 is under Article 1307.7;

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

18 (4) Of the amount of any alleged arrearages.

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

21 (1) Identify the two or more orders and the order alleged by the registering
22 party to be the controlling order and the consolidated arrears, if any;

23 (2) Notify the nonregistering party of the right to a determination of which
24 is the controlling order;

25 (3) State that the procedures provided in Paragraph B apply to the
26 determination of which is the controlling order; and

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

1 ~~C.D.~~ Upon registration of an income-withholding order for enforcement, the
2 support enforcement agency or the registering tribunal shall notify the obligor's
3 employer pursuant to the income-withholding laws of this state.

4 Art. 1306.6. Procedure to contest validity or enforcement of registered support order

5 A. A nonregistering party seeking to contest the validity or enforcement of
6 a registered support order in this state shall request a hearing within ~~twenty days~~
7 ~~after notice of the registration~~ the time required by Article 1306.5. The
8 nonregistering party may seek to vacate the registration, to assert any defense to an
9 allegation of noncompliance with the registered order, or to contest the remedies
10 being sought or the amount of any alleged arrearages pursuant to Article 1306.7
11 (~~Contest of registration or enforcement~~).

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

15 C. If a nonregistering party requests a hearing to contest the validity or
16 enforcement of the registered support order, the registering tribunal shall schedule
17 the matter for hearing and give notice to the parties of the date, time, and place of the
18 hearing.

19 Art. 1306.7. Contest of registration or enforcement

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

23 (1) The issuing tribunal lacked personal jurisdiction over the contesting
24 party.

25 (2) The order was obtained by fraud.

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

27 (4) The issuing tribunal has stayed the order pending appeal.

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

29 (6) Full or partial payment has been made.

1 (7) The ~~prescriptive period~~ statute of limitation under Article 1306.4
2 (~~Choice of law~~) 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 under
5 Paragraph A ~~of this Article~~, a tribunal may stay enforcement of ~~the~~ a registered
6 support order, continue the proceeding to permit production of additional relevant
7 evidence, and issue other appropriate orders. An uncontested portion of the
8 registered order may be enforced by all remedies available under the ~~laws~~ law of this
9 state.

10 C. If the contesting party does not establish a defense under Paragraph A ~~of~~
11 ~~this Article~~ to the validity or enforcement of ~~the~~ a registered support order, the
12 registering tribunal shall issue an order confirming the order.

13 Art. 1306.8. Confirmed order

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

17 Subsection C. Registration and Modification of
18 Child Support Order of another state

19 Art. 1306.9. Procedure to register child support order of another state for
20 modification

21 A party or support enforcement agency seeking to modify, or to modify and
22 enforce, a child support order issued in another state shall register that order in this
23 state in the same manner provided in ~~Subsection A of this Section~~ Articles 1306.1
24 through 1306.8 if the order has not been registered. A petition for modification may
25 be filed at the same time as a request for registration, or later. The pleading must
26 specify the grounds for modification.

27 Art. 1306.10. Effect of registration for modification

28 A tribunal of this state may enforce a child support order of another state
29 registered for purposes of modification, in the same manner as if the order had been

1 issued by a tribunal of this state, but the registered order may be modified only if the
2 requirements of Article 1306.11 (~~Modification of child support order of another~~
3 ~~state~~) or 1306.13 have been met.

4 Art. 1306.11. Modification of child support order of another state

5 A. ~~After a child support order issued in another state has been registered in~~
6 ~~this state, the responding tribunal of this state may modify that order only if Article~~
7 ~~1306.13 (Jurisdiction to modify child support order of another state when individual~~
8 ~~parties reside in this state) does not apply and, after notice and hearing, it finds that~~
9 ~~either~~ If Article 1306.13 does not apply, upon petition a tribunal of this state may
10 modify a child support order issued in another state which is registered in this state
11 if, after notice and hearing, the tribunal finds that:

12 (1) ~~All of the~~ The following requirements are met:

13 (a) ~~Neither the~~ The child, nor the individual obligee who is an individual,
14 ~~and nor~~ the obligor ~~do not reside~~ resides in the issuing state.

15 (b) A petitioner who is a nonresident of this state seeks modification; and

16 (c) The respondent is subject to the personal jurisdiction of the tribunal of
17 this state; or

18 (2) ~~The child or a party who is an individual is subject to the personal~~
19 ~~jurisdiction of the tribunal of this state and all of the parties who are individuals have~~
20 ~~filed a written consent in the issuing tribunal for a tribunal of this state to modify the~~
21 ~~support order and assume continuing, exclusive jurisdiction over the order. However,~~
22 ~~if the issuing state is a foreign jurisdiction that has not enacted a law or established~~
23 ~~procedures substantially similar to the procedures under this Chapter, the consent~~
24 ~~otherwise required of an individual residing in this state is not required for the~~
25 ~~tribunal to assume jurisdiction to modify the child support order. This state is the~~
26 residence of the child, or a party who is an individual is subject to the personal
27 jurisdiction of the tribunal of this state, and all of the parties who are individuals
28 have filed consents in a record in the issuing tribunal for a tribunal of this state to
29 modify the support order and assume continuing, exclusive jurisdiction.

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

5 C. A tribunal of this state may not modify any aspect of a child support order
6 that may not be modified under the law of the issuing state; including the duration
7 of the obligation of support. If two or more tribunals have issued child support
8 orders for the same obligor and same child, the order that controls and must be so
9 recognized under ~~the provisions of Article 1302.7 (Recognition of controlling child~~
10 ~~support order)~~ establishes the aspects of the support order ~~that~~ which are
11 nonmodifiable.

12 D. In a proceeding to modify a child support order, the law of the state that
13 is determined to have issued the controlling order governs the duration of the
14 obligation of support. The obligor's fulfillment of the duty of support established by
15 that order precludes imposition of a further obligation of support by a tribunal of this
16 state.

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

20 F. Notwithstanding Paragraphs A through E and Article 1302.1(B), a tribunal
21 of this state retains jurisdiction to modify an order issued by a tribunal of this state
22 if:

23 (1) One party resides in another state; and

24 (2) The other party resides outside the United States.

25 Art. 1306.12. Recognition of order modified in another state

26 ~~A tribunal of this state shall recognize a modification of its earlier child~~
27 ~~support order by a tribunal of another state, which assumed jurisdiction pursuant to~~
28 ~~this Chapter or a law substantially similar to this Chapter, and, upon request, except~~
29 ~~as otherwise provided in this Chapter, shall do all of the following: If a child support~~

1 order issued by a tribunal of this state is modified by a tribunal of another state
 2 which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act,
 3 a tribunal of this state:

4 (1) ~~Enforce the order that was modified only as to amounts accruing before~~
 5 ~~the modification.~~ May enforce its order that was modified only as to arrears and
 6 interest accruing before the modification;

7 (2) ~~Enforce only nonmodifiable aspects of that order.~~

8 (3) ~~Provide other~~ May provide appropriate relief ~~only~~ for violations of ~~that~~
 9 its order that which occurred before the effective date of the modification; and

10 ~~(4)(3) Recognize~~ Shall provide the modifying order of the other state, upon
 11 registration, for the purpose of enforcement.

12 Art. 1306.13. Jurisdiction to modify child support order of another state when
 13 individual parties reside in this state

14 A. If all of the parties who are individuals reside in this state and the child
 15 does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce
 16 and to modify the issuing state's child support order in a proceeding to register that
 17 order.

18 B. A tribunal of this state exercising jurisdiction ~~as provided in~~ under this
 19 Article shall apply the provisions of Sections 1 and 2, this Section, ~~of this Chapter,~~
 20 ~~this Article~~, and the procedural and substantive laws of this state to the proceeding
 21 for enforcement or modification. Sections 3, 4, 5, 7, and 8 ~~of this Chapter~~ do not
 22 apply.

23 Art. 1306.14. Notice to issuing tribunal of modification

24 Within thirty days after issuance of a modified child support order, the party
 25 obtaining the modification shall file a certified copy of the order with the issuing
 26 tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each
 27 tribunal in which the party knows the earlier order has been registered. A party who
 28 obtains the order and fails to file a certified copy is subject to appropriate sanctions
 29 by a tribunal in which the issue of failure to file arises. The failure to file does not

1 affect the validity or enforceability of the modified order of the new tribunal having
2 continuing, exclusive jurisdiction.

3 Subsection D. Registration and modification of foreign child support order

4 Art. 1306.15. Jurisdiction to modify child support order of foreign country

5 A. Except as otherwise provided in Article 1307.11, if a foreign country
6 lacks or refuses to exercise jurisdiction to modify its child support order pursuant to
7 its laws, a tribunal of this state may assume jurisdiction to modify the child support
8 order and bind all individuals subject to the personal jurisdiction of the tribunal
9 whether the consent to modification of a child support order otherwise required of
10 the individual pursuant to Article 1306.11 has been given or whether the individual
11 seeking modification is a resident of this state or of the foreign country.

12 B. An order issued by a tribunal of this state modifying a foreign child
13 support order pursuant to this section is the controlling order.

14 Art. 1306.16. Procedure to register child support order of a foreign country for
15 modification

16 A party or support enforcement agency seeking to modify, or to modify and
17 enforce, a foreign child support order not under the Convention may register that
18 order in this state under Articles 1306.1 through 1306.8 if the order has not been
19 registered. A petition for modification may be filed at the same time as a request for
20 registration, or at another time. The petition must specify the grounds for
21 modification.

22 Section 7. ~~Determination of Parentage~~ Support Proceedings Under Convention

23 Art. 1307.1. ~~Proceeding to determine parentage~~ Definitions

24 ~~A. A tribunal of this state may serve as an initiating or responding tribunal~~
25 ~~in a proceeding brought under this Chapter or a law or procedure substantially~~
26 ~~similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the~~
27 ~~Revised Uniform Reciprocal Enforcement of Support Act to determine that the~~
28 ~~petitioner is a parent of a particular child or to determine that a respondent is a parent~~
29 ~~of that child.~~

1 ~~B. In a proceeding to determine parentage, a responding tribunal of this state~~
2 ~~shall apply the procedural and substantive law of this state and the rules of this state~~
3 ~~on choice of law.~~

4 In this Section:

5 (1) "Application" means a request under the Convention by an obligee or
6 obligor, or on behalf of a child, made through a central authority for assistance from
7 another central authority.

8 (2) "Central authority" means the entity designated by the United States or
9 a foreign country described in Article 1301.2(5)(d) to perform the functions specified
10 in the Convention.

11 (3) "Convention support order" means a support order of a tribunal of a
12 foreign country described in Article 1301.2(5)(d).

13 (4) "Direct request" means a petition filed by an individual in a tribunal of
14 this state in a proceeding involving an obligee, obligor, or child residing outside the
15 United States.

16 (5) "Foreign central authority" means the entity designated by a foreign
17 country described in Article 1301.2(5)(d) to perform the functions specified in the
18 Convention.

19 (6) "Foreign support agreement":

20 (a) means an agreement for support in a record that:

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

22 (ii) has been:

23 (aa) formally drawn up or registered as an authentic instrument by a foreign
24 tribunal; or

25 (bb) authenticated by, or concluded, registered, or filed with a foreign
26 tribunal; and

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

28 (b) includes a maintenance arrangement or authentic instrument under the
29 Convention.

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

3 Art. 1307.2. Applicability

4 This Section applies only to a support proceeding under the Convention. In
5 such a proceeding, if a provision of this Section is inconsistent with Sections 1
6 through 6, this Section controls.

7 Art. 1307.3. Relationship of the Department of Children and Family Services to
8 United States central authority

9 The Department of Children and Family Services of this state is recognized
10 as the agency designated by the United States central authority to perform specific
11 functions under the Convention.

12 Art. 1307.4. Initiation by the Department of Children and Family Services of
13 support proceeding under convention

14 A. In a support proceeding under this Section, the Department of Children
15 and Family Services, of this state shall:

16 (1) Transmit and receive applications; and

17 (2) Initiate or facilitate the institution of a proceeding regarding an
18 application in a tribunal of this state.

19 B. The following support proceedings are available to an obligee under the
20 Convention:

21 (1) Recognition or recognition and enforcement of a foreign support order.

22 (2) Enforcement of a support order issued or recognized in this state.

23 (3) Establishment of a support order if there is no existing order, including,
24 if necessary, determination of parentage of a child.

25 (4) Establishment of a support order if recognition of a foreign support order
26 is refused under Article 1307.8(B)(2), (4), or (9).

27 (5) Modification of a support order of a tribunal of this state.

28 (6) Modification of a support order of a tribunal of another state or a foreign
29 country.

1 C. The following support proceedings are available under the Convention to
2 an obligor against which there is an existing support order:

3 (1) Recognition of an order suspending or limiting enforcement of an
4 existing support order of a tribunal of this state.

5 (2) Modification of a support order of a tribunal of this state.

6 (3) Modification of a support order of a tribunal of another state or a foreign
7 country.

8 D. A tribunal of this state may not require security, bond, or deposit,
9 however described, to guarantee the payment of costs and expenses in proceedings
10 under the Convention.

11 Art. 1307.5. Direct request

12 A. A petitioner may file a direct request seeking establishment or
13 modification of a support order or determination of parentage of a child. In the
14 proceeding, the law of this state applies.

15 B. A petitioner may file a direct request seeking recognition and enforcement
16 of a support order or support agreement. In the proceeding, Articles 1307.6 through
17 1307.13 apply.

18 C. In a direct request for recognition and enforcement of a Convention
19 support order or foreign support agreement:

20 (1) A security, bond, or deposit is not required to guarantee the payment of
21 costs and expenses; and

22 (2) An obligee or obligor that in the issuing country has benefitted from free
23 legal assistance is entitled to benefit, at least to the same extent, from any free legal
24 assistance provided for by the law of this state under the same circumstances.

25 D. A petitioner filing a direct request is not entitled to assistance from the
26 Department of Children and Family Services.

27 E. This Section does not prevent the application of laws of this state that
28 provide simplified, more expeditious rules regarding a direct request for recognition
29 and enforcement of a foreign support order or foreign support agreement.

1 Art. 1307.6. Registration of convention support order

2 A. Except as otherwise provided in this Section, a party who is an individual
3 or a support enforcement agency seeking recognition of a Convention support order
4 shall register the order in this state as provided in Section 6.

5 B. Notwithstanding Articles 1303.11 and 1306.2(A), a request for
6 registration of a Convention support order must be accompanied by:

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

10 (2) A record stating that the support order is enforceable in the issuing
11 country;

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

17 (4) A record showing the amount of arrears, if any, and the date the amount
18 was calculated;

19 (5) A record showing a requirement for automatic adjustment of the amount
20 of support, if any, and the information necessary to make the appropriate
21 calculations; and

22 (6) If necessary, a record showing the extent to which the applicant received
23 free legal assistance in the issuing country.

24 C. A request for registration of a Convention support order may seek
25 recognition and partial enforcement of the order.

26 D. A tribunal of this state may vacate the registration of a Convention
27 support order without the filing of a contest under Article 1307.7 only if, acting on
28 its own motion, the tribunal finds that recognition and enforcement of the order
29 would be manifestly incompatible with public policy.

1 E. The tribunal shall promptly notify the parties of the registration or the
2 order vacating the registration of a Convention support order.

3 Art. 1307.7. Contest of registered convention support order

4 A. Except as otherwise provided in this Section, Articles 1306.5 through
5 1306.8 apply to a contest of a registered Convention support order.

6 B. A party contesting a registered Convention support order shall file a
7 contest not later than thirty days after notice of the registration, but if the contesting
8 party does not reside in the United States, the contest shall be filed not later than
9 sixty days after notice of the registration.

10 C. If the nonregistering party fails to contest the registered Convention
11 support order by the time specified in Paragraph (B), the order is enforceable.

12 D. A contest of a registered Convention support order may be based only on
13 grounds set forth in Article 1307.8. The contesting party bears the burden of proof.

14 E. In a contest of a registered Convention support order, a tribunal of this
15 state:

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

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

19 F. A tribunal of this state deciding a contest of a registered Convention
20 support order shall promptly notify the parties of its decision.

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

23 Art. 1307.8. Recognition and enforcement of registered convention support order

24 A. Except as otherwise provided in Paragraph (B), a tribunal of this state
25 shall recognize and enforce a registered Convention support order.

26 B. The following grounds are the only grounds on which a tribunal of this
27 state may refuse recognition and enforcement of a registered Convention support
28 order:

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

4 (2) The issuing tribunal lacked personal jurisdiction consistent with Article
5 1302.1;

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

7 (4) The order was obtained by fraud in connection with a matter of
8 procedure;

9 (5) A record transmitted in accordance with Article 1307.6 lacks authenticity
10 or integrity;

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

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

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

17 (9) In a case in which the respondent neither appeared nor was represented
18 in the proceeding in the issuing foreign country:

19 (a) If the law of that country provides for prior notice of proceedings, the
20 respondent did not have proper notice of the proceedings and an opportunity to be
21 heard.

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

25 (10) The order was made in violation of Article 1307.11.

26 C. If a tribunal of this state does not recognize a Convention support order
27 under Paragraph (B)(2), (4), or (9):

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

4 (2) the Department of Children and Family Services shall take all appropriate
5 measures to request a child-support order for the obligee if the application for
6 recognition and enforcement was received under Article 1307.4.

7 Art. 1307.9. Partial enforcement

8 If a tribunal of this state does not recognize and enforce a Convention support
9 order in its entirety, it shall enforce any severable part of the order. An application
10 or direct request may seek recognition and partial enforcement of a Convention
11 support order.

12 Art. 1307.10. Foreign support agreement

13 A. Except as otherwise provided in Paragraphs C and D, a tribunal of this
14 state shall recognize and enforce a foreign support agreement registered in this state.

15 B. An application or direct request for recognition and enforcement of a
16 foreign support agreement must be accompanied by both:

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

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

20 C. A tribunal of this state may vacate the registration of a foreign support
21 agreement only if, acting on its own motion, the tribunal finds that recognition and
22 enforcement would be manifestly incompatible with public policy.

23 D. In a contest of a foreign support agreement, a tribunal of this state may
24 refuse recognition and enforcement of the agreement if it finds:

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

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

28 (3) the agreement is incompatible with a support order involving the same
29 parties and having the same purpose in this state, another state, or a foreign country

1 if the support order is entitled to recognition and enforcement under this Chapter in
2 this state; or

3 (4) the record submitted under Paragraph(B) lacks authenticity or integrity.

4 E. A proceeding for recognition and enforcement of a foreign support
5 agreement shall be suspended during the pendency of a challenge to or appeal of the
6 agreement before a tribunal of another state or a foreign country.

7 Art. 1307.11. Modification of convention child support order

8 A. A tribunal of this state may not modify a Convention child support order
9 if the obligee remains a resident of the foreign country where the support order was
10 issued unless:

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

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

16 B. If a tribunal of this state does not modify a Convention child support order
17 because the order is not recognized in this state, Article 1307.8(C) applies.

18 Art. 1307.12. Personal information; limit on use

19 Personal information gathered or transmitted under this Section may be used
20 only for the purposes for which it was gathered or transmitted.

21 Art. 1307.13. Record in original language; English translation

22 A record filed with a tribunal of this state under this Section must be in the
23 original language and, if not in English, must be accompanied by an English
24 translation.

25 Section 8. Interstate Rendition

26 Art. 1308.1. Grounds for rendition

27 A. For purposes of this Section, "governor" includes an individual
28 performing the functions of governor or the executive authority of a state covered by
29 this Chapter.

1 B. The governor of this state may ~~either~~:

2 (1) Demand that the governor of another state surrender an individual found
3 in the other state who is charged criminally in this state with having failed to provide
4 for the support of an obligee; or

5 (2) On the demand by the governor of another state, surrender an individual
6 found in this state who is charged criminally in the other state with having failed to
7 provide for the support of an obligee.

8 C. A provision for extradition of individuals not inconsistent with this
9 Chapter applies to the demand even if the individual whose surrender is demanded
10 was not in the demanding state when the crime was allegedly committed and has not
11 fled therefrom.

12 Art. 1308.2. Conditions of rendition

13 A. Before making demand that the governor of another state surrender an
14 individual charged criminally in this state with having failed to provide for the
15 support of an obligee, the governor of this state may require a prosecutor of this state
16 to demonstrate that at least sixty days previously the obligee had initiated
17 proceedings for support pursuant to this Chapter or that the proceeding would be of
18 no avail.

19 B. If, under this Chapter or a law substantially similar to this Chapter, ~~the~~
20 ~~Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal~~
21 ~~Enforcement of Support Act~~, the governor of another state makes a demand that the
22 governor of this state surrender an individual charged criminally in that state with
23 having failed to provide for the support of a child or other individual to whom a duty
24 of support is owed, the governor may require a prosecutor to investigate the demand
25 and report whether a proceeding for support has been initiated or would be effective.
26 If it appears that a proceeding would be effective but has not been initiated, the
27 governor may delay honoring the demand for a reasonable time to permit the
28 initiation of a proceeding.

1 C. If a proceeding for support has been initiated and the individual whose
2 rendition is demanded prevails, the governor may decline to honor the demand. If
3 the petitioner prevails and the individual whose rendition is demanded is subject to
4 a support order, the governor may decline to honor the demand if the individual is
5 complying with the support order.

6 Section 9. Miscellaneous Provisions

7 Art. 1309.1. Uniformity of application and construction

8 In applying and construing this uniform act, consideration must be given to
9 the need to promote uniformity of the law with respect to its subject matter among
10 states that enact it to the extent that such provisions are not prohibited by the
11 Louisiana Constitution.

12 Art. 1309.2. Transitional provision

13 This Chapter applies to proceedings begun on or after the effective date of
14 this Chapter to establish a support order or determine parentage of a child or to
15 register, recognize, enforce, or modify a prior support order, determination, or
16 agreement, whenever issued or entered.

17 Art. 1309.3. Severability

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

22 Section 2. R.S. 46:236.3(I) is hereby amended and reenacted to read as follows:

23 §236.3. Enforcement of support by income assignment

24 * * *

25 I.(1) The notice to withhold shall operate as an assignment and shall be
26 binding, fourteen days after mailing or other transmission, or from the department
27 by administrative order of income assignment, upon any existing or future employers
28 or payors of income of the person ordered to pay support.

- (4) Requires certain tribunals to convert the amount of a support order to foreign currency or U.S. dollars, as applicable.
- (5) Authorizes tribunals to communicate with each other by electronic means.
- (6) Expands the list of circumstances in which a temporary child support order may be issued.

Present law provides for income withholding to enforce a child support obligation.

Proposed law authorizes the use of electronic income withholding orders by the Dept. of Children and Family Services.

Section 1 of the Act is effective July 1, 2015; Section 2 is effective October 1, 2015; and Section 3 is effective upon signature of governor or lapse of time for gubernatorial action.

(Amends Ch.C. Arts. 1301.1-1309.3 and R.S. 46:236.3(I))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

- 1. Add technical amendments.