

Part 6

Registration, Enforcement, and Modification of Support Order

78B-14-601 Registration of order for enforcement.

A support order or income-withholding order issued in another state, or a foreign support order, may be registered in this state for enforcement.

Amended by Chapter 45, 2015 General Session

78B-14-602 Procedure to register order for enforcement.

- (1) Except as otherwise provided in Section 78B-14-706, a support order or income-withholding order of another state, or a foreign support order, may be registered in this state by sending the following records to the appropriate tribunal in this state:
 - (a) a letter of transmittal to the tribunal requesting registration and enforcement;
 - (b) two copies, including one certified copy, of the order to be registered, including any modification of the order;
 - (c) a sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;
 - (d) the name of the obligor and, if known:
 - (i) the obligor's address and Social Security number;
 - (ii) the name and address of the obligor's employer and any other source of income of the obligor; and
 - (iii) a description and the location of property of the obligor in this state not exempt from execution; and
 - (e) except as otherwise provided in Section 78B-14-312, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.
- (2) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of a tribunal of another state, or a foreign support order, together with one copy of the documents and information, regardless of their form.
- (3) A petition or comparable pleading seeking a remedy that shall be affirmatively sought under law of this state may be filed at the same time as the request for registration or later. The pleading shall specify the grounds for the remedy sought.
- (4) If two or more orders are in effect, the person requesting registration shall:
 - (a) furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;
 - (b) specify the order alleged to be the controlling order, if any; and
 - (c) specify the amount of consolidated arrears, if any.
- (5) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Amended by Chapter 45, 2015 General Session

78B-14-603 Effect of registration for enforcement.

- (1) A support order or income-withholding order issued in another state, or a foreign support order, is registered when the order is filed in the registering tribunal of this state.

- (2) A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this state.
- (3) Except as otherwise provided in this chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

Amended by Chapter 45, 2015 General Session

78B-14-604 Choice of law.

- (1) Except as otherwise provided in Subsection (4), the law of the issuing state or foreign country governs:
 - (a) the nature, extent, amount, and duration of current payments under a registered support order;
 - (b) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and
 - (c) the existence and satisfaction of other obligations under the support order.
- (2) In a proceeding for arrears under a registered support order, the statute of limitation of this state or of the issuing state or foreign country, whichever is longer, applies.
- (3) A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this state.
- (4) After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session

78B-14-605 Notice of registration of order.

- (1) When a support order or income-withholding order issued in another state, or a foreign support order, is registered, the registering tribunal of this state shall notify the nonregistering party. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.
- (2) A notice shall inform the nonregistering party:
 - (a) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state;
 - (b) that a hearing to contest the validity or enforcement of the registered order shall be requested within 20 days after notice, unless the registered order is under Section 78B-14-707;
 - (c) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages; and
 - (d) of the amount of any alleged arrearages.
- (3) If the registering party asserts that two or more orders are in effect, a notice shall also:
 - (a) identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;
 - (b) notify the nonregistering party of the right to a determination of which is the controlling order;

- (c) state that the procedures provided in Subsection (2) apply to the determination of which is the controlling order; and
 - (d) state that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.
- (4) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to Title 62A, Chapter 11, Part 4, Income Withholding in IV-D Cases.

Amended by Chapter 45, 2015 General Session

78B-14-606 Procedure to contest validity or enforcement of registered support order.

- (1) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within the time required by Section 78B-14-605. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Section 78B-14-607.
- (2) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.
- (3) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

Amended by Chapter 45, 2015 General Session

78B-14-607 Contest of registration or enforcement.

- (1) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:
 - (a) the issuing tribunal lacked personal jurisdiction over the contesting party;
 - (b) the order was obtained by fraud;
 - (c) the order has been vacated, suspended, or modified by a later order;
 - (d) the issuing tribunal has stayed the order pending appeal;
 - (e) there is a defense under the law of this state to the remedy sought;
 - (f) full or partial payment has been made;
 - (g) the statute of limitation under Section 78B-14-604 precludes enforcement of some or all of the alleged arrearages; or
 - (h) the alleged controlling order is not the controlling order.
- (2) If a party presents evidence establishing a full or partial defense under Subsection (1), a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.
- (3) If the contesting party does not establish a defense under Subsection (1) to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

Revisor instructions Chapter 245, 2013 General Session

Amended by Chapter 412, 2011 General Session

78B-14-608 Confirmed order.

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

Revisor instructions Chapter 245, 2013 General Session
Amended by Chapter 412, 2011 General Session

78B-14-609 Procedure to register child support order of another state for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in Sections 78B-14-601 through 78B-14-608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading shall specify the grounds for modification.

Revisor instructions Chapter 245, 2013 General Session
Amended by Chapter 412, 2011 General Session

78B-14-610 Effect of registration for modification.

A tribunal of this state may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of Section 78B-14-611 or 78B-14-613 have been met.

Revisor instructions Chapter 245, 2013 General Session
Amended by Chapter 412, 2011 General Session

78B-14-611 Modification of child support order of another state.

- (1) If Section 78B-14-613 does not apply, upon petition a tribunal of this state may modify a child support order issued in another state which is registered in this state if, after notice and hearing, the tribunal finds that:
 - (a) the following requirements are met:
 - (i) neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state;
 - (ii) a petitioner who is a nonresident of this state seeks modification; and
 - (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state; or
 - (b) this state is the residence of the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.
- (2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state and the order may be enforced and satisfied in the same manner.
- (3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child,

the order that controls and shall be so recognized under Section 78B-14-207 establishes the aspects of the support order which are nonmodifiable.

- (4) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.
- (5) On issuance of an order by a tribunal of this state modifying a child support order issued in another state, the tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.
- (6) Notwithstanding Subsections (1) through (5) and Subsection 78B-14-201(2), a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if:
 - (a) one party resides in another state; and
 - (b) the other party resides outside the United States.

Revisor instructions Chapter 245, 2013 General Session
Amended by Chapter 412, 2011 General Session

78B-14-612 Recognition of order modified in another state.

If a child support order issued by a tribunal of this state is modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this state:

- (1) may enforce its order that was modified only as to arrears and interest accruing before the modification;
- (2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and
- (3) shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

Amended by Chapter 45, 2015 General Session

78B-14-613 Jurisdiction to modify child support order of another state when individual parties reside in this state.

- (1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.
- (2) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of this part, Part 1, General Provisions, and Part 2, Jurisdiction, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Part 3, Civil Provisions of General Application, Part 4, Establishment of Support Order or Determination of Parentage, Part 5, Enforcement of Support Order Without Registration, Part 7, Support Proceedings Under Convention, and Part 8, Rendition, do not apply.

Amended by Chapter 348, 2016 General Session

78B-14-614 Notice to issuing tribunal of modification.

Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is

subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

Renumbered and Amended by Chapter 3, 2008 General Session

78B-14-615 Jurisdiction to modify child support order of foreign country.

- (1) Except as otherwise provided in Section 78B-14-711, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order otherwise required of the individual pursuant to Section 78B-14-611 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.
- (2) An order issued by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

Revisor instructions Chapter 245, 2013 General Session
Amended by Chapter 412, 2011 General Session

78B-14-616 Procedure to register child support order of foreign country for modification.

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under Sections 78B-14-601 through 78B-14-608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition shall specify the grounds for modification.

Revisor instructions Chapter 245, 2013 General Session
Enacted by Chapter 412, 2011 General Session