

1 **UNIFORM INTERSTATE FAMILY SUPPORT**

2 **ACT**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Lyle W. Hillyard**

7 **LONG TITLE**

8 **General Description:**

9 This bill makes amendments conforming the Uniform Interstate Family Support Act
10 with other uniform laws and statutes and makes technical corrections.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ adds definitions of "person" and "record" to the definition section;
- 14 ▶ clarifies the duration of personal jurisdiction a state has over parties to an action;
- 15 ▶ allows modifications to a support order to be made by the state controlling the
16 order, even if the parties no longer reside in that state;
- 17 ▶ authorizes an issuing tribunal to request that a tribunal of another state enforce its
18 order;
- 19 ▶ modifies the definition of state to include foreign countries;
- 20 ▶ clarifies that the duration of a support order will be based on the initial controlling
21 order;
- 22 ▶ allows a party or witness residing in another state to be deposed or testify under
23 penalty of perjury by telephone, audiovisual means, or other electronic means;
- 24 ▶ clarifies procedures for when there are two or more support orders in existence; and
- 25 ▶ clarifies who must receive notice when two or more support orders exist and a
26 controlling order determination must be made.

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 **AMENDS:**

- 33 **78-45f-101**, as last amended by Chapter 161, Laws of Utah 2000
- 34 **78-45f-103**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 35 **78-45f-201**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 36 **78-45f-205**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 37 **78-45f-206**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 38 **78-45f-207**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 39 **78-45f-208**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 40 **78-45f-209**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 41 **78-45f-301**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 42 **78-45f-303**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 43 **78-45f-304**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 44 **78-45f-305**, as last amended by Chapter 255, Laws of Utah 2001
- 45 **78-45f-306**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 46 **78-45f-307**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 47 **78-45f-308**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 48 **78-45f-310**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 49 **78-45f-311**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 50 **78-45f-314**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 51 **78-45f-316**, as enacted by Chapter 232, Laws of Utah 1997
- 52 **78-45f-317**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 53 **78-45f-319**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 54 **78-45f-401**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 55 **78-45f-501**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 56 **78-45f-502**, as enacted by Chapter 232, Laws of Utah 1997
- 57 **78-45f-503**, as enacted by Chapter 232, Laws of Utah 1997
- 58 **78-45f-506**, as enacted by Chapter 232, Laws of Utah 1997

- 59 **78-45f-507**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 60 **78-45f-601**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 61 **78-45f-602**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 62 **78-45f-604**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 63 **78-45f-605**, as last amended by Chapter 161, Laws of Utah 2000
- 64 **78-45f-607**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 65 **78-45f-610**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 66 **78-45f-611**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 67 **78-45f-612**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 68 **78-45f-701**, as last amended by Chapter 161, Laws of Utah 2000
- 69 **78-45f-801**, as renumbered and amended by Chapter 232, Laws of Utah 1997
- 70 **78-45f-802**, as last amended by Chapter 161, Laws of Utah 2000
- 71 **78-45f-901**, as renumbered and amended by Chapter 232, Laws of Utah 1997

72 ENACTS:

- 73 **78-45f-210**, Utah Code Annotated 1953
- 74 **78-45f-211**, Utah Code Annotated 1953
- 75 **78-45f-615**, Utah Code Annotated 1953

76 REPEALS AND REENACTS:

- 77 **78-45f-202**, as last amended by Chapter 21, Laws of Utah 1999
- 78 **78-45f-312**, as renumbered and amended by Chapter 232, Laws of Utah 1997



80 *Be it enacted by the Legislature of the state of Utah:*

81 Section 1. Section **78-45f-101** is amended to read:

82 **78-45f-101. Definitions.**

83 In this chapter:

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

87 (2) "Child-support order" means a support order for a child, including a child who has
88 attained the age of majority under the law of the issuing state.

89 (3) "Duty of support" means an obligation imposed or imposable by law to provide

90 support for a child, spouse, or former spouse, including an unsatisfied obligation to provide
91 support.

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

97 (5) "Income" includes earnings or other periodic entitlements to money from any
98 source and any other property subject to withholding for support under the law of this state.

99 (6) "Income-withholding order" means an order or notice directed to an obligor's
100 employer or other source of income as defined in Section 62A-11-103, to withhold support
101 from the income of the obligor in accordance with Title 62A, Chapter 11, Part 4 or Part 5.

102 (7) "Initiating state" means a state from which a proceeding is forwarded or in which a
103 proceeding is filed for forwarding to a responding state under this chapter or a law or procedure
104 substantially similar to this chapter[, the Uniform Reciprocal Enforcement of Support Act, or
105 the Revised Uniform Reciprocal Enforcement of Support Act].

106 (8) "Initiating tribunal" means the authorized tribunal in an initiating state.

107 (9) "Issuing state" means the state in which a tribunal issues a support order or renders
108 a judgment determining parentage.

109 (10) "Issuing tribunal" means the tribunal that issues a support order or renders a
110 judgment determining parentage.

111 (11) "Law" includes decisional and statutory law and rules and regulations having the
112 force of law.

113 (12) "Obligee" means:

114 (a) an individual to whom a duty of support is or is alleged to be owed or in whose
115 favor a support order has been issued or a judgment determining parentage has been rendered;

116 (b) a state or political subdivision to which the rights under a duty of support or
117 support order have been assigned or which has independent claims based on financial
118 assistance provided to an individual obligee; or

119 (c) an individual seeking a judgment determining parentage of the individual's child.

120 (13) "Obligor" means an individual, or the estate of a decedent who:

121 (a) owes or is alleged to owe a duty of support;

122 (b) is alleged but has not been adjudicated to be a parent of a child; or

123 (c) is liable under a support order.

124 (14) "Person" means an individual, corporation, business trust, estate, trust,
 125 partnership, limited liability company, association, joint venture, government, governmental
 126 subdivision, agency, or instrumentality, public corporation, or any other legal or commercial
 127 entity.

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

130 ~~[(14)]~~ (16) "Register" means to file a support order or judgment determining parentage
 131 in the district court.

132 ~~[(15)]~~ (17) "Registering tribunal" means a tribunal in which a support order is
 133 registered.

134 ~~[(16)]~~ (18) "Responding state" means a state in which a proceeding is filed or to which
 135 a proceeding is forwarded for filing from an initiating state under this chapter or a law or
 136 procedure substantially similar to this chapter~~[, the Uniform Reciprocal Enforcement of~~
 137 ~~Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act].~~

138 ~~[(17)]~~ (19) "Responding tribunal" means the authorized tribunal in a responding state.

139 ~~[(18)]~~ (20) "Spousal-support order" means a support order for a spouse or former
 140 spouse of the obligor.

141 ~~[(19)]~~ (21) "State" means a state of the United States, the District of Columbia, Puerto
 142 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
 143 jurisdiction of the United States. The term includes:

144 (a) an Indian tribe; and ~~[a foreign jurisdiction that]~~

145 (b) a foreign country or political subdivision that:

146 (i) has been declared to be a foreign reciprocating country or political subdivision
 147 under federal law;

148 (ii) has established a reciprocal arrangement for child-support with this state as
 149 provided in Section 78-45f-208; or

150 (iii) has enacted a law or established procedures for issuance and enforcement of
 151 support orders which are substantially similar to the procedures under this chapter~~[, the~~

152 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
153 Enforcement of Support Act].

154 ~~[(20)]~~ (22) "Support-enforcement agency" means a public official or agency authorized
155 to seek:

- 156 (a) enforcement of support orders or laws relating to the duty of support;
- 157 (b) establishment or modification of child-support;
- 158 (c) determination of parentage; ~~[or]~~
- 159 (d) ~~[to locate]~~ location of obligors or their assets[-]; or
- 160 (e) determination of the controlling child-support order.

161 ~~[(21)]~~ (23) "Support order" means a judgment, decree, ~~[or]~~ order, or directive, whether
162 temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a
163 spouse, or a former spouse, which provides for monetary support, health care, arrearages, or
164 reimbursement, and may include related costs and fees, interest, income withholding, attorney's
165 fees, and other relief.

166 ~~[(22)]~~ (24) "Tribunal" means a court, administrative agency, or quasi-judicial entity
167 authorized to establish, enforce, or modify support orders or to determine parentage.

168 Section 2. Section **78-45f-103** is amended to read:

169 **78-45f-103. Remedies cumulative.**

170 (1) Remedies provided by this chapter are cumulative and do not affect the availability
171 of remedies under other law[-], including the recognition of a support order of a foreign country
172 or political subdivision on the basis of comity.

173 (2) This chapter does not:

- 174 (a) provide the exclusive method of establishing or enforcing a support order under the
175 law of this state; or
- 176 (b) grant a tribunal of this state jurisdiction to render judgment or issue an order
177 relating to child custody or parent-time in a proceeding under this chapter.

178 Section 3. Section **78-45f-201** is amended to read:

179 **78-45f-201. Bases for jurisdiction over nonresident.**

180 (1) In a proceeding to establish[-] or enforce[-, ~~or modify~~] a support order or to
181 determine parentage, a tribunal of this state may exercise personal jurisdiction over a
182 nonresident individual, or the individual's guardian or conservator, if:

- 183 ~~[(1)]~~ (a) the individual is personally served with notice within this state;
- 184 ~~[(2)]~~ (b) the individual submits to the jurisdiction of this state by consent, by entering a
185 general appearance, or by filing a responsive document having the effect of waiving any contest
186 to personal jurisdiction;
- 187 ~~[(3)]~~ (c) the individual resided with the child in this state;
- 188 ~~[(4)]~~ (d) the individual resided in this state and provided prenatal expenses or support
189 for the child;
- 190 ~~[(5)]~~ (e) the child resides in this state as a result of the acts or directives of the
191 individual;
- 192 ~~[(6)]~~ (f) the individual engaged in sexual intercourse in this state and the child may
193 have been conceived by that act of intercourse;
- 194 ~~[(7)]~~ (g) the individual asserted parentage in the putative father registry maintained in
195 this state by the state registrar of vital records in the Department of Health pursuant to Title 78,
196 Chapter 30, Adoption; or
- 197 ~~[(8)]~~ (h) there is any other basis consistent with the constitutions of this state and the
198 United States for the exercise of personal jurisdiction.

199 (2) The bases of personal jurisdiction set forth in Subsection (1) or in any other law of
200 this state may not be used to acquire personal jurisdiction for a tribunal of the state to modify a
201 child-support order of another state unless the requirements of Section 78-45f-611 or
202 78-45f-615 are met.

203 Section 4. Section **78-45f-202** is repealed and reenacted to read:

204 **78-45f-202. Duration of personal jurisdiction.**

205 Personal jurisdiction acquired by a tribunal of this state in a proceeding under this
206 chapter or other law of this state relating to a support order continues as long as a tribunal of
207 this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to
208 enforce its order as provided by Sections 78-45f-205, 78-45f-206, and 78-45f-211.

209 Section 5. Section **78-45f-205** is amended to read:

210 **78-45f-205. Continuing, exclusive jurisdiction.**

211 (1) A tribunal of this state ~~[issuing a support]~~ that has issued a child-support order
212 consistent with the law of this state has ~~and shall exercise~~ continuing, exclusive jurisdiction
213 ~~[over a]~~ to modify its child-support order if the order is the controlling order, and:

214 (a) ~~[as long as]~~ at the time of the filing of a request for modification, this state
215 ~~[remains]~~ is the residence of the obligor, the individual obligee, or the child for whose benefit
216 the support order is issued; or

217 ~~[(b) until all of the parties who are individuals have filed written consents with the~~
218 ~~tribunal of this state for a tribunal of another state to modify the order and assume continuing,~~
219 ~~exclusive jurisdiction.]~~

220 (b) even if this state is not the residence of the obligor, the individual obligee, or the
221 child for whose benefit the support order is issued, the parties consent in a record or in open
222 court that the tribunal of this state may continue to exercise jurisdiction to modify its order.

223 (2) A tribunal of this state ~~[issuing]~~ that has issued a child-support order consistent
224 with the law of this state may not exercise ~~[its]~~ continuing, exclusive jurisdiction to modify the
225 order if ~~[the order has been modified by a tribunal of another state pursuant to a law~~
226 ~~substantially similar to this chapter.]:~~

227 ~~[(3) If a child support order of this state is modified by a tribunal of another state~~
228 ~~pursuant to a law substantially similar to this chapter, a tribunal of this state loses its~~
229 ~~continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in~~
230 ~~this state, and may only:]~~

231 ~~[(a) enforce the order that was modified as to amounts accruing before the~~
232 ~~modification;]~~

233 ~~[(b) enforce nonmodifiable aspects of that order; and]~~

234 ~~[(c) provide other appropriate relief for violations of that order which occurred before~~
235 ~~the effective date of the modification.]:~~

236 ~~[(4) A tribunal of this state shall recognize the continuing, exclusive jurisdiction of]~~

237 (a) all of the parties who are individuals file consent in a record with the tribunal of this
238 state that a tribunal of another state that has jurisdiction over at least one of the parties who is
239 an individual or that is located in the state of residence of the child may modify the order and
240 assume continuing, exclusive jurisdiction; or

241 (b) its order is not the controlling order.

242 (3) If a tribunal of another state [which] has issued a child-support order pursuant to
243 this chapter or a law substantially similar to this chapter[:] which modifies a child-support
244 order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive

245 jurisdiction of the tribunal of the other state.

246 (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a
247 child-support order may serve as an initiating tribunal to request a tribunal or another state to
248 modify a support order issued in that state.

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

251 ~~[(6) A tribunal of this state issuing a support order consistent with the law of this state~~
252 ~~has continuing, exclusive jurisdiction over a spousal support order throughout the existence of~~
253 ~~the support obligation. A tribunal of this state may not modify a spousal support order issued~~
254 ~~by a tribunal of another state having continuing, exclusive jurisdiction over that order under the~~
255 ~~law of that state.]~~

256 Section 6. Section **78-45f-206** is amended to read:

257 **78-45f-206. Enforcement and modification of support order by tribunal having**
258 **continuing jurisdiction.**

259 (1) A tribunal of this state that has issued a child-support order consistent with the law
260 of this state may serve as an initiating tribunal to request a tribunal of another state to enforce
261 ~~[or modify a support order issued in that state.]:~~

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

265 (b) a money judgment for arrears of support and interest on the order accrued before a
266 determination that an order of another state is the controlling order.

267 (2) A tribunal of this state having continuing~~[, exclusive]~~ jurisdiction over a support
268 order may act as a responding tribunal to enforce ~~[or modify]~~ the order. ~~[If a party subject to~~
269 ~~the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in~~
270 ~~subsequent proceedings the tribunal may apply Section 78-45f-316 to receive evidence from~~
271 ~~another state and Section 78-45f-318 to obtain discovery through a tribunal of another state.]~~

272 ~~[(3) A tribunal of this state which lacks continuing, exclusive jurisdiction over a~~
273 ~~spousal support order may not serve as a responding tribunal to modify a spousal support order~~
274 ~~of another state.]~~

275 Section 7. Section **78-45f-207** is amended to read:

276 **78-45f-207. Recognition of controlling child-support order.**

277 (1) If a proceeding is brought under this chapter and only one tribunal has issued a
278 child-support order, the order of that tribunal controls and must be so recognized.

279 (2) If a proceeding is brought under this chapter, and two or more child-support orders
280 have been issued by tribunals of this state or another state with regard to the same obligor and
281 same child, a tribunal of this state having personal jurisdiction over both the obligor and
282 individual obligee shall apply the following rules [~~in determining~~] and by order shall determine
283 which order [~~to recognize for purposes of continuing, exclusive jurisdiction~~] controls:

284 (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this
285 chapter, the order of that tribunal controls and must be so recognized.

286 (b) If more than one of the tribunals would have continuing, exclusive jurisdiction
287 under this chapter, an order issued by a tribunal in the current home state of the child controls
288 [~~and must be so recognized~~], but if an order has not been issued in the current home state of the
289 child, the order most recently issued controls [~~and must be so recognized~~].

290 (c) If none of the tribunals would have continuing, exclusive jurisdiction under this
291 chapter, the tribunal of this state [~~having jurisdiction over the parties~~] shall issue a
292 child-support order, which controls [~~and must be so recognized~~].

293 (3) If two or more child-support orders have been issued for the same obligor and same
294 child [~~and if the obligor or the individual obligee resides in this state, a party may request a~~
295 ~~tribunal of this state to~~], upon request of a party who is an individual or a support-enforcement
296 agency, a tribunal of this state having personal jurisdiction over both the obligor and the
297 obligee who is an individual shall determine which order controls [~~and must be so recognized~~]
298 under Subsection (2). [~~The request must be accompanied by a certified copy of every support~~
299 ~~order in effect. The requesting party shall give notice of the request to each party whose rights~~
300 ~~may be affected by the determination.~~] The request may be filed with a registration for
301 enforcement or registration for modification pursuant to Part 6, or may be filed as a separate
302 proceeding.

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

307 ~~[(4)]~~ (5) The tribunal that issued the controlling order under Subsection (1), (2), or (3)
 308 ~~[is the tribunal that]~~ has continuing~~[-exclusive]~~ jurisdiction ~~[under]~~ to the extent provided in
 309 Section 78-45f-205 or 78-45f-206.

310 ~~[(5)]~~ (6) A tribunal of this state ~~[which]~~ that determines by order ~~[the identity of]~~ which
 311 is the controlling order under Subsection (2)(a) ~~[or]~~, (b) or ~~[which]~~, (3) that issues a new
 312 controlling order under Subsection (2)(c), shall state in that order:

313 (a) the basis upon which the tribunal made its determination[-];

314 (b) the amount of prospective support, if any; and

315 (c) the total amount of consolidated arrears and accrued interest, if any, under all of the
 316 orders after all payments made are credited as provided by Section 78-45f-209.

317 ~~[(6)]~~ (7) Within 30 days after issuance of an order determining ~~[the identity of]~~ which
 318 is the controlling order, the party obtaining the order shall file a certified copy of it ~~[with]~~ in
 319 each tribunal that issued or registered an earlier order of child-support. A party ~~[who obtains]~~
 320 or support-enforcement agency obtaining the order ~~[and]~~ that fails to file a certified copy is
 321 subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The
 322 failure to file does not affect the validity or enforceability of the controlling order.

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

326 Section 8. Section **78-45f-208** is amended to read:

327 **78-45f-208. Child-support orders for two or more obligees.**

328 In responding to ~~[multiple]~~ registrations or petitions for enforcement of two or more
 329 child-support orders in effect at the same time with regard to the same obligor and different
 330 individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of
 331 this state shall enforce those orders in the same manner as if the ~~[multiple]~~ orders had been
 332 issued by a tribunal of this state.

333 Section 9. Section **78-45f-209** is amended to read:

334 **78-45f-209. Credit for payments.**

335 ~~[Amounts]~~ A tribunal of this state shall credit amounts collected [and credited] for a
 336 particular period pursuant to [a support order] any child-support order against the amounts
 337 owed for the same period under any other child-support order for support of the same child

338 issued by a tribunal of this or another state [~~must be credited against the amounts accruing or~~
339 ~~accrued for the same period under a support order issued by the tribunal of this state~~].

340 Section 10. Section **78-45f-210** is enacted to read:

341 **78-45f-210. Application to nonresident subject to personal jurisdiction.**

342 A tribunal of this state exercising personal jurisdiction over a nonresident in a
343 proceeding under this chapter, under other law of this state relating to a support order, or
344 recognizing a support order of a foreign country or political subdivision on the basis of comity
345 may receive evidence from another state pursuant to Section 78-45f-316, communicate with a
346 tribunal of another state pursuant to Section 78-45f-317, and obtain discovery through a
347 tribunal of another state pursuant to Section 78-45f-318. In all other respects, Parts 3 through 7
348 do not apply and the tribunal shall apply the procedural and substantive law of this state.

349 Section 11. Section **78-45f-211** is enacted to read:

350 **78-45f-211. Continuing, exclusive jurisdiction to modify spousal-support order.**

351 (1) A tribunal of this state issuing a spousal-support order consistent with the law of
352 this state has continuing, exclusive jurisdiction to modify the spousal-support order throughout
353 the existence of the support obligation.

354 (2) A tribunal of this state may not modify a spousal-support order issued by a tribunal
355 of another state having continuing, exclusive jurisdiction over that order under the law of that
356 state.

357 (3) A tribunal of this state that has continuing, exclusive jurisdiction over a
358 spousal-support order may serve as:

359 (a) an initiating tribunal to request a tribunal of another state to enforce the
360 spousal-support order issued in this state; or

361 (b) a responding tribunal to enforce or modify its own spousal-support order.

362 Section 12. Section **78-45f-301** is amended to read:

363 **78-45f-301. Proceedings under chapter.**

364 (1) Except as otherwise provided in this chapter, this part applies to all proceedings
365 under this chapter.

366 [~~(2) This chapter provides for the following proceedings:~~]

367 [~~(a) establishment of an order for spousal support or child support pursuant to Part 4;~~]

368 [~~(b) enforcement of a support order and income-withholding order of another state~~]

369 without registration pursuant to Part 5;]

370 [~~(c) registration of an order for spousal support or child support of another state for~~
371 ~~enforcement pursuant to Part 6;~~]

372 [~~(d) modification of an order for child support or spousal support issued by a tribunal~~
373 ~~of this state pursuant to Sections 78-45f-203, 78-45f-204, 78-45f-205, and 78-45f-206;~~]

374 [~~(e) registration of an order for child support of another state for modification pursuant~~
375 ~~to Part 6;~~]

376 [~~(f) determination of parentage pursuant to Part 7; and]~~

377 [~~(g) assertion of jurisdiction over nonresidents pursuant to Sections 78-45f-201 and~~
378 ~~78-45f-202;~~]

379 [(3)] (2) An individual petitioner or a support-enforcement agency may [commence]
380 initiate a proceeding authorized under this chapter by filing a petition in an initiating tribunal
381 for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly
382 in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

383 Section 13. Section **78-45f-303** is amended to read:

384 **78-45f-303. Application of law of state.**

385 Except as otherwise provided [by] in this chapter, a responding tribunal of this state
386 shall:

387 (1) apply the procedural and substantive law[~~, including the rules on choice of law;~~]
388 generally applicable to similar proceedings originating in this state and may exercise all powers
389 and provide all remedies available in those proceedings; and

390 (2) determine the duty of support and the amount payable in accordance with the law
391 and support guidelines of this state.

392 Section 14. Section **78-45f-304** is amended to read:

393 **78-45f-304. Duties of initiating tribunal.**

394 (1) Upon the filing of a petition authorized by this chapter, an initiating tribunal of this
395 state shall forward [~~three copies of~~] the petition and its accompanying documents:

396 (a) to the responding tribunal or appropriate support-enforcement agency in the
397 responding state; or

398 (b) if the identity of the responding tribunal is unknown, to the state information
399 agency of the responding state with a request that they be forwarded to the appropriate tribunal

400 and that receipt be acknowledged.

401 (2) If ~~[a responding state has not enacted this chapter or a law or procedure~~
402 ~~substantially similar to this chapter,]~~ requested by the responding tribunal, a tribunal of this
403 state ~~[may]~~ shall issue a certificate or other document and make findings required by the law of
404 the responding state. If the responding state is a foreign ~~[jurisdiction]~~ country or political
405 subdivision, upon request, the tribunal ~~[may]~~ shall specify the amount of support sought ~~[and]~~,
406 convert that amount into the equivalent amount in the foreign currency under applicable
407 official or market exchange rate as publicly reported, and provide [the] any other documents
408 necessary to satisfy the requirements of the responding state.

409 Section 15. Section **78-45f-305** is amended to read:

410 **78-45f-305. Duties and powers of responding tribunal.**

411 (1) When a responding tribunal of this state receives a petition or comparable pleading
412 from an initiating tribunal or directly pursuant to Subsection 78-45f-301(2)~~(c)~~, it shall cause
413 the petition or pleading to be filed and notify the petitioner where and when it was filed.

414 (2) A responding tribunal of this state, to the extent ~~[otherwise authorized by]~~ not
415 prohibited by other law, may do one or more of the following:

416 (a) issue or enforce a support order, modify a child-support order, determine the
417 controlling child-support order, or ~~[render a judgment to]~~ determine parentage;

418 (b) order an obligor to comply with a support order, specifying the amount and the
419 manner of compliance;

420 (c) order income withholding;

421 (d) determine the amount of any arrearages and specify a method of payment;

422 (e) enforce orders by civil or criminal contempt, or both;

423 (f) set aside property for satisfaction of the support order;

424 (g) place liens and order execution on the obligor's property;

425 (h) order an obligor to keep the tribunal informed of the obligor's current residential
426 address, telephone number, employer, address of employment, and telephone number at the
427 place of employment;

428 (i) issue a bench warrant for an obligor who has failed after proper notice to appear at a
429 hearing ordered by the tribunal and enter the bench warrant in any local and state computer
430 systems for criminal warrants;

431 (j) order the obligor to seek appropriate employment by specified methods;

432 (k) award reasonable attorneys' fees and other fees and costs; and

433 (l) grant any other available remedy.

434 (3) A responding tribunal of this state shall include in a support order issued under this
435 chapter, or in the documents accompanying the order, the calculations on which the support
436 order is based.

437 (4) A responding tribunal of this state may not condition the payment of a support
438 order issued under this chapter upon compliance by a party with provisions for parent-time.

439 (5) If a responding tribunal of this state issues an order under this chapter, the tribunal
440 shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal,
441 if any.

442 (6) If requested to enforce a support order, arrears, or judgment or modify a support
443 order stated in a foreign currency, a responding tribunal of this state shall convert the amount
444 stated in the foreign currency to the equivalent amount in dollars under the applicable official
445 or market exchange rate as publicly reported.

446 Section 16. Section **78-45f-306** is amended to read:

447 **78-45f-306. Inappropriate tribunal.**

448 If a petition or comparable pleading is received by an inappropriate tribunal of this
449 state, [it] the tribunal shall forward the pleading and accompanying documents to an
450 appropriate tribunal in this state or another state and notify the petitioner where and when the
451 pleading was sent.

452 Section 17. Section **78-45f-307** is amended to read:

453 **78-45f-307. Duties of support-enforcement agency.**

454 (1) A support-enforcement agency of this state, upon request, shall provide services to
455 a petitioner in a proceeding under this chapter.

456 (2) A support-enforcement agency of this state that is providing services to the
457 petitioner [~~as appropriate~~] shall:

458 (a) take all steps necessary to enable an appropriate tribunal in this state or another
459 state to obtain jurisdiction over the respondent;

460 (b) request an appropriate tribunal to set a date, time, and place for a hearing;

461 (c) make a reasonable effort to obtain all relevant information, including information as

462 to income and property of the parties;

463 (d) within ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
464 a written notice in a record from an initiating, responding, or registering tribunal, send a copy
465 of the notice to the petitioner;

466 (e) within ten days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of
467 a written communication in a record from the respondent or the respondent's attorney, send a
468 copy of the communication to the petitioner; and

469 (f) notify the petitioner if jurisdiction over the respondent cannot be obtained.

470 (3) A support-enforcement agency of this state that requests registration of a
471 child-support order in this state for enforcement or for modification shall make reasonable
472 efforts:

473 (a) to ensure that the order to be registered is the controlling order; or

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

477 (4) A support-enforcement agency of this state that requests registration and
478 enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert
479 the amounts stated in the foreign currency into the equivalent amounts in dollars under the
480 applicable official or market exchange rate as publicly reported.

481 (5) A support-enforcement agency of this state shall issue or request a tribunal of this
482 state to issue a child-support order and an income-withholding order that redirects payment of
483 current support, arrears, and interest if requested to do so by a support-enforcement agency of
484 another state pursuant to Section 78-45f-319.

485 [~~3~~] (6) This chapter does not create or negate a relationship of attorney and client or
486 other fiduciary relationship between a support-enforcement agency or the attorney for the
487 agency and the individual being assisted by the agency.

488 Section 18. Section **78-45f-308** is amended to read:

489 **78-45f-308. Duty of attorney general.**

490 (1) If the attorney general determines that the support-enforcement agency is neglecting
491 or refusing to provide services to an individual, the attorney general may order the agency to
492 perform its duties under this chapter or may provide those services directly to the individual.

493 (2) The attorney general may determine that a foreign country or political subdivision
494 has established a reciprocal arrangement for child-support with this state and take appropriate
495 action for notification of the determination.

496 Section 19. Section **78-45f-310** is amended to read:

497 **78-45f-310. Duties of state information agency.**

498 (1) The Office of Recovery Services is the state information agency under this chapter.

499 (2) The state information agency shall:

500 (a) compile and maintain a current list, including addresses, of the tribunals in this state
501 which have jurisdiction under this chapter and any support-enforcement agencies in this state
502 and transmit a copy to the state information agency of every other state;

503 (b) maintain a register of names and addresses of tribunals and support-enforcement
504 agencies received from other states;

505 (c) forward to the appropriate tribunal in the [place] county in this state in which the
506 [individual] obligee who is an individual or the obligor resides, or in which the obligor's
507 property is believed to be located, all documents concerning a proceeding under this chapter
508 received from an initiating tribunal or the state information agency of the initiating state; and

509 (d) obtain information concerning the location of the obligor and the obligor's property
510 within this state not exempt from execution, by such means as postal verification and federal or
511 state locator services, examination of telephone directories, requests for the obligor's address
512 from employers, and examination of governmental records, including, to the extent not
513 prohibited by law, those relating to real property, vital records, law enforcement, taxation,
514 motor vehicles, driver's licenses, and Social Security number.

515 Section 20. Section **78-45f-311** is amended to read:

516 **78-45f-311. Pleadings and accompanying documents.**

517 (1) [A] In a proceeding under this chapter, a petitioner seeking to establish [or] a
518 support order, to determine parentage, or to register and modify a support order [or to
519 determine parentage in a proceeding under this chapter must verify the] of another state must
520 file a petition. Unless otherwise ordered under Section 78-45f-312, the petition or
521 accompanying documents must provide, so far as known, the name, residential address, and
522 Social Security numbers of the obligor and the obligee or the parent and alleged parent, and the
523 name, sex, residential address, Social Security number, and date of birth of each child for

524 ~~[whom]~~ whose benefit support is sought~~[- The]~~ or whose parentage is to be determined.
525 Unless filed at the time of registration, the petition must be accompanied by a [certified] copy
526 of any support order [in effect] known to have been issued by another tribunal. The petition
527 may include any other information that may assist in locating or identifying the respondent.

528 (2) The petition must specify the relief sought. The petition and accompanying
529 documents must conform substantially with the requirements imposed by the forms mandated
530 by federal law for use in cases filed by a support-enforcement agency.

531 Section 21. Section **78-45f-312** is repealed and reenacted to read:

532 **78-45f-312. Nondisclosure of information in exceptional circumstances.**

533 If a party alleges in an affidavit or a pleading under oath that the health, safety, or
534 liberty of a party or child would be jeopardized by disclosure of specific identifying
535 information, that information must be sealed and may not be disclosed to the other party or the
536 public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty
537 of the party or child, the tribunal may order disclosure of information that the tribunal
538 determines to be in the interest of justice.

539 Section 22. Section **78-45f-314** is amended to read:

540 **78-45f-314. Limited immunity of petitioner.**

541 (1) Participation by a petitioner in a proceeding under this chapter before a responding
542 tribunal, whether in person, by private attorney, or through services provided by the
543 support-enforcement agency, does not confer personal jurisdiction over the petitioner in
544 another proceeding.

545 (2) A petitioner is not amenable to service of civil process while physically present in
546 this state to participate in a proceeding under this chapter.

547 (3) The immunity granted by this section does not extend to civil litigation based on
548 acts unrelated to a proceeding under this chapter committed by a party while present in this
549 state to participate in the proceeding.

550 Section 23. Section **78-45f-316** is amended to read:

551 **78-45f-316. Special rules of evidence and procedure.**

552 (1) The physical presence of ~~[the petitioner]~~ a nonresident party who is an individual in
553 a ~~[responding]~~ tribunal of this state is not required for the establishment, enforcement, or
554 modification of a support order or the rendition of a judgment determining parentage.

555 (2) [~~A verified petition,~~] An affidavit, [~~or~~] a document substantially complying with
556 federally mandated forms, [~~and~~] or a document incorporated by reference in any of them, which
557 would not be excluded under the hearsay rule if given in person, is admissible in evidence if
558 given under [~~oath~~] penalty or perjury by a party or witness residing in another state.

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

562 (4) Copies of bills for testing for parentage, and for prenatal and postnatal health care
563 of the mother and child, furnished to the adverse party at least ten days before trial, are
564 admissible in evidence to prove the amount of the charges billed and that the charges were
565 reasonable, necessary, and customary.

566 (5) Documentary evidence transmitted from another state to a tribunal of this state by
567 telephone, telecopier, or other means that do not provide an original [~~writing~~] record may not
568 be excluded from evidence on an objection based on the means of transmission.

569 (6) In a proceeding under this chapter, a tribunal of this state [~~may~~] shall permit a party
570 or witness residing in another state to be deposed or to testify by telephone, audiovisual means,
571 or other electronic means at a designated tribunal or other location in that state. A tribunal of
572 this state shall cooperate with tribunals of other states in designating an appropriate location for
573 the deposition or testimony.

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

577 (8) A privilege against disclosure of communications between spouses does not apply
578 in a proceeding under this chapter.

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

581 (10) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to
582 establish parentage of the child.

583 Section 24. Section **78-45f-317** is amended to read:

584 **78-45f-317. Communications between tribunals.**

585 A tribunal of this state may communicate with a tribunal of another state [~~in writing~~] or

586 foreign country or political subdivision in a record, or by telephone or other means, to obtain
587 information concerning the laws [~~of that state~~], the legal effect of a judgment, decree, or order
588 of that tribunal, and the status of a proceeding in the other state or a foreign country or political
589 subdivision. A tribunal of this state may furnish similar information by similar means to a
590 tribunal of another state or foreign country or political subdivision.

591 Section 25. Section **78-45f-319** is amended to read:

592 **78-45f-319. Receipt and disbursement of payments.**

593 (1) A support-enforcement agency or tribunal of this state shall disburse promptly any
594 amounts received pursuant to a support order, as directed by the order. The agency or tribunal
595 shall furnish to a requesting party or tribunal of another state a certified statement by the
596 custodian of the record of the amounts and dates of all payments received.

597 (2) If neither the obligor, nor the obligee who is an individual, nor the child resides in
598 this state, upon request from the support-enforcement agency of this state or another state, the
599 Office of Recovery Services or a tribunal of this state shall:

600 (a) direct that the support payment be made to the support-enforcement agency in the
601 state in which the obligee is receiving services; and

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

604 (3) The support-enforcement agency of this state receiving redirected payments from
605 another state pursuant to a law similar to Subsection (2) shall furnish to a requesting party or
606 tribunal of the other state a certified statement by the custodian of the record of the amount and
607 dates of all payments received.

608 Section 26. Section **78-45f-401** is amended to read:

609 **78-45f-401. Petition to establish support order.**

610 (1) If a support order entitled to recognition under this chapter has not been issued, a
611 responding tribunal of this state may issue a support order if:

612 (a) the individual seeking the order resides in another state; or

613 (b) the support-enforcement agency seeking the order is located in another state.

614 (2) The tribunal may issue a temporary child-support order if[?] the tribunal determines
615 that such an order is appropriate and the individual ordered to pay is:

616 [~~(a) the respondent has signed a verified statement acknowledging parentage;~~]

617 ~~[(b) the respondent has been determined by or pursuant to law to be the parent; or]~~
 618 ~~[(c) there is other clear and convincing evidence that the respondent is the child's~~
 619 ~~parent].~~

620 (a) a presumed father of the child;

621 (b) petitioning to have his paternity adjudicated;

622 (c) identified as the father of the child through genetic testing;

623 (d) an alleged father who has declined to submit to genetic testing;

624 (e) shown by clear and convincing evidence to be the father of the child;

625 (f) an acknowledged father determined in accordance with Title 78, Chapter 45e,

626 Voluntary Declaration of Paternity Act;

627 (g) the mother of the child; or

628 (h) an individual who has been ordered to pay child-support in a previous proceeding
 629 and the order has not been reversed or vacated.

630 (3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty
 631 of support, the tribunal shall issue a support order directed to the obligor and may issue other
 632 orders pursuant to Section 78-45f-305.

633 Section 27. Section **78-45f-501** is amended to read:

634 **78-45f-501. Employer's receipt of income-withholding order of another state.**

635 An income-withholding order issued in another state may be sent by or on behalf of the
 636 obligee, or by the support-enforcement agency, to the person [~~or entity~~] defined as the obligor's
 637 employer under Title 62A, Chapter 11, Part 4, Income Withholding in IV-D Cases, without
 638 first filing a petition or comparable pleading or registering the order with a tribunal of this
 639 state.

640 Section 28. Section **78-45f-502** is amended to read:

641 **78-45f-502. Employer's compliance with income withholding of another state.**

642 (1) Upon receipt of an income-withholding order, the obligor's employer shall
 643 immediately provide a copy of the order to the obligor.

644 (2) The employer shall treat an income-withholding order issued in another state which
 645 appears regular on its face as if it had been issued by a tribunal of this state.

646 (3) Except as otherwise provided in Subsection (4) and Section 78-45f-503, the
 647 employer shall withhold and distribute the funds as directed in the withholding order by

648 complying with terms of the order which specify:

649 (a) the duration and amount of periodic payments of current child-support, stated as a
650 sum certain;

651 (b) the person [~~or agency~~] designated to receive payments and the address to which the
652 payments are to be forwarded;

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

656 (d) the amount of periodic payments of fees and costs for a support-enforcement
657 agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

658 (e) the amount of periodic payments of arrearages and interest on arrearages, stated as
659 sums certain.

660 (4) An employer shall comply with the law of the state of the obligor's principal place
661 of employment for withholding from income with respect to:

662 (a) the employer's fee for processing an income withholding order;

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

664 (c) the times within which the employer must implement the withholding order and
665 forward the child-support payment.

666 Section 29. Section **78-45f-503** is amended to read:

667 **78-45f-503. Compliance with multiple income-withholding orders.**

668 If an obligor's employer receives [~~multiple~~] two or more income-withholding orders
669 with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple
670 orders if the employer complies with the law of the state of the obligor's principal place of
671 employment to establish the priorities for the withholding and allocating income withheld for
672 [~~multiple child support~~] two or more obligees.

673 Section 30. Section **78-45f-506** is amended to read:

674 **78-45f-506. Contest by obligor.**

675 (1) An obligor may contest the validity or enforcement of an income-withholding order
676 issued in another state and received directly by an employer in this state by registering the order
677 in a tribunal of this state and filing a contest to that order as provided in Part 6, Registration,
678 Enforcement, and Modification of Support Order, or otherwise contesting the order in the same

679 manner as if the order had been issued by a tribunal of this state. [~~Section 78-45f-604 applies~~
680 ~~to the contest.~~]

681 (2) The obligor shall give notice of the contest to:

682 (a) a support-enforcement agency providing services to the obligee;

683 (b) each employer that has directly received an income-withholding order relating to
684 the obligor; and

685 (c) the person [~~or agency~~] designated to receive payments in the income-withholding
686 order or if no person [~~or agency~~] is designated, to the obligee.

687 Section 31. Section **78-45f-507** is amended to read:

688 **78-45f-507. Administrative enforcement of orders.**

689 (1) A party or support-enforcement agency seeking to enforce a support order or an
690 income-withholding order, or both, issued by a tribunal of another state may send the
691 documents required for registering the order to a support-enforcement agency of this state.

692 (2) Upon receipt of the documents, the support-enforcement agency, without initially
693 seeking to register the order, shall consider and, if appropriate, use any administrative
694 procedure authorized by the law of this state to enforce a support order or an
695 income-withholding order, or both. If the obligor does not contest administrative enforcement,
696 the order need not be registered. If the obligor contests the validity or administrative
697 enforcement of the order, the support-enforcement agency shall register the order pursuant to
698 this chapter.

699 Section 32. Section **78-45f-601** is amended to read:

700 **78-45f-601. Registration of order for enforcement.**

701 A support order or [~~an~~] income-withholding order issued by a tribunal of another state
702 may be registered in this state for enforcement.

703 Section 33. Section **78-45f-602** is amended to read:

704 **78-45f-602. Procedure to register order for enforcement.**

705 (1) A support order or income-withholding order of another state may be registered in
706 this state by sending the following [~~documents~~] records and information to the appropriate
707 tribunal in this state:

708 (a) a letter of transmittal to the tribunal requesting registration and enforcement;

709 (b) two copies, including one certified copy, of [~~all orders~~] the order to be registered,

710 including any modification of ~~[an]~~ the order;

711 (c) a sworn statement by the ~~[party seeking]~~ person requesting registration or a certified
712 statement by the custodian of the records showing the amount of any arrearage;

713 (d) the name of the obligor and, if known:

714 (i) the obligor's address and Social Security number;

715 (ii) the name and address of the obligor's employer and any other source of income of
716 the obligor; and

717 (iii) a description and the location of property of the obligor in this state not exempt
718 from execution; and

719 (e) except as otherwise provided in Section 78-45f-312, the name and address of the
720 obligee and, if applicable, the ~~[agency or]~~ person to whom support payments are to be remitted.

721 (2) On receipt of a request for registration, the registering tribunal shall cause the order
722 to be filed as a foreign judgment, together with one copy of the documents and information,
723 regardless of their form.

724 (3) A petition seeking a remedy that must be affirmatively sought under law of this
725 state may be filed at the same time as the request for registration or later. The pleading must
726 specify the grounds for the remedy sought.

727 (4) If two or more orders are in effect, the person requesting registration shall:

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

730 (b) specify the order alleged to be the controlling order, if any; and

731 (c) specify the amount of consolidated arrears, if any.

732 (5) A request for a determination of which is the controlling order may be filed
733 separately or with a request for registration and enforcement or for registration and
734 modification. The person requesting registration shall give notice of the request to each party
735 whose rights may be affected by the determination.

736 Section 34. Section **78-45f-604** is amended to read:

737 **78-45f-604. Choice of law.**

738 (1) ~~[The]~~ Except as otherwise provided in Subsection (4), the law of the issuing state
739 governs;

740 (a) the nature, extent, amount, and duration of current payments ~~[and other obligations]~~

741 of support and the] under a registered support order;

742 (b) the computation and payment of arrearages [under the order.] and accrual of
743 interest on the arrearages under the support order; and

744 (c) the existence and satisfaction of other obligations under the support order.

745 (2) In a proceeding for [~~arrearages~~] arrears under a registered support order, the statute
746 of limitation [~~under the laws~~] of this state or of the issuing state, whichever is longer, applies.

747 (3) A responding tribunal of this state shall apply the procedures and remedies of this
748 state to enforce current support and collect arrears and interest due on a support order of
749 another state registered in this state.

750 (4) After a tribunal of this or another state determines which is the controlling order
751 and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively
752 apply the law of the state issuing the controlling order, including its law on interest on arrears,
753 on current and future support, and on consolidated arrears.

754 Section 35. Section **78-45f-605** is amended to read:

755 **78-45f-605. Notice of registration of order.**

756 (1) When a support order or income-withholding order issued in another state is
757 registered, the registering tribunal shall notify the nonregistering party. The notice must be
758 accompanied by a copy of the registered order and the documents and relevant information
759 accompanying the order.

760 (2) [~~The~~] A notice must inform the nonregistering party:

761 (a) that a registered order is enforceable as of the date of registration in the same
762 manner as an order issued by a tribunal of this state;

763 (b) that a hearing to contest the validity or enforcement of the registered order must be
764 requested within 20 days after the date of mailing or personal service of the notice;

765 (c) that failure to contest the validity or enforcement of the registered order in a timely
766 manner will result in confirmation of the order and enforcement of the order and the alleged
767 arrearages and precludes further contest of that order with respect to any matter that could have
768 been asserted; and

769 (d) of the amount of any alleged arrearages.

770 (3) If the registering party asserts that two or more orders are in effect, a notice must
771 also:

772 (a) identify the two or more orders and the order alleged by the registering person to be
773 the controlling order and the consolidated arrears, if any;

774 (b) notify the nonregistering party of the right to a determination of which is the
775 controlling order;

776 (c) state that the procedures provided in Subsection (2) apply to the determination of
777 which is the controlling order; and

778 (d) state that failure to contest the validity or enforcement of the order alleged to be the
779 controlling order in a timely manner may result in confirmation that the order is the controlling
780 order.

781 [~~3~~] (4) Upon registration of an income-withholding order for enforcement, the
782 registering tribunal shall notify the obligor's employer pursuant to Title 62A, Chapter 11, Part
783 4, Income Withholding In IV-D Cases.

784 Section 36. Section **78-45f-607** is amended to read:

785 **78-45f-607. Contest of registration or enforcement.**

786 (1) A party contesting the validity or enforcement of a registered order or seeking to
787 vacate the registration has the burden of proving one or more of the following defenses:

788 (a) the issuing tribunal lacked personal jurisdiction over the contesting party;

789 (b) the order was obtained by fraud;

790 (c) the order has been vacated, suspended, or modified by a later order;

791 (d) the issuing tribunal has stayed the order pending appeal;

792 (e) there is a defense under the law of this state to the remedy sought;

793 (f) full or partial payment has been made; [or]

794 (g) the statute of limitation under Section 78-45f-604 precludes enforcement of some
795 or all of the alleged arrearages[-]; or

796 (h) the alleged controlling order is not the controlling order.

797 (2) If a party presents evidence establishing a full or partial defense under Subsection
798 (1), a tribunal may stay enforcement of the registered order, continue the proceeding to permit
799 production of additional relevant evidence, and issue other appropriate orders. An uncontested
800 portion of the registered order may be enforced by all remedies available under the law of this
801 state.

802 (3) If the contesting party does not establish a defense under Subsection (1) to the

803 validity or enforcement of the order, the registering tribunal shall issue an order confirming the
804 order.

805 Section 37. Section **78-45f-610** is amended to read:

806 **78-45f-610. Effect of registration for modification.**

807 A tribunal of this state may enforce a child-support order of another state registered for
808 purposes of modification, in the same manner as if the order had been issued by a tribunal of
809 this state, but the registered order may be modified only if the requirements of Section
810 78-45f-611, 78-45f-613, or 78-45f-615 have been met.

811 Section 38. Section **78-45f-611** is amended to read:

812 **78-45f-611. Modification of child-support order of another state.**

813 (1) ~~[After] If Section 78-45f-613 does not apply, except as otherwise provided in~~
814 Section 78-45f-615, upon petition a tribunal of this state may modify a child-support order
815 issued in another state [has been] which is registered in this state~~[, the responding tribunal of~~
816 ~~this state may modify that order only if Section 78-45f-613 does not apply and] if, after notice~~
817 and hearing [it], the tribunal finds that:

818 (a) the following requirements are met:

819 (i) neither the child, nor the ~~[individual]~~ obligee~~[, and]~~ who is an individual, nor the
820 obligor ~~[do not reside]~~ resides in the issuing state;

821 (ii) a petitioner who is a nonresident of this state seeks modification; and

822 (iii) the respondent is subject to the personal jurisdiction of the tribunal of this state; or

823 (b) this state is the state of residence of the child, or a party who is an individual, is
824 subject to the personal jurisdiction of the tribunal of this state and all of the parties who are
825 individuals have filed [written] consents in a record in the issuing tribunal for a tribunal of this
826 state to modify the support order and assume continuing, exclusive jurisdiction ~~[over the order.~~
827 ~~However, if the issuing state is a foreign jurisdiction that has not enacted a law or established~~
828 ~~procedures substantially similar to the procedures under this chapter, the consent otherwise~~
829 ~~required of an individual residing in this state is not required for the tribunal to assume~~
830 ~~jurisdiction to modify the child support order].~~

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

834 (3) ~~[A]~~ Except as otherwise provided in Section 78-45f-615, a tribunal of this state may
835 not modify any aspect of a child-support order that may not be modified under the law of the
836 issuing state, including the duration of the obligation of support. If two or more tribunals have
837 issued child-support orders for the same obligor and same child, the order that controls and
838 must be so recognized under Section 78-45f-207 establishes the aspects of the support order
839 which are nonmodifiable.

840 (4) In a proceeding to modify a child-support order, the law of the state that is
841 determined to have issued the initial controlling order governs the duration of the obligation of
842 support. The obligor's fulfillment of the duty of support established by that order precludes
843 imposition of a further obligation of support by a tribunal of this state.

844 ~~[(4)]~~ (5) On issuance of an order by a tribunal of this state modifying a child-support
845 order issued in another state, ~~[a]~~ the tribunal of this state becomes the tribunal of continuing,
846 exclusive jurisdiction.

847 Section 39. Section **78-45f-612** is amended to read:

848 **78-45f-612. Recognition of order modified in another state.**

849 ~~[A]~~ If a child-support order issued by a tribunal of this state ~~[shall recognize a~~
850 ~~modification of its earlier child support order]~~ is modified by a tribunal of another state which
851 assumed jurisdiction pursuant to ~~[a law substantially similar to]~~ this chapter ~~[and, upon request,~~
852 ~~except as otherwise provided in this chapter, shall]~~, a tribunal of this state:

853 (1) may enforce ~~[the]~~ its order that was modified only as to ~~[amounts]~~ arrear and
854 interest accruing before the modification;

855 ~~[(2) enforce only nonmodifiable aspects of that order;]~~

856 ~~[(3)]~~ (2) may provide ~~[other]~~ appropriate relief ~~[only]~~ for violations of ~~[that]~~ its order
857 which occurred before the effective date of the modification; and

858 ~~[(4)]~~ (3) shall recognize the modifying order of the other state, upon registration, for
859 the purpose of enforcement.

860 Section 40. Section **78-45f-615** is enacted to read:

861 **78-45f-615. Jurisdiction to modify child-support order of foreign country or**
862 **political subdivision.**

863 (1) If a foreign country or political subdivision that is a state will not or may not
864 modify its order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify

865 the child-support order and bind all individuals subject to the personal jurisdiction of the
866 tribunal whether or not the consent to modification of a child-support order otherwise required
867 of the individual pursuant to Section 78-45f-611 has been given or whether the individual
868 seeking modification is a resident of this state or of the foreign country or political subdivision.

869 (2) An order issued pursuant to this section is the controlling order.

870 Section 41. Section **78-45f-701** is amended to read:

871 **78-45f-701. Proceeding to determine parentage.**

872 [(+) A [tribunal] court of this state authorized to determine parentage of a child may
873 serve as [an initiating or] a responding tribunal in a proceeding to determine parentage brought
874 under this chapter or a law or procedure substantially similar to this chapter[, the Uniform
875 Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of
876 Support Act to determine that the petitioner is a parent of a particular child or to determine that
877 a respondent is a parent of that child].

878 [(2) In a proceeding to determine parentage, a responding tribunal of this state shall
879 apply Title 78, Chapter 45a, Uniform Act on Paternity, and the rules of this state on choice of
880 law;]

881 Section 42. Section **78-45f-801** is amended to read:

882 **78-45f-801. Grounds for rendition.**

883 (1) For purposes of this part, "governor" includes an individual performing the
884 functions of governor or the executive authority of a state covered by this chapter.

885 (2) The governor of this state may:

886 (a) demand that the governor of another state surrender an individual found in the other
887 state who is charged criminally in this state with having failed to provide for the support of an
888 obligee; or

889 (b) on the demand [by] of the governor of another state, surrender an individual found
890 in this state who is charged criminally in the other state with having failed to provide for the
891 support of an obligee.

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

895 Section 43. Section **78-45f-802** is amended to read:

896 **78-45f-802. Conditions of rendition.**

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

902 (2) If, under this chapter or a law substantially similar to this chapter, [~~the Uniform~~
903 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of~~
904 ~~Support Act,]~~ the governor of another state makes a demand that the governor of this state
905 surrender an individual charged criminally in that state with having failed to provide for the
906 support of a child or other individual to whom a duty of support is owed, the governor may
907 require a prosecutor to investigate the demand and report whether a proceeding for support has
908 been initiated or would be effective. If it appears that a proceeding would be effective but has
909 not been initiated, the governor may delay honoring the demand for a reasonable time to permit
910 the initiation of a proceeding.

911 (3) If a proceeding for support has been initiated and the individual whose rendition is
912 demanded prevails, the governor may decline to honor the demand. If the petitioner prevails
913 and the individual whose rendition is demanded is subject to a support order, the governor may
914 decline to honor the demand if the individual is complying with the support order.

915 Section 44. Section **78-45f-901** is amended to read:

916 **78-45f-901. Uniformity of application and construction.**

917 This chapter [~~shall be applied and construed to effectuate its general purpose to make~~
918 ~~uniform]~~ is a uniform act. In applying and construing it consideration must be given to the
919 need to promote uniformity of the law with respect to [the] its subject [of this chapter] matter
920 among states [enacting] that enact it.

Legislative Review Note
as of 1-20-04 2:59 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0136

Uniform Interstate Family Support Act

02-Feb-04

10:50 AM

State Impact

Provisions of this bill can be handled within existing budgets.

Individual and Business Impact

Any fiscal impact will be dependent on individuals cases.

Office of the Legislative Fiscal Analyst