

By: Representative Watson

To: Judiciary A

HOUSE BILL NO. 572

1 AN ACT TO UPDATE THE UNIFORM INTERSTATE FAMILY SUPPORT ACT;
 2 TO AMEND SECTIONS 93-25-3, 93-25-7, 93-25-9, 93-25-11, 93-25-17,
 3 93-25-19, 93-25-21, 93-25-25, 93-25-27, 93-25-31, 93-25-33,
 4 93-25-35, 93-25-39, 93-25-41, 93-25-47, 93-25-49, 93-25-53,
 5 93-25-57, 93-25-59, 93-25-63, 93-25-65, 93-25-67, 93-25-77,
 6 93-25-83, 93-25-87, 93-25-89, 93-25-93, 93-25-101, 93-25-103,
 7 93-25-109 AND 93-25-113, MISSISSIPPI CODE OF 1972; TO CODIFY
 8 SECTIONS 93-25-26, 93-25-26.1 AND 93-25-108, MISSISSIPPI CODE OF
 9 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 93-25-3, Mississippi Code of 1972, is
 12 amended as follows:

13 93-25-3. For purposes of Sections 93-25-1 through 93-25-117,
 14 the following words and phrases shall have the meanings ascribed
 15 herein, unless the context clearly indicates otherwise:

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

20 (b) "Child support order" means a support order for a
 21 child, including a child who has attained the age of majority
 22 under the law of the issuing state.

23 (c) "Duty of support" means an obligation imposed or
 24 imposable by law to provide support for a child, spouse or former
 25 spouse, including an unsatisfied obligation to provide support.

26 (d) "Home state" means the state in which a child lived
 27 with a parent or a person acting as parent for at least six (6)
 28 consecutive months immediately preceding the time of filing of a
 29 petition or comparable pleading for support and, if a child is
 30 less than six (6) months old, the state in which the child lived



31 from birth with any of them. A period of temporary absence of any
32 of them is counted as part of the six-month or other period.

33 (e) "Income" includes earnings or any periodic payment
34 due to an individual regardless of source including wages,
35 salaries, commissions, bonuses, workers' compensation, disability
36 or payments pursuant to a pension or retirement program.

37 (f) "Income-withholding order" means an order or other
38 legal process directed to an obligor's employer or other debtor,
39 as defined by Sections 93-11-101 through 93-11-119, Mississippi
40 Code of 1972, to withhold support from the income of the obligor.

41 (g) "Initiating state" means a state from which a
42 proceeding is forwarded or in which a proceeding is filed for
43 forwarding to a responding state under this chapter or a law or
44 procedure substantially similar to this chapter * * *.

45 (h) "Initiating tribunal" means the authorized tribunal
46 in an initiating state.

47 (i) "Issuing state" means the state in which a tribunal
48 issues a support order or renders a judgment determining
49 parentage.

50 (j) "Issuing tribunal" means the tribunal that issues a
51 support order or renders a judgment determining parentage.

52 (k) "Law" includes decisional and statutory law and
53 rules and regulations having the force of law.

54 (l) "Obligee" means:

55 (i) An individual to whom a duty of support is or
56 is alleged to be owed or in whose favor a support order has been
57 issued or a judgment determining parentage has been rendered;

58 (ii) A state or political subdivision to which the
59 rights under a duty of support or support order have been assigned
60 or which has independent claims based on financial assistance
61 provided to an individual obligee; or

62 (iii) An individual seeking a judgment determining
63 parentage of the individual's child.



64 (m) "Obligor" means an individual or the estate of a
65 decedent:

66 (i) Who owes or is alleged to owe a duty of
67 support;

68 (ii) Who is alleged but has not been adjudicated
69 to be a parent of a child; or

70 (iii) Who is liable under a support order.

71 (n) "Register" means to record a support order or
72 judgment determining parentage in a court of this state having
73 jurisdiction.

74 (o) "Registering tribunal" means a tribunal in which a
75 support order is registered.

76 (p) "Responding state" means a state in which a
77 proceeding is filed or to which a proceeding is forwarded for
78 filing from an initiating state under this chapter or a law or
79 procedure substantially similar to this chapter * * *.

80 (q) "Responding tribunal" means the authorized tribunal
81 in a responding state.

82 (r) "Spousal-support order" means a support order for a
83 spouse or former spouse of the obligor.

84 (s) "State" means a state of the United States, the
85 District of Columbia, Puerto Rico, the United States Virgin
86 Islands or any territory or insular possession subject to the
87 jurisdiction of the United States. The term "state" includes:

88 (i) An Indian tribe; and

89 (ii) A foreign jurisdiction that: has been
90 declared to be a foreign reciprocating country under federal law;
91 has established a child-support reciprocity arrangement with this
92 state; has enacted a law or established procedures for issuance
93 and enforcement of support orders which are substantially similar
94 to the procedures under this chapter * * *.

95 (t) "Support enforcement agency" means a public
96 official or agency authorized to seek:



97 (i) Enforcement of support orders or laws relating
98 to the duty of support;
99 (ii) Establishment or modification of child
100 support;
101 (iii) Determination of parentage; * * *
102 (iv) To locate obligors or their assets;
103 (v) Determination of the controlling child support
104 order.

105 (u) "Support order" means a judgment, decree, order, or
106 directive, whether temporary, final or subject to modification,
107 issued by a tribunal for the benefit of a child, a spouse or a
108 former spouse, which provides for monetary support, health care,
109 arrearages or reimbursement and may include related costs and
110 fees, interest, income withholding, attorney's fees and other
111 relief.

112 (v) "Tribunal" means a court, administrative agency or
113 quasi-judicial entity authorized to establish, enforce or modify
114 support orders or to determine parentage.

115 (w) "Record" means information that is inscribed on a
116 tangible medium or that is stored in an electronic or other medium
117 and is retrievable in perceivable form.

118 **SECTION 2.** Section 93-25-7, Mississippi Code of 1972, is
119 amended as follows:

120 93-25-7. (1) Remedies provided by this chapter are
121 cumulative and do not affect the availability of remedies under
122 other law, including the recognition of a foreign support order on
123 the basis of comity.

124 (2) This chapter does not:

125 (a) Provide the exclusive method of establishing or
126 enforcing a support order under the law of this state; or

127 (b) Grant a tribunal of this state jurisdiction to
128 render judgment or issue an order relating to child custody and
129 visitation in a proceeding under this chapter.



130 **SECTION 3.** Section 93-25-9, Mississippi Code of 1972, is
131 amended as follows:

132 93-25-9. In a proceeding to establish or enforce * * * a
133 support order or to determine parentage, a tribunal of this state
134 may exercise personal jurisdiction over a nonresident individual
135 or the individual's guardian or conservator if:

136 (a) The individual is personally served with process
137 within this state;

138 (b) The individual submits to the jurisdiction of this
139 state by consent, by entering a general appearance or by filing a
140 responsive document having the effect of waiving any contest to
141 personal jurisdiction;

142 (c) The individual resided with the child in this
143 state;

144 (d) The individual resided in this state and provided
145 prenatal expenses or support for the child;

146 (e) The child resides in this state as a result of the
147 acts or directives of the individual;

148 (f) The individual engaged in sexual intercourse in
149 this state and the child may have been conceived by that act of
150 intercourse;

151 (g) The individual asserted parentage as provided by
152 law; or

153 (h) There is any other basis consistent with the
154 Constitutions of this state and the United States for the exercise
155 of personal jurisdiction.

156 Unless Section 93-25-101 or 93-25-107 applies, the bases of
157 personal jurisdiction set forth in this section may not be used to
158 acquire jurisdiction for a tribunal of this state to modify a
159 child support order issued by a tribunal of another state.

160 **SECTION 4.** Section 93-25-11, Mississippi Code of 1972, is
161 amended as follows:



162 93-25-11. A tribunal of this state exercising personal
163 jurisdiction over a nonresident under Section 95-25-9, or
164 recognizing a foreign support order on the basis of comity, may
165 apply Section 95-25-57 * * * to receive evidence from another
166 state or foreign jurisdiction, to communicate with a tribunal of
167 another state or foreign jurisdiction, and Section 93-25-61 * * *
168 to obtain discovery through a tribunal of another state. In all
169 other respects, Sections 93-25-27 through 93-25-95 do not apply
170 and the tribunal shall apply the procedural and substantive law of
171 this state * * *.

172 **SECTION 5.** Section 93-25-17, Mississippi Code of 1972, is
173 amended as follows:

174 93-25-17. (1) A tribunal of this state that has issued a
175 support order consistent with the law of this state has and shall
176 exercise continuing, exclusive jurisdiction to modify its child
177 support order if the order is the controlling order and:

178 (a) At the time of the filing of a request for
179 modification this state is the residence of the obligor, the
180 individual obligee, or the child for whose benefit the support
181 order is issued; or

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

187 (2) A tribunal of this state that has issued a child support
188 order consistent with the law of this state may not exercise * * *
189 continuing exclusive jurisdiction to modify the order if:

190 (a) All of the parties who are individuals file consent
191 in a record with the tribunal of this state that a tribunal of
192 another state with jurisdiction over at least one (1) of the
193 individual parties or the child may modify the order and assume
194 continuing, exclusive jurisdiction; or



195 (b) Its order is not the controlling order.

196 * * *

197 (3) If a tribunal of another state * * * has issued a child
198 support order pursuant to this chapter or to a law substantially
199 similar to this chapter which modifies a child support order of a
200 tribunal of the state, tribunals of this state shall recognize the
201 continuing, exclusive jurisdiction of the tribunal of the other
202 state.

203 (4) A tribunal of this state which lacks continuing,
204 exclusive jurisdiction to modify a child support order may serve
205 as an initiating tribunal to request a tribunal of another state
206 to modify a support order issued in that state.

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

210 * * *

211 **SECTION 6.** Section 93-25-19, Mississippi Code of 1972, is
212 amended as follows:

213 93-25-19. (1) A tribunal of this state that has issued a
214 child support order consistent with the law of this state may
215 serve as an initiating tribunal to request a tribunal of another
216 state to enforce:

217 (a) The order if the order is the controlling order and
218 has not been modified by a tribunal of another state which assumed
219 jurisdiction pursuant to this act; or

220 (b) A money judgment for support arrears and interest
221 on the order accumulated prior to a determination that an order of
222 another state is the controlling order.

223 (2) A tribunal of this state having continuing * * *
224 jurisdiction over a support order may act as a responding tribunal
225 to enforce * * * the order. * * *

226 * * *



227 **SECTION 7.** Section 93-25-21, Mississippi Code of 1972, is
228 amended as follows:

229 93-25-21. (1) If a proceeding is brought under this
230 chapter, and one (1) tribunal has issued a child support order,
231 the order of that tribunal is controlling and must be so
232 recognized.

233 (2) If a proceeding is brought under this chapter, and two
234 (2) or more child support orders have been issued by a tribunal of
235 this state or another state with regard to the same obligor and
236 the same child, a tribunal of this state having personal
237 jurisdiction over both the obligor and individual obligee shall
238 apply the following rules and by order shall determine which order
239 to recognize for purposes of continuing, exclusive jurisdiction:

240 (a) If only one (1) of the tribunals would have
241 continuing, exclusive jurisdiction under this chapter, the order
242 of that tribunal controls and must be so recognized.

243 (b) If more than one (1) of the tribunals would have
244 continuing, exclusive jurisdiction under this chapter, an order
245 issued by a tribunal in the current home state of the child
246 controls and must be so recognized, but if an order has not been
247 issued in the current home state of the child, the order most
248 recently issued controls and must be so recognized.

249 (c) If none of the tribunals would have continuing,
250 exclusive jurisdiction under this chapter, the tribunal of this
251 state having jurisdiction over the parties shall issue a child
252 support order, which controls and must be so recognized.

253 (3) If two (2) or more child support orders have been issued
254 for the same obligor and the same child * * * a party may request
255 a tribunal of this state having personal jurisdiction over both
256 the obligor and individual obligee to determine which order
257 controls and must be recognized under subsection (2). The request
258 may be filed with a registration for enforcement or registration
259 for modification, or may be filed as a separate proceeding.



260 (4) The tribunal that issued the controlling order under
261 subsection (1), (2) or (3) may exercise continuing * * *
262 jurisdiction to the extent provided in Section 93-25-17 or
263 93-25-19.

264 (5) A tribunal of this state which determines by order the
265 identity of the controlling order under subsection (2)(a), (2)(b)
266 or subsection (3), or which issues a new controlling child support
267 order under subsection (2)(c), shall include in that order the
268 basis upon which the tribunal made its determination. In
269 addition, the tribunal shall state:

270 (a) The amount of prospective support, if any; and

271 (b) The total amount of consolidated arrears and
272 accrued interest, if any, that exist under all of the orders after
273 all payments made are credited.

274 (6) A request for determination of which is the controlling
275 order must be accompanied by a copy of every child support order
276 in effect and the applicable record of payments. The requesting
277 party shall give notice of the request to each party whose rights
278 may be affected by the determination.

279 (7) Within thirty (30) days after issuance of an order
280 determining which is the controlling order, the party obtaining
281 the order shall file a certified copy of it with each tribunal
282 that issued or registered an earlier order of child support. A
283 party who obtains the order and fails to file a certified copy is
284 subject to appropriate sanctions by a tribunal in which the issue
285 of failure to file arises. Failure to file has no effect on the
286 validity or enforceability of the controlling order.

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

291 **SECTION 8.** Section 93-25-25, Mississippi Code of 1972, is
292 amended as follows:



293 93-25-25. A tribunal of this state shall credit amounts
294 collected * * * for a particular period pursuant to any child
295 support order issued by a tribunal of this or another state * * *.

296 **SECTION 9.** The following shall be codified as Section
297 93-25-26, Mississippi Code of 1972:

298 93-25-26. If a party subject to the continuing, exclusive
299 jurisdiction of a tribunal of this state no longer resides in the
300 issuing state, in subsequent proceedings the tribunal may apply
301 Section 93-25-57 to receive evidence from another state, Section
302 93-25-59 to communicate with a tribunal of another state, and
303 Section 93-25-61 to obtain discovery through a tribunal of another
304 state. In all other respects, Sections 93-25-27 through 93-25-109
305 do not apply and the tribunal shall apply the procedural and
306 substantive law of this state.

307 **SECTION 10.** The following shall be codified as Section
308 93-25-26.1, Mississippi Code of 1972:

309 93-25-26.1. (1) A tribunal of this state issuing a spousal
310 support order consistent with the law of this state has
311 continuing, exclusive jurisdiction to modify the spousal support
312 order throughout the existence of the support obligation.

313 (2) A tribunal of this state may not modify a spousal
314 support order issued by a tribunal of another state having
315 continuing, exclusive jurisdiction over that order under the law
316 of that state.

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

319 (a) An initiating tribunal to request a tribunal of
320 another state to enforce the spousal support order issued in this
321 state; or

322 (b) A responding tribunal to enforce or modify its own
323 spousal support order.

324 **SECTION 11.** Section 93-25-27, Mississippi Code of 1972, is
325 amended as follows:



326 93-25-27. (1) Except as otherwise provided in this chapter,
327 Sections 93-25-27 through 93-25-63 apply to all proceedings under
328 this chapter.

329 (2) This chapter provides for the following proceedings:

330 (a) Establishment of an order for spousal support or
331 child support pursuant to Section 93-25-65;

332 (b) Enforcement of a support order and
333 income-withholding order of another state without registration
334 pursuant to Sections 93-25-67 through 93-25-79;

335 (c) Registration of an order for spousal support or
336 child support of another state for enforcement pursuant to
337 Sections 93-25-81 through 93-25-87;

338 (d) Modification of an order for child support or
339 spousal support issued by a tribunal of this state pursuant to
340 Sections 93-25-13 through 93-25-19 and Sections 93-25-89 through
341 93-25-113;

342 (e) Registration of an order for child support of
343 another state for modification pursuant to Sections 93-25-81
344 through 93-25-87;

345 (f) Determination of parentage pursuant to Section
346 93-25-109; * * *

347 (g) Assertion of jurisdiction over nonresidents
348 pursuant to Sections 93-25-9 and 93-25-11; and

349 (h) Determination of the controlling order pursuant to
350 Section 93-25-9 through 93-25-25.

351 (3) An individual or a support enforcement agency may
352 commence a proceeding authorized under this chapter by filing a
353 petition in an initiating tribunal for forwarding to a responding
354 tribunal or by filing a petition or a comparable pleading directly
355 in a tribunal of another state which has or can obtain personal
356 jurisdiction over the respondent.

357 **SECTION 12.** Section 93-25-31, Mississippi Code of 1972, is
358 amended as follows:



359 93-25-31. Except as otherwise provided by this chapter, a
360 responding tribunal of this state:

361 (a) Shall apply the procedural and substantive
362 law * * * generally applicable to similar proceedings originating
363 in this state and may exercise all powers and provide all remedies
364 available in those proceedings; and

365 (b) Shall determine the duty of support and the amount
366 payable in accordance with the law and support guidelines of this
367 state.

368 **SECTION 13.** Section 93-25-33, Mississippi Code of 1972, is
369 amended as follows:

370 93-25-33. (1) Upon the filing of a petition authorized by
371 this chapter, an initiating tribunal of this state shall
372 forward * * * the petition and its accompanying documents:

373 (a) To the responding tribunal or appropriate support
374 enforcement agency in the responding state; or

375 (b) If the identity of the responding tribunal is
376 unknown, to the state information agency of the responding state
377 with a request that they be forwarded to the appropriate tribunal
378 and that receipt be acknowledged.

379 (2) If requested by the responding tribunal, a tribunal of
380 this state shall issue a certificate or other document and make
381 findings required by the law of the responding state. If the
382 responding state is a foreign jurisdiction, upon request the
383 tribunal shall specify the amount of support sought provide the
384 equivalent amount in the foreign currency under applicable
385 official exchange rates as publicly reported, or provide other
386 documents necessary to satisfy the requirements of the responding
387 state.

388 **SECTION 14.** Section 93-25-35, Mississippi Code of 1972, is
389 amended as follows:

390 93-25-35. (1) When a responding tribunal of this state
391 receives a petition or comparable pleading from an initiating



392 tribunal or directly pursuant to Section 93-25-27 * * *, it shall
393 cause the petition or pleading to be filed and shall notify the
394 petitioner where and when it was filed.

395 (2) A responding tribunal of this state, to the extent
396 otherwise authorized by law, may do one or more of the following:

397 (a) Issue or enforce a support order, modify a child
398 support order, determine the controlling child support order, or
399 render a judgment to determine parentage;

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

402 (c) Order income withholding;

403 (d) Determine the amount of any arrearage and specify a
404 method of payment;

405 (e) Enforce orders by civil or criminal contempt, or
406 both;

407 (f) Set aside property for satisfaction of the support
408 order;

409 (g) Place liens and order execution on the obligor's
410 property;

411 (h) Order an obligor to keep the tribunal informed of
412 the obligor's current residential address, telephone number,
413 employer, address of employment and telephone number at the place
414 of employment;

415 (i) Issue a bench warrant, capias, for an obligor who
416 has failed after proper notice to appear at a hearing ordered by
417 the tribunal and enter the bench warrant, capias, in any local and
418 state computer systems for criminal warrants;

419 (j) Order the obligor to seek appropriate employment by
420 specified methods;

421 (k) Award reasonable attorney's fees and other fees and
422 costs; and

423 (l) Grant any other available remedy.



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

428 (4) A responding tribunal of this state may not condition
429 the payment of a support order issued under this chapter upon
430 compliance by a party with provisions for visitation.

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

435 (6) If requested to enforce or modify a support order,
436 arrears or judgment stated in a foreign currency, a responding
437 tribunal of this state shall convert the amount stated in the
438 foreign currency to the equivalent amount in dollars under
439 applicable official exchange rates as publicly reported.

440 **SECTION 15.** Section 93-25-39, Mississippi Code of 1972, is
441 amended as follows:

442 93-25-39. (1) A support enforcement agency of this state,
443 upon request, shall provide services to a petitioner in a
444 proceeding under this chapter.

445 (2) A support enforcement agency that is providing services
446 to the petitioner as appropriate shall:

447 (a) Take all steps necessary to enable an appropriate
448 tribunal in this state or another state to obtain jurisdiction
449 over the respondent;

450 (b) Request an appropriate tribunal to set a date, time
451 and place for a hearing;

452 (c) Make a reasonable effort to obtain all relevant
453 information, including information as to income and property of
454 the parties;

455 (d) Within two (2) days, exclusive of Saturdays,
456 Sundays and legal holidays, after receipt of a written notice from



457 initiating, responding or registering tribunal, send a copy of the
458 notice to the petitioner;

459 (e) Within two (2) days, exclusive of Saturdays,
460 Sundays and legal holidays, after receipt of a written
461 communication from the respondent or the respondent's attorney,
462 send a copy of the communication to the petitioner; and

463 (f) Notify the petitioner if jurisdiction over the
464 respondent cannot be obtained.

465 (3) A support enforcement agency of this state that is
466 requesting registration of a child support order for enforcement
467 or for modification in this state shall make reasonable efforts:

468 (a) To ensure that the order to be registered is the
469 controlling order; or

470 (b) To ensure that, if two (2) or more child support
471 orders exist and the identity of the controlling order has not
472 been determined, a request for such a determination is made in a
473 tribunal with jurisdiction to do so.

474 (4) A support enforcement agency of this state that is
475 requesting registration and enforcement of a support order,
476 arrears or judgment stated in a foreign currency shall convert the
477 amounts stated in the foreign currency into the equivalent amounts
478 in dollars under applicable official exchange rates as publicly
479 reported.

480 (5) A support enforcement agency of this state shall request
481 a tribunal of this state to issue a child support order and an
482 income-withholding order that redirect payment of current support,
483 arrears and interest if requested to do so by a support
484 enforcement agency of another state pursuant to Section 93-25-63.

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



489 **SECTION 16.** Section 93-25-41, Mississippi Code of 1972, is
490 amended as follows:

491 93-25-41. (1) If the appropriate state official or agency
492 determines that the support enforcement agency is neglecting or
493 refusing to provide services to an individual, the official or
494 agency may order the agency to perform its duties under this
495 chapter or may provide those services directly to the individual.

496 (2) The appropriate state official or agency may determine
497 that a foreign jurisdiction has established a child support
498 reciprocity arrangement with this state and take appropriate
499 action for notification of the determination.

500 **SECTION 17.** Section 93-25-47, Mississippi Code of 1972, is
501 amended as follows:

502 93-25-47. (1) In a proceeding under this chapter, a
503 petitioner seeking to establish * * * a support order, to
504 determine parentage, or to register and modify a support order of
505 another state, must file a petition. Unless otherwise ordered
506 under Section 93-25-49 * * *, the petition or accompanying
507 documents must provide, so far as known, the name, residential
508 address and social security numbers of the obligor and the
509 obligee, and the name, sex, residential address, social security
510 number and date of birth of each child for whose benefit support
511 is sought. Unless filed at the time of registration, the petition
512 must be accompanied by a * * * copy of any support order known to
513 have been issued by another tribunal. The petition may include
514 any other information that may assist in locating or identifying
515 the respondent.

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

520 **SECTION 18.** Section 93-25-49, Mississippi Code of 1972, is
521 amended as follows:



522 93-25-49. If a party alleges in an affidavit or a pleading
523 under oath that the health, safety or liberty of a party or child
524 would be jeopardized by disclosure of specific identifying
525 information, that information must be sealed and may not be
526 disclosed to the other party or the public. After a hearing in
527 which a tribunal takes into consideration the health, safety or
528 liberty of the party or child, the tribunal may order disclosure
529 of that information that the tribunal determines to be in the
530 interest of justice.

531 **SECTION 19.** Section 93-25-53, Mississippi Code of 1972, is
532 amended as follows:

533 93-25-53. (1) Participation by a petitioner in a proceeding
534 under this chapter before a responding tribunal, whether in
535 person, by private attorney or through services provided by the
536 support enforcement agency, does not confer personal jurisdiction
537 over the petitioner in another proceeding.

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

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

545 **SECTION 20.** Section 93-25-57, Mississippi Code of 1972, is
546 amended as follows:

547 93-25-57. (1) The physical presence of an individual,
548 nonresident party in a * * * tribunal of this state is not
549 required for the establishment, enforcement or modification of a
550 support order or the rendition of a judgment determining
551 parentage.

552 (2) An affidavit, document substantially complying with
553 federally mandated forms, or document incorporated by reference in
554 any of them, not excluded under the hearsay rule if given in



555 person, is admissible in evidence if given under penalty of
556 perjury by a party or witness residing in another state.

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

562 (4) Copies of bills for testing for parentage, and for
563 prenatal and postnatal health care of the mother and child,
564 furnished to the adverse party at least ten (10) days before
565 trial, are admissible in evidence to prove the amount of the
566 charges billed and the charges were reasonable, necessary and
567 customary.

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

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

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

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

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



588 (10) A voluntary acknowledgement of paternity, certified as
589 a true copy, is admissible to establish parentage of the child.

590 **SECTION 21.** Section 93-25-59, Mississippi Code of 1972, is
591 amended as follows:

592 93-25-59. A tribunal of this state may communicate with a
593 tribunal of another state or foreign jurisdiction in writing, or
594 by telephone or other means, to obtain information concerning the
595 laws * * *, the legal effect of a judgment, decree or order of
596 that tribunal, and the status of a proceeding in the other state
597 or foreign jurisdiction. A tribunal of this state may furnish
598 similar information by similar means to a tribunal of another
599 state or foreign jurisdiction.

600 **SECTION 22.** Section 93-25-63, Mississippi Code of 1972, is
601 amended as follows:

602 93-25-63. (1) A support enforcement agency or tribunal of
603 this state shall disburse promptly any amounts received pursuant
604 to a support order, as directed by the order. The agency or
605 tribunal shall furnish to a requesting party or tribunal of
606 another state a certified statement by the custodian of the record
607 of the amounts and date of all payments received.

608 (2) If the obligor, individual obligee and the child do not
609 reside in this state, upon request from the support enforcement
610 agency of this state or another state, the support enforcement
611 agency of this state or a tribunal of this state shall:

612 (a) Direct that the support payment be made to the
613 support enforcement agency in the state in which the obligee is
614 receiving services; and

615 (b) Issue a conforming income-withholding order or an
616 administrative notice of change of payee, reflecting the
617 redirected payments.

618 (3) The support enforcement agency of this state receiving
619 redirected payments pursuant to subsection (2) shall furnish to a
620 requesting party or tribunal of another state a certified



621 statement by a custodian of the record of the amount and dates of
622 all payments received.

623 **SECTION 23.** Section 93-25-65, Mississippi Code of 1972, is
624 amended as follows:

625 93-25-65. (1) If a support order entitled to recognition
626 under this chapter has not been issued, a responding tribunal of
627 this state may issue a support order if:

628 (a) The individual seeking the order resides in another
629 state; or

630 (b) The support enforcement agency seeking the order is
631 located in another state.

632 (2) The tribunal may issue a temporary child support order
633 if the tribunal determines that such an order is appropriate and
634 the individual ordered to pay is:

635 (a) Presumed father of the child;

636 (b) Petitioning to have his paternity adjudicated;

637 (c) Identified as the father of the child through
638 genetic testing;

639 (d) An alleged father who has declined to submit to
640 genetic testing;

641 (e) Shown by clear and convincing evidence to be the
642 father of the child;

643 (f) An acknowledge father;

644 (g) The mother of the child; or

645 (h) An individual who has been ordered to pay child
646 support in a previous proceeding that has not been reversed or
647 vacated.

648 (3) Upon finding, after notice and opportunity to be heard,
649 that an obligor owes a duty of support, the tribunal shall issue a
650 support order directed to the obligor and may issue other orders
651 pursuant to Section 93-25-35 * * *.

652 **SECTION 24.** Section 93-25-67, Mississippi Code of 1972, is
653 amended as follows:



654 93-25-67. An income-withholding order issued in another
655 state may be sent by or on behalf of the obligee, or by the
656 support enforcement agency to the person or entity defined as the
657 obligor's employer under Sections 93-11-101 through 93-11-119,
658 without first filing a petition or comparable pleading or
659 registering the order with a tribunal of this state.

660 **SECTION 25.** Section 93-25-77, Mississippi Code of 1972, is
661 amended as follows:

662 93-25-77. (1) An obligor may contest the validity or
663 enforcement of an income-withholding order issued in another state
664 and received directly by an employer in this state by registering
665 the order in a tribunal of this state and filing a contest to that
666 order as provided in Sections 93-25-81 through 93-25-111, or
667 otherwise contesting the order in the same manner as if the order
668 had been issued by a tribunal of this state. Section
669 93-25-87 * * * applies to the contest.

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

671 (a) A support enforcement agency providing services to
672 the obligee;

673 (b) Each employer that has directly received an
674 income-withholding order;

675 (c) The person or agency designated to receive payments
676 in the income-withholding order; or

677 (d) The obligee, where no person or agency is
678 designated.

679 **SECTION 26.** Section 93-25-83, Mississippi Code of 1972, is
680 amended as follows:

681 93-25-83. (1) A support order or income-withholding order
682 of another state may be registered in this state by sending the
683 following records and information to the appropriate tribunal in
684 this state:

685 (a) A letter of transmittal to the tribunal requesting
686 registration and enforcement;



687 (b) Two (2) copies, including one (1) certified copy,
688 of the order to be registered, including any modification of the
689 order;

690 (c) A sworn statement by the party seeking registration
691 or a certified statement by the custodian of the records showing
692 the amount of any arrearage;

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

694 (i) The obligor's address and social security
695 number;

696 (ii) The name and address of the obligor's
697 employer and any other source of income of the obligor; * * *

698 (iii) A description and the location of property
699 of the obligor in this state not exempt from execution; and

700 (e) Except as otherwise provided in Section 93-25-49,
701 the name and address of the obligee and, if applicable, the agency
702 or person to whom support payments are to be remitted.

703 (2) On receipt of a request for registration, the
704 registering tribunal shall cause the order to be filed as a
705 foreign judgment, together with one (1) copy of the documents and
706 information, regardless of their form.

707 (3) A petition or comparable pleading seeking a remedy that
708 must be affirmatively sought under other law of this state may be
709 filed at the same time as the request for registration or later.
710 The pleading must specify the grounds for the remedy sought.

711 (4) If two (2) or more orders are in effect, the agency or
712 individual requesting registration shall:

713 (a) Furnish to the tribunal a copy of every support
714 order asserted to be in effect in addition to the documents
715 specified in this section;

716 (b) Specify the order alleged to be the controlling
717 order, if any; and

718 (c) Specify the amount of consolidated arrears, if any.



719 (5) A request for a determination of which is the
720 controlling order may be filed with a request for registration and
721 enforcement, for registration and modification, or may be filed
722 separately. The agency or individual requesting registration
723 shall give notice of the request to each party whose rights may be
724 affected by the determination.

725 **SECTION 27.** Section 93-25-87, Mississippi Code of 1972, is
726 amended as follows:

727 93-25-87. (1) Except as otherwise provided in subsection
728 (4), the law of the issuing state governs:

729 (a) The nature, extent, amount and duration of current
730 payments under the support order;

731 (b) The computation and payment of arrearages and
732 accrual of interest on the arrearages under the order; and

733 (c) The existence and satisfaction of other obligations
734 under the support order.

735 (2) In a proceeding for arrearages, the statute of
736 limitation under the laws of this state or of the issuing state,
737 whichever is longer, applies.

738 (3) A responding tribunal of this state shall apply the
739 procedures and remedies of this state to enforce current support
740 and collect arrearages and interest due on a support order of
741 another state.

742 (4) After a tribunal of this or another state determines
743 which is the controlling order and issues an order consolidating
744 arrears, if any, a tribunal of this state shall prospectively
745 apply the law of the state issuing the controlling order,
746 including its law on interest on arrears, on current and future
747 support and on consolidated arrears.

748 **SECTION 28.** Section 93-25-89, Mississippi Code of 1972, is
749 amended as follows:

750 93-25-89. (1) When a support order or income-withholding
751 order issued in another state is registered, the registering



752 tribunal shall notify the nonregistering party. The notice must
753 be accompanied by a copy of the registered order and the documents
754 and relevant information accompanying the order.

755 (2) The notice must inform the nonregistering party:

756 (a) That a registered order is enforceable as of the
757 date of registration in the same manner as an order issued by a
758 tribunal of this state;

759 (b) That a hearing to contest the validity or
760 enforcement of the registered order must be requested within
761 twenty (20) days after notice;

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

767 (d) Of the amount of any alleged arrearages.

768 (3) Upon registering an income-withholding order for
769 enforcement, the registering tribunal shall notify the obligor's
770 employer pursuant to Sections 93-11-101 through 93-11-119,
771 Mississippi Code of 1972.

772 (4) If the registering party asserts that two (2) or more
773 orders are in effect, a notice must also:

774 (a) Identify the two (2) or more orders and the order
775 alleged by the registering agency or individual to be the
776 controlling order, if any, and the consolidated arrears, if any;

777 (b) Notify the nonregistering party of the right to a
778 determination of which is the controlling order;

779 (c) State that the procedures provided in subsection
780 (2) apply to the determination of which is the controlling order;
781 and

782 (d) State that failure to contest the validity or
783 enforcement of the order alleged to be the controlling order in a



784 timely manner may result in confirmation of the order as the
785 controlling order.

786 **SECTION 29.** Section 93-25-93, Mississippi Code of 1972, is
787 amended as follows:

788 93-25-93. (1) A party contesting the validity or
789 enforcement of a registered order or seeking to vacate the
790 registration has the burden of proving one or more of the
791 following defenses:

792 (a) The issuing tribunal lacked personal jurisdiction
793 over the contesting party;

794 (b) The order was obtained by fraud;

795 (c) The order has been vacated, suspended or modified
796 by a later order;

797 (d) The issuing tribunal has stayed the order pending
798 appeal;

799 (e) There is a defense under the law of this state to
800 the remedy sought;

801 (f) Full or partial payment has been made; * * *

802 (g) The statute of limitation under Section

803 93-25-87 * * * precludes enforcement of some or all of the alleged
804 arrearage; or

805 (h) The alleged controlling order is not the
806 controlling order.

807 (2) If a party presents evidence establishing a full or
808 partial defense under subsection (1), a tribunal may stay
809 enforcement of the registered order, continue the proceeding to
810 permit production of additional relevant evidence and issue other
811 appropriate orders. An uncontested portion of the registered
812 order may be enforced by all remedies available under the law of
813 this state.

814 (3) If the contesting party does not establish a defense
815 under subsection (1) to the validity or enforcement of the order,



816 the registering tribunal shall issue an order confirming the
817 order.

818 **SECTION 30.** Section 93-25-101, Mississippi Code of 1972, is
819 amended as follows:

820 93-25-101. (1) If Section 93-25-107 does not apply, upon
821 petition, a tribunal of this state may modify a child support
822 order issued in another state which is registered in this
823 state, if, after notice and hearing, it finds that:

824 (a) The following requirements are met:

825 (i) The child, the individual obligee and the
826 obligor do not reside in the issuing state;

827 (ii) A petitioner who is a nonresident of this
828 state seeks modification; and

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

831 (b) The child or a party who is an individual is
832 subject to the personal jurisdiction of the tribunal of this state
833 and all of the parties who are individuals have filed written
834 consents in a record in the issuing tribunal for a tribunal of
835 this state to modify the support order and assume continuing,
836 exclusive jurisdiction * * *.

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

842 (3) A tribunal of this state may not modify any aspect of a
843 child support order that may not be modified under the law of the
844 issuing state. If two (2) or more tribunals have issued child
845 support orders for the same obligor and child, the order that
846 controls and must be so recognized under the provisions of Section
847 93-25-21 establishes the aspects of the support order which are
848 nonmodifiable.



849 (4) In a proceeding to modify a child support order, the law
850 of the state that is determined to have issued the initial
851 controlling order governs the duration of the obligation of
852 support. The obligor's fulfillment of the duty of support
853 established by that order precludes imposition of a further
854 obligation of support by a tribunal of this state.

855 (5) On issuance of an order by a tribunal of this state
856 modifying a child support order issued in another state, the
857 tribunal of this state becomes the tribunal of continuing,
858 exclusive jurisdiction.

859 **SECTION 31.** Section 93-25-103, Mississippi Code of 1972, is
860 amended as follows:

861 93-25-103. If a child support order issued by a tribunal of
862 this state is modified by a tribunal of another state which
863 assumed jurisdiction pursuant to this chapter, a tribunal of this
864 state:

865 (a) May enforce its order that was modified only as to
866 arrears and interest accruing before the modification;

867 * * *

868 (b) May provide * * * appropriate relief * * * for
869 violations of its order which occurred before the effective date
870 of the modification; and

871 (c) Shall recognize the modifying order of the other
872 state, upon registration, for the purpose of enforcement.

873 **SECTION 32.** The following shall be codified as Section
874 93-25-108, Mississippi Code of 1972:

875 93-25-108. (1) If a foreign jurisdiction that is a state
876 pursuant to Section 93-25-3(s) will not or may not exercise
877 jurisdiction to modify its order pursuant to its laws, a tribunal
878 of this state may assume jurisdiction to modify the support order
879 and bind all individuals subject to the personal jurisdiction of
880 the tribunal whether or not the consent to modification of a
881 support order otherwise required of the individual pursuant to



882 Section 93-25-101 has been given or whether the individual seeking
883 modification is a resident of this state or of the foreign
884 jurisdiction.

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

887 **SECTION 33.** Section 93-25-109, Mississippi Code of 1972, is
888 amended as follows:

889 93-25-109. (1) A tribunal of this state may serve as an
890 initiating or responding tribunal in a proceeding brought under
891 this chapter or a law substantially similar to this chapter * * *
892 to determine that the petitioner is a parent of a particular child
893 or to determine that a respondent is a parent of that child.

894 (2) In a proceeding to determine parentage, a responding
895 tribunal of this state shall apply the procedural and substantive
896 law of this state * * *.

897 **SECTION 34.** Section 93-25-113, Mississippi Code of 1972, is
898 amended as follows:

899 93-25-113. (1) Before making demand that the Governor of
900 another state surrender an individual charged criminally in this
901 state with having failed to provide for the support of an obligee,
902 the Governor of this state may require a prosecutor of this state
903 to demonstrate that at least sixty (60) days previously the
904 obligee had initiated proceedings for support pursuant to this
905 chapter or that the proceeding would be of no avail.

906 (2) If, under this chapter or a law substantially similar to
907 this chapter, * * * the Governor of another state makes a demand
908 that the Governor of this state surrender an individual charged
909 criminally in that state with having failed to provide for the
910 support of a child or other individual to whom a duty of support
911 is owed, the Governor may require a prosecutor to investigate the
912 demand and report whether a proceeding for support has been
913 initiated or would be effective. If it appears that a proceeding
914 would be effective but has not been initiated, the Governor may



915 delay honoring the demand for a reasonable time to permit the
916 initiation of a proceeding.

917 (3) If a proceeding for support has been initiated and the
918 individual whose rendition is demanded prevails, the Governor may
919 decline to honor the demand. If the petitioner prevails and the
920 individual whose rendition is demanded is subject to a support
921 order, the Governor may decline to honor the demand if the
922 individual is complying with the support order.

923 **SECTION 35.** This act shall take effect and be in force from
924 and after July 1, 2003.

