

By: Representatives Holland, Reynolds

To: Judiciary A

HOUSE BILL NO. 1539

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 arrearages 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 acknowledged 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, 2004.