

By: Representatives Holland, Reynolds

To: Judiciary A

HOUSE BILL NO. 1539  
(As Sent to Governor)

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, 93-25-45, 93-25-47, 93-25-49,  
5 93-25-51, 93-25-53, 93-25-57, 93-25-59, 93-25-63, 93-25-65,  
6 93-25-67, 93-25-77, 93-25-79, 93-25-83, 93-25-87, 93-25-89,  
7 93-25-93, 93-25-101, 93-25-103, 93-25-109 AND 93-25-113,  
8 MISSISSIPPI CODE OF 1972; TO CODIFY SECTIONS 93-25-26, 93-25-26.1  
9 AND 93-25-108, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
10 AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

34 (e) "Income" includes earnings or \* \* \* periodic  
35 entitlements to money from any source and any other property  
36 subject to withholding for support under the laws of this state.

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) "Person" means an individual, corporation, business  
72 trust, estate, trust, partnership, limited liability company,  
73 association, joint venture, government, governmental subdivision,  
74 agency, or instrumentality, public corporation, or any other legal  
75 or commercial entity.

76 (o) "Record" means information that is inscribed on a  
77 tangible medium or that is stored in an electronic or other medium  
78 and is retrievable in perceivable form.

79 (p) "Register" means to record a support order or  
80 judgment determining parentage in a court of this state having  
81 jurisdiction.

82 (q) "Registering tribunal" means a tribunal in which a  
83 support order is registered.

84 (r) "Responding state" means a state in which a  
85 proceeding is filed or to which a proceeding is forwarded for  
86 filing from an initiating state under this chapter or a law or  
87 procedure substantially similar to this chapter, the Uniform  
88 Reciprocal Enforcement of Support Act, or the Revised Uniform  
89 Reciprocal Enforcement of Support Act.

90 (s) "Responding tribunal" means the authorized tribunal  
91 in a responding state.

92 (t) "Spousal-support order" means a support order for a  
93 spouse or former spouse of the obligor.

94 (u) "State" means a state of the United States, the  
95 District of Columbia, Puerto Rico, the United States Virgin

96 Islands or any territory or insular possession subject to the  
97 jurisdiction of the United States. The term "state" includes:

98 (i) An Indian tribe; and

99 (ii) A foreign country or political subdivision

100 jurisdiction that: has been declared to be a foreign

101 reciprocating country or political subdivision under federal law;

102 has established a reciprocal arrangement for child support with

103 this state; has enacted a law or established procedures for

104 issuance and enforcement of support orders which are substantially

105 similar to the procedures under this chapter \* \* \*.

106 (v) "Support enforcement agency" means a public

107 official or agency authorized to seek:

108 (i) Enforcement of support orders or laws relating  
109 to the duty of support;

110 (ii) Establishment or modification of child  
111 support;

112 (iii) Determination of parentage; \* \* \*

113 (iv) Location of obligors or their assets; or

114 (v) Determination of the controlling child support  
115 order.

116 (w) "Support order" means a judgment, decree or order,

117 whether temporary, final or subject to modification, for the

118 benefit of a child, a spouse or a former spouse, which provides

119 for monetary support, health care, arrearages or reimbursement and

120 may include related costs and fees, interest, income withholding,

121 attorney's fees and other relief.

122 (x) "Tribunal" means a court, administrative agency or

123 quasi-judicial entity authorized to establish, enforce or modify

124 support orders or to determine parentage.

125 **SECTION 2.** Section 93-25-7, Mississippi Code of 1972, is

126 amended as follows:

127 93-25-7. (1) Remedies provided by this chapter are

128 cumulative and do not affect the availability of remedies under

129 other law, including the recognition of a foreign support order on  
130 the basis of comity.

131 (2) This chapter does not:

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

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

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

139 93-25-9. In a proceeding to establish or enforce \* \* \* a  
140 support order or to determine parentage, a tribunal of this state  
141 may exercise personal jurisdiction over a nonresident individual  
142 or the individual's guardian or conservator if:

143 (a) The individual is personally served with process  
144 within this state;

145 (b) The individual submits to the jurisdiction of this  
146 state by consent, by entering a general appearance or by filing a  
147 responsive document having the effect of waiving any contest to  
148 personal jurisdiction;

149 (c) The individual resided with the child in this  
150 state;

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

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

155 (f) The individual engaged in sexual intercourse in  
156 this state and the child may have been conceived by that act of  
157 intercourse;

158 (g) The individual asserted parentage as provided by  
159 law; or

160 (h) There is any other basis consistent with the  
161 Constitutions of this state and the United States for the exercise  
162 of personal jurisdiction.

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

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

169 93-25-11. Personal jurisdiction acquired by a tribunal of  
170 this state in a proceeding under this chapter or other law of this  
171 state relating to a support order continues as long as a tribunal  
172 of this state has continuing, exclusive jurisdiction to modify its  
173 order or continuing jurisdiction to enforce its order as provided  
174 by Sections 93-25-17, 93-25-19 and 93-25-26.1.

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

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

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

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

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

193           (a) All of the parties who are individuals file consent  
194 in a record with the tribunal of this state that a tribunal of  
195 another state with jurisdiction over at least one (1) of the  
196 parties who is an individual or that is located in the state of  
197 residence of the child may modify the order and assume continuing,  
198 exclusive jurisdiction; or

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

200       \* \* \*

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

207           (4) A tribunal of this state which lacks continuing,  
208 exclusive jurisdiction to modify a child support order may serve  
209 as an initiating tribunal to request a tribunal of another state  
210 to modify a support order issued in that state.

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

214       \* \* \*

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

217           93-25-19. (1) A tribunal of this state that has issued a  
218 child support order consistent with the law of this state may  
219 serve as an initiating tribunal to request a tribunal of another  
220 state to enforce:

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

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

227           (2) A tribunal of this state having continuing \* \* \*  
228 jurisdiction over a support order may act as a responding tribunal  
229 to enforce \* \* \* the order. \* \* \*

230 \* \* \*

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

233           93-25-21. (1) If a proceeding is brought under this  
234 chapter, and only one (1) tribunal has issued a child support  
235 order, the order of that tribunal is controlling and must be so  
236 recognized.

237           (2) If a proceeding is brought under this chapter, and two  
238 (2) or more child support orders have been issued by \* \* \*  
239 tribunals of this state or another state with regard to the same  
240 obligor and the same child, a tribunal of this state having  
241 personal jurisdiction over both the obligor and individual obligee  
242 shall apply the following rules and by order shall determine which  
243 order controls:

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

247           (b) If more than one (1) of the tribunals would have  
248 continuing, exclusive jurisdiction under this chapter, an order  
249 issued by a tribunal in the current home state of the child  
250 controls \* \* \*; but if an order has not been issued in the current  
251 home state of the child, the order most recently issued  
252 controls \* \* \*.

253           (c) If none of the tribunals would have continuing,  
254 exclusive jurisdiction under this chapter, the tribunal of this  
255 state \* \* \* shall issue a child support order, which  
256 controls \* \* \*.



257 (3) If two (2) or more child support orders have been issued  
258 for the same obligor and the same child \* \* \*, upon request of a  
259 party who is an individual or a support enforcement agency, a  
260 tribunal of this state having personal jurisdiction over both the  
261 obligor and the obligee who is an individual shall determine which  
262 order controls \* \* \* under subsection (2). The request may be  
263 filed with a registration for enforcement or registration for  
264 modification, or may be filed as a separate proceeding.

265 (4) A request for determination of which is the controlling  
266 order must be accompanied by a copy of every child support order  
267 in effect and the applicable record of payments. The requesting  
268 party shall give notice of the request to each party whose rights  
269 may be affected by the determination.

270 (5) The tribunal that issued the controlling order under  
271 subsection (1), (2) or (3) is the tribunal that has  
272 continuing \* \* \* jurisdiction to the extent provided in Section  
273 93-25-17 or 93-25-19.

274 (6) A tribunal of this state that determines by order which  
275 is the controlling order under subsection (2)(a), (2)(b) or  
276 subsection (3), or that issues a new controlling child support  
277 order under subsection (2)(c), shall state in that order:

278 (a) The basis upon which the tribunal made its  
279 determination;

280 (b) The amount of prospective support, if any; and

281 (c) The total amount of consolidated arrears and  
282 accrued interest, if any, under all of the orders after all  
283 payments made are credited.

284 (7) Within thirty (30) days after issuance of an order  
285 determining which is the controlling order, the party obtaining  
286 the order shall file a certified copy of it in each tribunal that  
287 issued or registered an earlier order of child support. A party  
288 or support enforcement agency obtaining the order that fails to  
289 file a certified copy is subject to appropriate sanctions by a

290 tribunal in which the issue of failure to file arises. The  
291 failure to file does not affect on the validity or enforceability  
292 of the controlling order.

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

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

299 93-25-25. A tribunal of this state shall credit amounts  
300 collected \* \* \* for a particular period pursuant to any child  
301 support order against the amounts owed for the same period under  
302 any other child support order for support of the same child issued  
303 by a tribunal of this or another state \* \* \*.

304 **SECTION 9.** The following shall be codified as Section  
305 93-25-26, Mississippi Code of 1972:

306 93-25-26. A tribunal of this state exercising personal  
307 jurisdiction over a nonresident in a proceeding under this  
308 chapter, under other law of this state relating to a support  
309 order, or recognizing a support order of a foreign country or  
310 political subdivision on the basis of comity may apply Section  
311 93-25-57 to receive evidence from another state, Section 93-25-59  
312 to communicate with a tribunal of another state, and Section  
313 93-25-61 to obtain discovery through a tribunal of another state.  
314 In all other respects, Sections 93-25-27 through 93-25-109 do not  
315 apply and the tribunal shall apply the procedural and substantive  
316 law of this state.

317 **SECTION 10.** The following shall be codified as Section  
318 93-25-26.1, Mississippi Code of 1972:

319 93-25-26.1. (1) A tribunal of this state issuing a spousal  
320 support order consistent with the law of this state has  
321 continuing, exclusive jurisdiction to modify the spousal support  
322 order throughout the existence of the support obligation.

323           (2) A tribunal of this state may not modify a spousal  
324 support order issued by a tribunal of another state having  
325 continuing, exclusive jurisdiction over that order under the law  
326 of that state.

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

329                 (a) An initiating tribunal to request a tribunal of  
330 another state to enforce the spousal support order issued in this  
331 state; or

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

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

336                 93-25-27. (1) Except as otherwise provided in this chapter,  
337 Sections 93-25-27 through 93-25-63 apply to all proceedings under  
338 this chapter.

339           \* \* \*

340                 (2) An individual or a support enforcement agency may  
341 initiate a proceeding authorized under this chapter by filing a  
342 petition in an initiating tribunal for forwarding to a responding  
343 tribunal or by filing a petition or a comparable pleading directly  
344 in a tribunal of another state which has or can obtain personal  
345 jurisdiction over the respondent.

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

348                 93-25-31. Except as otherwise provided by this chapter, a  
349 responding tribunal of this state:

350                 (a) Shall apply the procedural and substantive  
351 law \* \* \* generally applicable to similar proceedings originating  
352 in this state and may exercise all powers and provide all remedies  
353 available in those proceedings; and

354 (b) Shall determine the duty of support and the amount  
355 payable in accordance with the law and support guidelines of this  
356 state.

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

359 93-25-33. (1) Upon the filing of a petition authorized by  
360 this chapter, an initiating tribunal of this state shall  
361 forward \* \* \* the petition and its accompanying documents:

362 (a) To the responding tribunal or appropriate support  
363 enforcement agency in the responding state; or

364 (b) If the identity of the responding tribunal is  
365 unknown, to the state information agency of the responding state  
366 with a request that they be forwarded to the appropriate tribunal  
367 and that receipt be acknowledged.

368 (2) If requested by the responding tribunal \* \* \*, a  
369 tribunal of this state shall issue a certificate or other document  
370 and make findings required by the law of the responding state. If  
371 the responding state is a foreign country or political  
372 subdivision, upon request the tribunal shall specify the amount of  
373 support sought, convert that amount into the equivalent amount in  
374 the foreign currency under applicable official or market exchange  
375 rate as publicly reported, and provide any other documents  
376 necessary to satisfy the requirements of the responding state.

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

379 93-25-35. (1) When a responding tribunal of this state  
380 receives a petition or comparable pleading from an initiating  
381 tribunal or directly pursuant to Section 93-25-27 \* \* \*, it shall  
382 cause the petition or pleading to be filed and shall notify the  
383 petitioner where and when it was filed.

384 (2) A responding tribunal of this state, to the extent not  
385 prohibited by other law, may do one or more of the following:

386           (a) Issue or enforce a support order, modify a child  
387 support order, determine the controlling child support order, or  
388 render a judgment to determine parentage;

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

391           (c) Order income withholding;

392           (d) Determine the amount of any arrearage and specify a  
393 method of payment;

394           (e) Enforce orders by civil or criminal contempt, or  
395 both;

396           (f) Set aside property for satisfaction of the support  
397 order;

398           (g) Place liens and order execution on the obligor's  
399 property;

400           (h) Order an obligor to keep the tribunal informed of  
401 the obligor's current residential address, telephone number,  
402 employer, address of employment and telephone number at the place  
403 of employment;

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

408           (j) Order the obligor to seek appropriate employment by  
409 specified methods;

410           (k) Award reasonable attorney's fees and other fees and  
411 costs; and

412           (l) Grant any other available remedy.

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

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

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

424 (6) If requested to enforce or modify a support order,  
425 arrears or judgment stated in a foreign currency, a responding  
426 tribunal of this state shall convert the amount stated in the  
427 foreign currency to the equivalent amount in dollars under  
428 applicable official exchange rates as publicly reported.

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

431 93-25-39. (1) A support enforcement agency of this state,  
432 upon request, shall provide services to a petitioner in a  
433 proceeding under this chapter.

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

436 (a) Take all steps necessary to enable an appropriate  
437 tribunal in this state or another state to obtain jurisdiction  
438 over the respondent;

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

441 (c) Make a reasonable effort to obtain all relevant  
442 information, including information as to income and property of  
443 the parties;

444 (d) Within two (2) days, exclusive of Saturdays,  
445 Sundays and legal holidays, after receipt of a written notice from  
446 initiating, responding or registering tribunal, send a copy of the  
447 notice to the petitioner;

448 (e) Within two (2) days, exclusive of Saturdays,  
449 Sundays and legal holidays, after receipt of a written

450 communication from the respondent or the respondent's attorney,  
451 send a copy of the communication to the petitioner; and

452 (f) Notify the petitioner if jurisdiction over the  
453 respondent cannot be obtained.

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

457 (a) To ensure that the order to be registered is the  
458 controlling order; or

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

463 (4) A support enforcement agency of this state that is  
464 requesting registration and enforcement of a support order,  
465 arrears or judgment stated in a foreign currency shall convert the  
466 amounts stated in the foreign currency into the equivalent amounts  
467 in dollars under applicable official exchange rates as publicly  
468 reported.

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

474 (6) This chapter does not create or negate a relationship of  
475 attorney and client or other fiduciary relationship between a  
476 support enforcement agency or the attorney for the agency and the  
477 individual being assisted by the agency.

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

480 93-25-41. (1) If the appropriate state official or agency  
481 determines that the support enforcement agency is neglecting or  
482 refusing to provide services to an individual, the official or

483 agency may order the agency to perform its duties under this  
484 chapter or may provide those services directly to the individual.

485 (2) The appropriate state official or agency may determine  
486 that a foreign country or political subdivision has established a  
487 child support reciprocity arrangement with this state and take  
488 appropriate action for notification of the determination.

489 **SECTION 17.** Section 93-25-45, Mississippi Code of 1972, is  
490 amended as follows:

491 93-25-45. (1) The Department of Human Services is the state  
492 information agency under this chapter.

493 (2) The state information agency shall:

494 (a) Compile and maintain a current list, including  
495 addresses, of the tribunals in this state which have jurisdiction  
496 under this chapter and any support enforcement agencies in this  
497 state, and transmit a copy to the state information agency of  
498 every other state;

499 (b) Maintain a register of names and addresses of  
500 tribunals and support enforcement agencies received from other  
501 states;

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

508 (d) Obtain information concerning the location of the  
509 obligor and the obligor's property within this state not exempt  
510 from execution, by such means as postal verification and federal  
511 or state locator services, examination of telephone directories,  
512 requests for the obligor's address from employers, and examination  
513 of governmental records, including, to the extent not prohibited  
514 by other law, those relating to real property, vital statistics,



515 law enforcement, taxation, motor vehicles, driver's licenses and  
516 social security.

517 **SECTION 18.** Section 93-25-47, Mississippi Code of 1972, is  
518 amended as follows:

519 93-25-47. (1) In a proceeding under this chapter, a  
520 petitioner seeking to establish \* \* \* a support order, to  
521 determine parentage, or to register and modify a support order of  
522 another state, must file a petition. Unless otherwise ordered  
523 under Section 93-25-49 \* \* \*, the petition or accompanying  
524 documents must provide, so far as known, the name, residential  
525 address and social security numbers of the obligor and the obligee  
526 or the parent and alleged parent, and the name, sex, residential  
527 address, social security number and date of birth of each child  
528 for whose benefit support is sought or whose parentage is to be  
529 determined. Unless filed at the time of registration, the  
530 petition must be accompanied by a \* \* \* copy of any support order  
531 known to have been issued by another tribunal. The petition may  
532 include any other information that may assist in locating or  
533 identifying the respondent.

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

538 **SECTION 19.** Section 93-25-49, Mississippi Code of 1972, is  
539 amended as follows:

540 93-25-49. If a party alleges in an affidavit or a pleading  
541 under oath that the health, safety or liberty of a party or child  
542 would be jeopardized by disclosure of specific identifying  
543 information, that information must be sealed and may not be  
544 disclosed to the other party or the public. After a hearing in  
545 which a tribunal takes into consideration the health, safety or  
546 liberty of the party or child, the tribunal may order disclosure

547 of that information that the tribunal determines to be in the  
548 interest of justice.

549 **SECTION 20.** Section 93-25-51, Mississippi Code of 1972, is  
550 amended as follows:

551 93-25-51. (1) The petitioner may not be required to pay a  
552 filing fee or other costs.

553 (2) If an obligee prevails, a responding tribunal may assess  
554 against an obligor filing fees, reasonable attorney's fees, other  
555 costs and necessary travel and other reasonable expenses incurred  
556 by the obligee and the obligee's witnesses. The tribunal may not  
557 assess fees, costs or expenses against the obligee or the support  
558 enforcement agency of either the initiating or the responding  
559 state, except as provided by other law. Attorney's fees may be  
560 taxed as costs, and may be ordered paid directly to the attorney,  
561 who may enforce the order in the attorney's own name. Payment of  
562 support owed to the obligee has priority over fees, costs and  
563 expenses.

564 (3) The tribunal shall order the payment of costs and  
565 reasonable attorney's fees if it determines that a hearing was  
566 requested primarily for delay. In a proceeding under Sections  
567 93-25-91 and 93-25-101 (enforcement and modification of support  
568 order after registration), a hearing is presumed to have been  
569 requested primarily for delay if a registered support order is  
570 confirmed or enforced without change.

571 **SECTION 21.** Section 93-25-53, Mississippi Code of 1972, is  
572 amended as follows:

573 93-25-53. (1) Participation by a petitioner in a proceeding  
574 under this chapter before a responding tribunal, whether in  
575 person, by private attorney or through services provided by the  
576 support enforcement agency, does not confer personal jurisdiction  
577 over the petitioner in another proceeding.

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

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

585 **SECTION 22.** Section 93-25-57, Mississippi Code of 1972, is  
586 amended as follows:

587 93-25-57. (1) The physical presence of an individual,  
588 nonresident party in a \* \* \* tribunal of this state is not  
589 required for the establishment, enforcement or modification of a  
590 support order or the rendition of a judgment determining  
591 parentage.

592 (2) An \* \* \* affidavit, document substantially complying  
593 with federally mandated forms, or document incorporated by  
594 reference in any of them, not excluded under the hearsay rule if  
595 given in person, is admissible in evidence if given under penalty  
596 of perjury by a party or witness residing in another state.

597 (3) A copy of the record of child support payments certified  
598 as a true copy of the original by the custodian of the record may  
599 be forwarded to a responding tribunal. The copy is evidence of  
600 facts asserted in it, and is admissible to show whether payments  
601 were made.

602 (4) Copies of bills for testing for parentage, and for  
603 prenatal and postnatal health care of the mother and child,  
604 furnished to the adverse party at least ten (10) days before  
605 trial, are admissible in evidence to prove the amount of the  
606 charges billed and the charges were reasonable, necessary and  
607 customary.

608 (5) Documentary evidence transmitted from another state to a  
609 tribunal of this state by telephone, telecopier or other means

610 that do not provide an original record may not be excluded from  
611 evidence on an objection based on the means of transmission.

612 (6) In a proceeding under this chapter, a tribunal of this  
613 state shall permit a party or witness residing in another state to  
614 be deposed or to testify under penalty of perjury by telephone,  
615 audiovisual means or other electronic means at a designated  
616 tribunal or other location in that state. A tribunal of this  
617 state shall cooperate with tribunals of other states in  
618 designating an appropriate location for the deposition or  
619 testimony.

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

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

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

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

631 **SECTION 23.** Section 93-25-59, Mississippi Code of 1972, is  
632 amended as follows:

633 93-25-59. A tribunal of this state may communicate with a  
634 tribunal of another state or foreign country or political  
635 subdivision in writing, or by telephone or other means, to obtain  
636 information concerning the laws \* \* \*, the legal effect of a  
637 judgment, decree or order of that tribunal, and the status of a  
638 proceeding in the other state or foreign country or political  
639 subdivision. A tribunal of this state may furnish similar  
640 information by similar means to a tribunal of another state or  
641 foreign country or political subdivision.

642           **SECTION 24.** Section 93-25-63, Mississippi Code of 1972, is  
643 amended as follows:

644           93-25-63. (1) A support enforcement agency or tribunal of  
645 this state shall disburse promptly any amounts received pursuant  
646 to a support order, as directed by the order. The agency or  
647 tribunal shall furnish to a requesting party or tribunal of  
648 another state a certified statement by the custodian of the record  
649 of the amounts and date of all payments received.

650           (2) If neither the obligor, nor the obligee who is an  
651 individual, nor the child resides in this state, upon request from  
652 the support enforcement agency of this state or another state, the  
653 support enforcement agency of this state or a tribunal of this  
654 state shall:

655                 (a) Direct that the support payment be made to the  
656 support enforcement agency in the state in which the obligee is  
657 receiving services; and

658                 (b) Issue a conforming income-withholding order or an  
659 administrative notice of change of payee, reflecting the  
660 redirected payments.

661           (3) The support enforcement agency of this state receiving  
662 redirected payments from another state pursuant to a law similar  
663 to subsection (2) shall furnish to a requesting party or tribunal  
664 of the other state a certified statement by a custodian of the  
665 record of the amount and dates of all payments received.

666           **SECTION 25.** Section 93-25-65, Mississippi Code of 1972, is  
667 amended as follows:

668           93-25-65. (1) If a support order entitled to recognition  
669 under this chapter has not been issued, a responding tribunal of  
670 this state may issue a support order if:

671                 (a) The individual seeking the order resides in another  
672 state; or

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

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

678 (a) Presumed father of the child;

679 (b) Petitioning to have his paternity adjudicated;

680 (c) Identified as the father of the child through  
681 genetic testing;

682 (d) An alleged father who has declined to submit to  
683 genetic testing;

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

686 (f) An acknowledged father;

687 (g) The mother of the child; or

688 (h) An individual who has been ordered to pay child  
689 support in a previous proceeding that has not been reversed or  
690 vacated.

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

695 **SECTION 26.** Section 93-25-67, Mississippi Code of 1972, is  
696 amended as follows:

697 93-25-67. An income-withholding order issued in another  
698 state may be sent by or on behalf of the obligee, or by the  
699 support enforcement agency to the person \* \* \* defined as the  
700 obligor's employer under Sections 93-11-101 through 93-11-119,  
701 without first filing a petition or comparable pleading or  
702 registering the order with a tribunal of this state.

703 **SECTION 27.** Section 93-25-77, Mississippi Code of 1972, is  
704 amended as follows:

705 93-25-77. (1) An obligor may contest the validity or  
706 enforcement of an income-withholding order issued in another state  
707 and received directly by an employer in this state by registering

708 the order in a tribunal of this state and filing a contest to that  
709 order as provided in Sections 93-25-81 through 93-25-111, or  
710 otherwise contesting the order in the same manner as if the order  
711 had been issued by a tribunal of this state. Section  
712 93-25-87 \* \* \* applies to the contest.

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

714 (a) A support enforcement agency providing services to  
715 the obligee;

716 (b) Each employer that has directly received an  
717 income-withholding order relating to the obligor; and

718 (c) The person \* \* \* designated to receive payments in  
719 the income-withholding order, or if \* \* \* no person or agency is  
720 designated, the obligee.

721 **SECTION 28.** Section 93-25-79, Mississippi Code of 1972, is  
722 amended as follows:

723 93-25-79. (1) A party or support enforcement agency seeking  
724 to enforce a support order or an income-withholding order, or  
725 both, issued by a tribunal of another state may send the documents  
726 required for registering the order to a support enforcement agency  
727 of this state.

728 (2) Upon receipt of the documents, the support enforcement  
729 agency, without initially seeking to register the order, shall  
730 consider and, if appropriate, use any administrative procedure  
731 authorized by the law of this state to enforce a support order or  
732 an income-withholding order, or both. If the obligor does not  
733 contest administrative enforcement, the order need not be  
734 registered. If the obligor contests the validity or  
735 administrative enforcement of the order, the support enforcement  
736 agency shall register the order pursuant to this chapter.

737 **SECTION 29.** Section 93-25-83, Mississippi Code of 1972, is  
738 amended as follows:

739 93-25-83. (1) A support order or income-withholding order  
740 of another state may be registered in this state by sending the

741 following records and information to the appropriate tribunal in  
742 this state:

743 (a) A letter of transmittal to the tribunal requesting  
744 registration and enforcement;

745 (b) Two (2) copies, including one (1) certified copy,  
746 of the order to be registered, including any modification of the  
747 order;

748 (c) A sworn statement by the person requesting  
749 registration or a certified statement by the custodian of the  
750 records showing the amount of any arrearage;

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

752 (i) The obligor's address and social security  
753 number;

754 (ii) The name and address of the obligor's  
755 employer and any other source of income of the obligor; \* \* \*

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

758 (e) Except as otherwise provided in Section 93-25-49,  
759 the name and address of the obligee and, if applicable, the \* \* \*  
760 person to whom support payments are to be remitted.

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

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

769 (4) If two (2) or more orders are in effect, the person  
770 requesting registration shall:

771 (a) Furnish to the tribunal a copy of every support  
772 order asserted to be in effect in addition to the documents  
773 specified in this section;



774           (b) Specify the order alleged to be the controlling  
775 order, if any; and

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

777           (5) A request for a determination of which is the  
778 controlling order may be filed with a request for registration and  
779 enforcement, for registration and modification, or may be filed  
780 separately. The person requesting registration shall give notice  
781 of the request to each party whose rights may be affected by the  
782 determination.

783           **SECTION 30.** Section 93-25-87, Mississippi Code of 1972, is  
784 amended as follows:

785           93-25-87. (1) Except as otherwise provided in subsection  
786 (4), the law of the issuing state governs:

787           (a) The nature, extent, amount and duration of current  
788 payments under a registered support order;

789           (b) The computation and payment of arrearages and  
790 accrual of interest on the arrearages under the support order; and

791           (c) The existence and satisfaction of other obligations  
792 under the support order.

793           (2) In a proceeding for arrears under a registered support  
794 order, the statute of limitation \* \* \* of this state or of the  
795 issuing state, whichever is longer, applies.

796           (3) A responding tribunal of this state shall apply the  
797 procedures and remedies of this state to enforce current support  
798 and collect arrearages and interest due on a support order of  
799 another state registered in this state.

800           (4) After a tribunal of this or another state determines  
801 which is the controlling order and issues an order consolidating  
802 arrears, if any, a tribunal of this state shall prospectively  
803 apply the law of the state issuing the controlling order,  
804 including its law on interest on arrears, on current and future  
805 support and on consolidated arrears.

806           **SECTION 31.** Section 93-25-89, Mississippi Code of 1972, is  
807 amended as follows:

808           93-25-89. (1) When a support order or income-withholding  
809 order issued in another state is registered, the registering  
810 tribunal shall notify the nonregistering party. The notice must  
811 be accompanied by a copy of the registered order and the documents  
812 and relevant information accompanying the order.

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

814           (a) That a registered order is enforceable as of the  
815 date of registration in the same manner as an order issued by a  
816 tribunal of this state;

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

820           (c) That failure to contest the validity or enforcement  
821 of the registered order in a timely manner will result in  
822 confirmation of the order and enforcement of the order and the  
823 alleged arrearages and precludes further contest of that order  
824 with respect to any matter that could have been asserted; and

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

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

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

832           (a) Identify the two (2) or more orders and the order  
833 alleged by the registering person to be the controlling order, if  
834 any, and the consolidated arrears, if any;

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

837           (c) State that the procedures provided in subsection  
838 (2) apply to the determination of which is the controlling order;  
839 and

840           (d) State that failure to contest the validity or  
841 enforcement of the order alleged to be the controlling order in a  
842 timely manner may result in confirmation of the order as the  
843 controlling order.

844           **SECTION 32.** Section 93-25-93, Mississippi Code of 1972, is  
845 amended as follows:

846           93-25-93. (1) A party contesting the validity or  
847 enforcement of a registered order or seeking to vacate the  
848 registration has the burden of proving one or more of the  
849 following defenses:

850           (a) The issuing tribunal lacked personal jurisdiction  
851 over the contesting party;

852           (b) The order was obtained by fraud;

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

855           (d) The issuing tribunal has stayed the order pending  
856 appeal;

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

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

860           (g) The statute of limitation under Section  
861 93-25-87 \* \* \* precludes enforcement of some or all of the alleged  
862 arrearage; or

863           (h) The alleged controlling order is not the  
864 controlling order.

865           (2) If a party presents evidence establishing a full or  
866 partial defense under subsection (1), a tribunal may stay  
867 enforcement of the registered order, continue the proceeding to  
868 permit production of additional relevant evidence and issue other  
869 appropriate orders. An uncontested portion of the registered

870 order may be enforced by all remedies available under the law of  
871 this state.

872 (3) If the contesting party does not establish a defense  
873 under subsection (1) to the validity or enforcement of the order,  
874 the registering tribunal shall issue an order confirming the  
875 order.

876 **SECTION 33.** Section 93-25-101, Mississippi Code of 1972, is  
877 amended as follows:

878 93-25-101. (1) If Section 93-25-107 does not apply, except  
879 as otherwise provided in Section 93-25-108, upon petition, a  
880 tribunal of this state may modify a child support order issued in  
881 another state which is registered in this state, if \* \* \*, after  
882 notice and hearing, it finds that:

883 (a) The following requirements are met:

884 (i) Neither the child, nor the \* \* \* obligee who  
885 is an individual, nor the obligor \* \* \* resides in the issuing  
886 state;

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

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

891 (b) This state is the state of residence of the child,  
892 or a party who is an individual is subject to the personal  
893 jurisdiction of the tribunal of this state, and all of the parties  
894 who are individuals have filed \* \* \* consents in a record in the  
895 issuing tribunal for a tribunal of this state to modify the  
896 support order and assume continuing, exclusive jurisdiction \* \* \*.

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

902           (3) Except as otherwise provided in Section 93-25-108, a  
903 tribunal of this state may not modify any aspect of a child  
904 support order that may not be modified under the law of the  
905 issuing state, including the duration of the order of support. If  
906 two (2) or more tribunals have issued child support orders for the  
907 same obligor and the same child, the order that controls and must  
908 be so recognized under the provisions of Section 93-25-21  
909 establishes the aspects of the support order which are  
910 nonmodifiable.

911           (4) In a proceeding to modify a child support order, the law  
912 of the state that is determined to have issued the initial  
913 controlling order governs the duration of the obligation of  
914 support. The obligor's fulfillment of the duty of support  
915 established by that order precludes imposition of a further  
916 obligation of support by a tribunal of this state.

917           (5) On issuance of an order by a tribunal of this state  
918 modifying a child support order issued in another state, the  
919 tribunal of this state becomes the tribunal of continuing,  
920 exclusive jurisdiction.

921           **SECTION 34.** Section 93-25-103, Mississippi Code of 1972, is  
922 amended as follows:

923           93-25-103. If a child support order issued by a tribunal of  
924 this state is modified \* \* \* by a tribunal of another state which  
925 assumed jurisdiction pursuant to this chapter, a tribunal of this  
926 state:

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

929           \* \* \*

930           (b) May provide \* \* \* appropriate relief \* \* \* for  
931 violations of its order which occurred before the effective date  
932 of the modification; and

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

935           **SECTION 35.** The following shall be codified as Section  
936 93-25-108, Mississippi Code of 1972:

937           93-25-108. (1) If a foreign country or political  
938 subdivision that is a state will not or may not modify its order  
939 pursuant to its laws, a tribunal of this state may assume  
940 jurisdiction to modify the child support order and bind all  
941 individuals subject to the personal jurisdiction of the tribunal  
942 whether or not the consent to modification of a support order  
943 otherwise required of the individual pursuant to Section 93-25-101  
944 has been given or whether the individual seeking modification is a  
945 resident of this state or of the foreign country or political  
946 subdivision.

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

949           **SECTION 36.** Section 93-25-109, Mississippi Code of 1972, is  
950 amended as follows:

951           93-25-109. (1) A court of this state authorized to  
952 determine parentage of a child may serve as a \* \* \* responding  
953 tribunal in a proceeding to determine parentage brought under this  
954 chapter or a law or procedure substantially similar to this  
955 chapter \* \* \*.

956           (2) In a proceeding to determine parentage, a responding  
957 tribunal of this state shall apply the procedural and substantive  
958 law of this state \* \* \*.

959           **SECTION 37.** Section 93-25-113, Mississippi Code of 1972, is  
960 amended as follows:

961           93-25-113. (1) Before making demand that the Governor of  
962 another state surrender an individual charged criminally in this  
963 state with having failed to provide for the support of an obligee,  
964 the Governor of this state may require a prosecutor of this state  
965 to demonstrate that at least sixty (60) days previously the  
966 obligee had initiated proceedings for support pursuant to this  
967 chapter or that the proceeding would be of no avail.

968           (2) If, under this chapter or a law substantially similar to  
969 this chapter, \* \* \* the Governor of another state makes a demand  
970 that the Governor of this state surrender an individual charged  
971 criminally in that state with having failed to provide for the  
972 support of a child or other individual to whom a duty of support  
973 is owed, the Governor may require a prosecutor to investigate the  
974 demand and report whether a proceeding for support has been  
975 initiated or would be effective. If it appears that a proceeding  
976 would be effective but has not been initiated, the Governor may  
977 delay honoring the demand for a reasonable time to permit the  
978 initiation of a proceeding.

979           (3) If a proceeding for support has been initiated and the  
980 individual whose rendition is demanded prevails, the Governor may  
981 decline to honor the demand. If the petitioner prevails and the  
982 individual whose rendition is demanded is subject to a support  
983 order, the Governor may decline to honor the demand if the  
984 individual is complying with the support order.

985           **SECTION 38.** This act shall take effect and be in force from  
986 and after July 1, 2004.