

By: Senator(s) Tollison

To: Judiciary, Division A

SENATE BILL NO. 2934

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 from any source and any other property subject to  
36 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 under federal law; has established a  
102 child-support reciprocity arrangement with this state; has enacted  
103 a law or established procedures for issuance and enforcement of  
104 support orders which are substantially similar to the procedures  
105 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 and  
222 has not been modified by a tribunal of another state which assumed  
223 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 for the same  
302 period under any other child support order for support of the same  
303 child issued 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 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 (2) \* \* \* An individual or a support enforcement agency may  
340 initiate a proceeding authorized under this chapter by filing a  
341 petition in an initiating tribunal for forwarding to a responding  
342 tribunal or by filing a petition or a comparable pleading directly  
343 in a tribunal of another state which has or can obtain personal  
344 jurisdiction over the respondent.

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

347 93-25-31. Except as otherwise provided by this chapter, a  
348 responding tribunal of this state:

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

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

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

358           93-25-33. (1) Upon the filing of a petition authorized by  
359 this chapter, an initiating tribunal of this state shall  
360 forward \* \* \* the petition and its accompanying documents:

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

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

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

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

378           93-25-35. (1) When a responding tribunal of this state  
379 receives a petition or comparable pleading from an initiating  
380 tribunal or directly pursuant to Section 93-25-27 \* \* \*, it shall  
381 cause the petition or pleading to be filed and shall notify the  
382 petitioner where and when it was filed.

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

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

388           (b) Order an obligor to comply with a support order,  
389 specifying the amount and the manner of compliance;  
390           (c) Order income withholding;  
391           (d) Determine the amount of any arrearage and specify a  
392 method of payment;  
393           (e) Enforce orders by civil or criminal contempt, or  
394 both;  
395           (f) Set aside property for satisfaction of the support  
396 order;  
397           (g) Place liens and order execution on the obligor's  
398 property;  
399           (h) Order an obligor to keep the tribunal informed of  
400 the obligor's current residential address, telephone number,  
401 employer, address of employment and telephone number at the place  
402 of employment;  
403           (i) Issue a bench warrant, capias, for an obligor who  
404 has failed after proper notice to appear at a hearing ordered by  
405 the tribunal and enter the bench warrant, capias, in any local and  
406 state computer systems for criminal warrants;  
407           (j) Order the obligor to seek appropriate employment by  
408 specified methods;  
409           (k) Award reasonable attorney's fees and other fees and  
410 costs; and  
411           (l) Grant any other available remedy.  
412       (3) A responding tribunal of this state shall include in a  
413 support order issued under this chapter, or in the documents  
414 accompanying the order, the calculations on which the support  
415 order is based.  
416       (4) A responding tribunal of this state may not condition  
417 the payment of a support order issued under this chapter upon  
418 compliance by a party with provisions for visitation.  
419       (5) If a responding tribunal of this state issues an order  
420 under this chapter, the tribunal shall send a copy of the order to

421 the petitioner and the respondent and to the initiating tribunal,  
422 if any.

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

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

430 93-25-39. (1) A support enforcement agency of this state,  
431 upon request, shall provide services to a petitioner in a  
432 proceeding under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

479           93-25-41. (1) If the appropriate state official or agency  
480 determines that the support enforcement agency is neglecting or  
481 refusing to provide services to an individual, the official or  
482 agency may order the agency to perform its duties under this  
483 chapter or may provide those services directly to the individual.

484           (2) The appropriate state official or agency may determine  
485 that a foreign country or political subdivision has established a

486 child support reciprocity arrangement with this state and take  
487 appropriate action for notification of the determination.

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

490             93-25-45. (1) The Department of Human Services is the state  
491 information agency under this chapter.

492             (2) The state information agency shall:

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

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

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

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

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

518           93-25-47. (1) In a proceeding under this chapter, a  
519 petitioner seeking to establish \* \* \* a support order, to  
520 determine parentage, or to register and modify a support order of  
521 another state, must file a petition. Unless otherwise ordered  
522 under Section 93-25-49 \* \* \*, the petition or accompanying  
523 documents must provide, so far as known, the name, residential  
524 address and social security numbers of the obligor and the obligee  
525 or the parent or alleged parent, and the name, sex, residential  
526 address, social security number and date of birth of each child  
527 for whose benefit support is sought or whose parentage is to be  
528 determined. Unless filed at the time of registration, the  
529 petition must be accompanied by a \* \* \* copy of any support order  
530 known to have been issued by another tribunal. The petition may  
531 include any other information that may assist in locating or  
532 identifying the respondent.

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

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

539           93-25-49. If a party alleges in an affidavit or a pleading  
540 under oath that the health, safety or liberty of a party or child  
541 would be jeopardized by disclosure of specific identifying  
542 information, that information must be sealed and may not be  
543 disclosed to the other party or the public. After a hearing in  
544 which a tribunal takes into consideration the health, safety or  
545 liberty of the party or child, the tribunal may order disclosure  
546 of that information that the tribunal determines to be in the  
547 interest of justice.

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

550           93-25-51. (1) The petitioner may not be required to pay a  
551 filing fee or other costs.

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

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

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

572           93-25-53. (1) Participation by a petitioner in a proceeding  
573 under this chapter before a responding tribunal, whether in  
574 person, by private attorney or through services provided by the  
575 support enforcement agency, does not confer personal jurisdiction  
576 over the petitioner in another proceeding.

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

580           (3) The immunity granted by this section does not extend to  
581 civil litigation based on acts unrelated to a proceeding under

582 this chapter committed by a party while present in this state to  
583 participate in the proceeding.

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

586 93-25-57. (1) The physical presence of an individual,  
587 nonresident party in a \* \* \* tribunal of this state is not  
588 required for the establishment, enforcement or modification of a  
589 support order or the rendition of a judgment determining  
590 parentage.

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

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

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

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

611 (6) In a proceeding under this chapter, a tribunal of this  
612 state shall permit a party or witness residing in another state to  
613 be deposed or to testify under penalty of perjury by telephone,  
614 audiovisual means or other electronic means at a designated

615 tribunal or other location in that state. A tribunal of this  
616 state shall cooperate with tribunals of other states in  
617 designating an appropriate location for the deposition or  
618 testimony.

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

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

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

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

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

632 93-25-59. A tribunal of this state may communicate with a  
633 tribunal of another state or foreign country or political  
634 subdivision in writing, or by telephone or other means, to obtain  
635 information concerning the laws \* \* \*, the legal effect of a  
636 judgment, decree or order of that tribunal, and the status of a  
637 proceeding in the other state or foreign country or political  
638 subdivision. A tribunal of this state may furnish similar  
639 information by similar means to a tribunal of another state or  
640 foreign country or political subdivision.

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

643 93-25-63. (1) A support enforcement agency or tribunal of  
644 this state shall disburse promptly any amounts received pursuant  
645 to a support order, as directed by the order. The agency or  
646 tribunal shall furnish to a requesting party or tribunal of

647 another state a certified statement by the custodian of the record  
648 of the amounts and date of all payments received.

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

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

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

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

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

667 93-25-65. (1) If a support order entitled to recognition  
668 under this chapter has not been issued, a responding tribunal of  
669 this state may issue a support order if:

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

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

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

677 (a) Presumed father of the child;

678 (b) Petitioning to have his paternity adjudicated;

- 679           (c) Identified as the father of the child through  
680 genetic testing;
- 681           (d) An alleged father who has declined to submit to  
682 genetic testing;
- 683           (e) Shown by clear and convincing evidence to be the  
684 father of the child;
- 685           (f) An acknowledged father;
- 686           (g) The mother of the child; or
- 687           (h) An individual who has been ordered to pay child  
688 support in a previous proceeding that has not been reversed or  
689 vacated.

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

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

696           93-25-67. An income-withholding order issued in another  
697 state may be sent by or on behalf of the obligee, or by the  
698 support enforcement agency to the person \* \* \* defined as the  
699 obligor's employer under Sections 93-11-101 through 93-11-119,  
700 without first filing a petition or comparable pleading or  
701 registering the order with a tribunal of this state.

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

704           93-25-77. (1) An obligor may contest the validity or  
705 enforcement of an income-withholding order issued in another state  
706 and received directly by an employer in this state by registering  
707 the order in a tribunal of this state and filing a contest to that  
708 order as provided in Sections 93-25-81 through 93-25-111, or  
709 otherwise contesting the order in the same manner as if the order  
710 had been issued by a tribunal of this state. Section  
711 93-25-87 \* \* \* applies to the contest.

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

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

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

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

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

722 93-25-79. (1) A party or support enforcement agency seeking  
723 to enforce a support order or an income-withholding order, or  
724 both, issued by a tribunal of another state may send the documents  
725 required for registering the order to a support enforcement agency  
726 of this state.

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

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

738 93-25-83. (1) A support order or income-withholding order  
739 of another state may be registered in this state by sending the  
740 following records and information to the appropriate tribunal in  
741 this state:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

784           93-25-87. (1) Except as otherwise provided in subsection  
785 (4), the law of the issuing state governs:

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

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

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

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

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

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

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

807           93-25-89. (1) When a support order or income-withholding  
808 order issued in another state is registered, the registering

809 tribunal shall notify the nonregistering party. The notice must  
810 be accompanied by a copy of the registered order and the documents  
811 and relevant information accompanying the order.

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

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

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

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

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

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

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

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

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

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

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

841 timely manner may result in confirmation of the order as the  
842 controlling order.

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

845 93-25-93. (1) A party contesting the validity or  
846 enforcement of a registered order or seeking to vacate the  
847 registration has the burden of proving one or more of the  
848 following defenses:

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

851 (b) The order was obtained by fraud;

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

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

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

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

859 (g) The statute of limitation under Section

860 93-25-87 \* \* \* precludes enforcement of some or all of the alleged  
861 arrearage; or

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

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

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

873 the registering tribunal shall issue an order confirming the  
874 order.

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

877 93-25-101. (1) If Section 93-25-107 does not apply, except  
878 as otherwise provided in Section 93-25-108, upon petition, a  
879 tribunal of this state may modify a child support order issued in  
880 another state which is registered in this state, if, after notice  
881 and hearing, it finds that:

882 (a) The following requirements are met:

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

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

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

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

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

901 (3) Except as otherwise provided in Section 93-25-108, a  
902 tribunal of this state may not modify any aspect of a child  
903 support order that may not be modified under the law of the  
904 issuing state, including the duration of the order of support. If  
905 two (2) or more tribunals have issued child support orders for the

906 same obligor and the same child, the order that controls and must  
907 be so recognized under the provisions of Section 93-25-21  
908 establishes the aspects of the support order which are  
909 nonmodifiable.

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

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

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

922 93-25-103. If a child support order issued by a tribunal of  
923 this state is modified by a tribunal of another state which  
924 assumed jurisdiction pursuant to this chapter, a tribunal of this  
925 state:

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

928 \* \* \*

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

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

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

936 93-25-108. (1) If a foreign country or political  
937 subdivision that is a state will not or may not modify its order  
938 pursuant to its laws, a tribunal of this state may assume

939 jurisdiction to modify the child support order and bind all  
940 individuals subject to the personal jurisdiction of the tribunal  
941 whether or not the consent to modification of a support order  
942 otherwise required of the individual pursuant to Section 93-25-101  
943 has been given or whether the individual seeking modification is a  
944 resident of this state or of the foreign country or political  
945 subdivision.

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

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

950 93-25-109. (1) A court of this state authorized to  
951 determine parentage of a child may serve as a \* \* \* responding  
952 tribunal in a proceeding to determine parentage brought under this  
953 chapter or a law or procedure substantially similar to this  
954 chapter \* \* \*.

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

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

960 93-25-113. (1) Before making demand that the Governor of  
961 another state surrender an individual charged criminally in this  
962 state with having failed to provide for the support of an obligee,  
963 the Governor of this state may require a prosecutor of this state  
964 to demonstrate that at least sixty (60) days previously the  
965 obligee had initiated proceedings for support pursuant to this  
966 chapter or that the proceeding would be of no avail.

967 (2) If, under this chapter or a law substantially similar to  
968 this chapter, \* \* \* the Governor of another state makes a demand  
969 that the Governor of this state surrender an individual charged  
970 criminally in that state with having failed to provide for the  
971 support of a child or other individual to whom a duty of support

972 is owed, the Governor may require a prosecutor to investigate the  
973 demand and report whether a proceeding for support has been  
974 initiated or would be effective. If it appears that a proceeding  
975 would be effective but has not been initiated, the Governor may  
976 delay honoring the demand for a reasonable time to permit the  
977 initiation of a proceeding.

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

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