

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2301

1 AN ACT TO CREATE THE UNIFORM INTERSTATE FAMILY SUPPORT ACT TO
 2 REPLACE THE UNIFORM INTERSTATE FAMILY SUPPORT ACT THAT EXISTS
 3 BEFORE THE EFFECTIVE DATE OF THIS ACT; TO ENACT DEFINITIONS AND
 4 PROVIDE FOR CUMULATIVE REMEDIES; TO DEFINE JURISDICTION AND
 5 SPECIFY BASES OF JURISDICTION OVER NONRESIDENTS; TO MAKE CIVIL
 6 PROVISIONS OF GENERAL APPLICATION; TO PROVIDE FOR THE
 7 ESTABLISHMENT OF A SUPPORT ORDER AND DETERMINATION OF PARENTAGE;
 8 TO ALLOW ENFORCEMENT OF A SUPPORT ORDER WITHOUT REGISTRATION; TO
 9 ALLOW FOR REGISTRATION, ENFORCEMENT AND MODIFICATION OF A SUPPORT
 10 ORDER; TO PROVIDE FOR THE APPLICATION OF THE ACT TO FOREIGN
 11 SUPPORT ORDERS; TO PROVIDE FOR INTERSTATE RENDITION; AND FOR
 12 RELATED PURPOSES.

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

14 **SECTION 1.** The following shall be codified in Chapter 25,
 15 Title 93, Mississippi Code of 1972, to replace the Uniform
 16 Interstate Family Support Act found at Chapter 25, Title 93,
 17 Mississippi Code of 1972, that is repealed in Section 2 of this
 18 act:

19 **ARTICLE 1**

20 **GENERAL PROVISIONS**

21 93-25-101. **Short title.** This chapter may be cited as the
 22 "Uniform Interstate Family Support Act."

23 93-25-102. **Definitions.** In this chapter:



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

28 (2) "Child-support order" means a support order for a
29 child, including a child who has attained the age of majority
30 under the law of the issuing state or foreign country.

31 (3) "Convention" means the Convention on the
32 International Recovery of Child Support and Other Forms of Family
33 Maintenance, concluded at The Hague on November 23, 2007.

34 (4) "Duty of support" means an obligation imposed or
35 imposable by law to provide support for a child, spouse or former
36 spouse, including an unsatisfied obligation to provide support.

37 (5) "Foreign country" means a country, including a
38 political subdivision thereof, other than the United States, that
39 authorizes the issuance of support orders and:

40 (A) Which has been declared under the law of the
41 United States to be a foreign reciprocating country;

42 (B) Which has established a reciprocal arrangement
43 for child support with this state as provided in Section
44 93-25-308;

45 (C) Which has enacted a law or established
46 procedures for the issuance and enforcement of support orders
47 which are substantially similar to the procedures under this
48 chapter; or



49 (D) In which the Convention is in force with
50 respect to the United States.

51 (6) "Foreign support order" means a support order of a
52 foreign tribunal.

53 (7) "Foreign tribunal" means a court, administrative
54 agency, or quasi-judicial entity of a foreign country which is
55 authorized to establish, enforce, or modify support orders or to
56 determine parentage of a child. The term includes a competent
57 authority under the Convention.

58 (8) "Home state" means the state or foreign country in
59 which a child lived with a parent or a person acting as parent for
60 at least six (6) consecutive months immediately preceding the time
61 of filing of a complaint or comparable pleading for support and,
62 if a child is less than six (6) months old, the state or foreign
63 country in which the child lived from birth with any of them. A
64 period of temporary absence of any of them is counted as part of
65 the six-month or other period.

66 (9) "Income" includes earnings or other periodic
67 entitlements to money from any source and any other property
68 subject to withholding for support under the laws of this state.

69 (10) "Income-withholding order" means an order or other
70 legal process directed to an obligor's employer or other debtor,
71 as defined by Sections 93-11-101 through 93-11-119 to withhold
72 support from the income of the obligor.



73 (11) "Initiating tribunal" means the tribunal of a
74 state or foreign country from which a complaint or comparable
75 pleading is forwarded or in which a complaint or comparable
76 pleading is filed for forwarding to another state or foreign
77 country.

78 (12) "Issuing foreign country" means the foreign
79 country in which a tribunal issues a support order or a judgment
80 determining parentage of a child.

81 (13) "Issuing state" means the state in which a
82 tribunal issues a support order or a judgment determining
83 parentage of a child.

84 (14) "Issuing tribunal" means the tribunal of a state
85 or foreign country that issues a support order or a judgment
86 determining parentage of a child.

87 (15) "Law" includes decisional and statutory law and
88 rules and regulations having the force of law.

89 (16) "Obligee" means:

90 (A) An individual to whom a duty of support is or
91 is alleged to be owed or in whose favor a support order or a
92 judgment determining parentage of a child has been issued;

93 (B) A foreign country, state, or political
94 subdivision of a state to which the rights under a duty of support
95 or support order have been assigned or which has independent
96 claims based on financial assistance provided to an individual
97 obligee in place of child support;



98 (C) An individual seeking a judgment determining
99 parentage of the individual's child; or

100 (D) A person that is a creditor in a proceeding
101 under Article 7.

102 (17) "Obligor" means an individual or the estate of a
103 decedent that:

104 (A) Owes or is alleged to owe a duty of support;

105 (B) Is alleged but has not been adjudicated to be
106 a parent of a child;

107 (C) Is liable under a support order; or

108 (D) Is a debtor in a proceeding under Article 7.

109 (18) "Outside this state" means a location in another
110 state or a country other than the United States, whether or not
111 the country is a foreign country.

112 (19) "Person" means an individual, corporation,
113 business trust, estate, trust, partnership, limited liability
114 company, association, joint venture, public corporation,
115 government or governmental subdivision, agency, or
116 instrumentality, or any other legal or commercial entity.

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

120 (21) "Register" means to record in a tribunal of this
121 state a support order or judgment determining parentage of a child
122 issued in another state or a foreign country.



123 (22) "Registering tribunal" means a tribunal in which a
124 support order or judgment determining parentage of a child is
125 registered.

126 (23) "Responding state" means a state in which a
127 complaint or comparable pleading for support or to determine
128 parentage of a child is filed or to which a complaint or
129 comparable pleading is forwarded for filing from another state or
130 a foreign country.

131 (24) "Responding tribunal" means the authorized
132 tribunal in a responding state or foreign country.

133 (25) "Spousal-support order" means a support order for
134 a spouse or former spouse of the obligor.

135 (26) "State" means a state of the United States, the
136 District of Columbia, Puerto Rico, the United States Virgin
137 Islands or any territory or insular possession under the
138 jurisdiction of the United States. The term includes an Indian
139 nation or tribe.

140 (27) "Support enforcement agency" means a public
141 official, governmental entity, or private agency authorized to:

142 (A) Seek enforcement of support orders or laws
143 relating to the duty of support;

144 (B) Seek establishment or modification of child
145 support;

146 (C) Request determination of parentage of a child;

147 (D) Attempt to locate obligors or their assets; or



148 (E) Request determination of the controlling
149 child-support order.

150 (28) "Support order" means a judgment, decree, order,
151 decision, or directive, whether temporary, final or subject to
152 modification, issued in a state or foreign country for the benefit
153 of a child, a spouse or a former spouse, which provides for
154 monetary support, health care, arrearages, retroactive support, or
155 reimbursement for financial assistance provided to an individual
156 obligee in place of child support. The term may include related
157 costs and fees, interest, income withholding, automatic
158 adjustment, reasonable attorney's fees and other relief.

159 (29) "Tribunal" means a court, administrative agency or
160 quasi-judicial entity authorized to establish, enforce or modify
161 support orders or to determine parentage of a child.

162 93-25-103. **State tribunal and support enforcement agency.**

163 (a) The chancery courts, circuit and county courts, and tribal
164 courts are the tribunals of this state.

165 (b) The Department of Human Services is the support
166 enforcement agency of this state.

167 93-25-104. **Remedies cumulative.** (a) Remedies provided by
168 this chapter are cumulative and do not affect the availability of
169 remedies under other law or the recognition of a foreign support
170 order on the basis of comity.

171 (b) This chapter does not:



172 (1) Provide the exclusive method of establishing or
173 enforcing a support order under the law of this state; or

174 (2) Grant a tribunal of this state jurisdiction to
175 render judgment or issue an order relating to child custody or
176 visitation in a proceeding under this chapter.

177 93-25-105. **Application of chapter to resident of foreign**
178 **country and foreign support proceeding.** (a) A tribunal of this
179 state shall apply Articles 1 through 6 and, as applicable, Article
180 7, to a support proceeding involving:

181 (1) A foreign support order;

182 (2) A foreign tribunal; or

183 (3) An obligee, obligor, or child residing in a foreign
184 country.

185 (b) A tribunal of this state that is requested to recognize
186 and enforce a support order on the basis of comity may apply the
187 procedural and substantive provisions of Articles 1 through 6.

188 (c) Article 7 applies only to a support proceeding under the
189 Convention. In such a proceeding, if a provision of Article 7 is
190 inconsistent with Articles 1 through 6, Article 7 controls.

191 **ARTICLE 2**

192 **JURISDICTION**

193 93-25-201. **Bases for jurisdiction over nonresident.** (a) In
194 a proceeding to establish or enforce a support order or to
195 determine parentage of a child, a tribunal of this state may



196 exercise personal jurisdiction over a nonresident individual or
197 the individual's guardian or conservator if:

198 (1) The individual is personally served with process
199 within this state;

200 (2) The individual submits to the jurisdiction of this
201 state by consent in a record, by entering a general appearance or
202 by filing a responsive document having the effect of waiving any
203 contest to personal jurisdiction;

204 (3) The individual resided with the child in this
205 state;

206 (4) The individual resided in this state and provided
207 prenatal expenses or support for the child;

208 (5) The child resides in this state as a result of the
209 acts or directives of the individual;

210 (6) The individual engaged in sexual intercourse in
211 this state and the child may have been conceived by that act of
212 intercourse;

213 (7) The individual asserted parentage of a child as
214 provided by law in this state; or

215 (8) There is any other basis consistent with the
216 constitutions of this state and the United States for the exercise
217 of personal jurisdiction.

218 (b) The bases of personal jurisdiction set forth in
219 subsection (a) or in any other law of this state may not be used
220 to acquire personal jurisdiction for a tribunal of this state to



221 modify a child-support order of another state unless the
222 requirements of Section 93-25-611 are met, or, in the case of a
223 foreign support order, unless the requirements of Section
224 93-25-615 are met.

225 93-25-202. **Duration of personal jurisdiction.** Personal
226 jurisdiction acquired by a tribunal of this state in a proceeding
227 under this chapter or other law of this state relating to a
228 support order continues as long as a tribunal of this state has
229 continuing, exclusive jurisdiction to modify its order or
230 continuing jurisdiction to enforce its order as provided by
231 Sections 93-25-205, 93-25-206 and 93-25-211.

232 93-25-203. **Initiating and responding tribunal of state.**
233 Under this chapter, a tribunal of this state may serve as an
234 initiating tribunal to forward proceedings to a tribunal of
235 another state and as a responding tribunal for proceedings
236 initiated in another state or a foreign country.

237 93-25-204. **Simultaneous proceedings.** (a) A tribunal of
238 this state may exercise jurisdiction to establish a support order
239 if the complaint or comparable pleading is filed after a complaint
240 or comparable pleading is filed in another state or a foreign
241 country only if:

242 (1) The complaint or comparable pleading in this state
243 is filed before the expiration of the time allowed in the other
244 state or the foreign country for filing a responsive pleading



245 challenging the exercise of jurisdiction by the other state or the
246 foreign country;

247 (2) The contesting party timely challenges the exercise
248 of jurisdiction in the other state or the foreign country; and

249 (3) If relevant, this state is the home state of the
250 child.

251 (b) A tribunal of this state may not exercise jurisdiction
252 to establish a support order if the complaint or comparable
253 pleading is filed before a complaint or comparable pleading is
254 filed in another state or a foreign country if:

255 (1) The complaint or comparable pleading in the other
256 state or foreign country is filed before the expiration of the
257 time allowed in this state for filing a responsive pleading
258 challenging the exercise of jurisdiction by this state;

259 (2) The contesting party timely challenges the exercise
260 of jurisdiction in this state; and

261 (3) If relevant, the other state or foreign country is
262 the home state of the child.

263 93-25-205. **Continuing, exclusive jurisdiction.** (a) A
264 tribunal of this state that has issued a child-support order
265 consistent with the law of this state has and shall exercise
266 continuing, exclusive jurisdiction to modify its child-support
267 order if the order is the controlling order and:

268 (1) At the time of the filing of a request for
269 modification this state is the residence of the obligor, the



270 individual obligee, or the child for whose benefit the support
271 order is issued; or

272 (2) Even if this state is not the residence of the
273 obligor, the individual obligee, or the child for whose benefit
274 the support order is issued, the parties consent in a record or in
275 open court that the tribunal of this state may continue to
276 exercise jurisdiction to modify its order.

277 (b) A tribunal of this state that has issued a child-support
278 order consistent with the law of this state may not exercise
279 continuing exclusive jurisdiction to modify the order if:

280 (1) All of the parties who are individuals file consent
281 in a record with the tribunal of this state that a tribunal of
282 another state that has jurisdiction over at least one (1) of the
283 parties who is an individual or that is located in the state of
284 residence of the child may modify the order and assume continuing,
285 exclusive jurisdiction; or

286 (2) Its order is not the controlling order.

287 (c) If a tribunal of another state has issued a
288 child-support order pursuant to the Uniform Interstate Family
289 Support Act or to a law substantially similar to this chapter
290 which modifies a child-support order of a tribunal of this state,
291 tribunals of this state shall recognize the continuing, exclusive
292 jurisdiction of the tribunal of the other state.

293 (d) A tribunal of this state that lacks continuing,
294 exclusive jurisdiction to modify a child-support order may serve



295 as an initiating tribunal to request a tribunal of another state
296 to modify a support order issued in that state.

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

300 93-25-206. **Continuing jurisdiction to enforce child-support**
301 **order.** (a) A tribunal of this state that has issued a
302 child-support order consistent with the law of this state may
303 serve as an initiating tribunal to request a tribunal of another
304 state to enforce:

305 (1) The order, if the order is the controlling order
306 and has not been modified by a tribunal of another state which
307 assumed jurisdiction pursuant to the Uniform Interstate Family
308 Support Act; or

309 (2) A money judgment for support arrearages and
310 interest on the order accrued before a determination that an order
311 of a tribunal of another state is the controlling order.

312 (b) A tribunal of this state having continuing jurisdiction
313 over a support order may act as a responding tribunal to enforce
314 the order.

315 93-25-207. **Determination of controlling child-support order.**

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



319 (b) If a proceeding is brought under this chapter, and two
320 (2) or more child-support orders have been issued by tribunals of
321 this state, another state, or foreign country with regard to the
322 same obligor and the same child, a tribunal of this state having
323 personal jurisdiction over both the obligor and individual obligee
324 shall apply the following rules and by order shall determine which
325 order controls and must be recognized:

326 (1) If only one (1) of the tribunals would have
327 continuing, exclusive jurisdiction under this chapter, the order
328 of that tribunal controls.

329 (2) If more than one (1) of the tribunals would have
330 continuing, exclusive jurisdiction under this chapter:

331 (A) An order issued by a tribunal in the current
332 home state of the child controls; or

333 (B) If an order has not been issued in the current
334 home state of the child, the order most recently issued controls.

335 (3) If none of the tribunals would have continuing,
336 exclusive jurisdiction under this chapter, the tribunal of this
337 state shall issue a child-support order, which controls.

338 (c) If two (2) or more child-support orders have been issued
339 for the same obligor and the same child, upon request of a party
340 who is an individual or that is a support enforcement agency, a
341 tribunal of this state having personal jurisdiction over both the
342 obligor and the obligee who is an individual shall determine which
343 order controls under subsection (b). The request may be filed



344 with a registration for enforcement or registration for
345 modification pursuant to Article 6, or may be filed as a separate
346 proceeding.

347 (d) A request to determine which is the controlling order
348 must be accompanied by a copy of every child-support order in
349 effect and the applicable record of payments. The requesting
350 party shall give notice of the request to each party whose rights
351 may be affected by the determination.

352 (e) The tribunal that issued the controlling order under
353 subsection (a), (b) or (c) has continuing jurisdiction to the
354 extent provided in Section 93-25-205 or 93-25-206.

355 (f) A tribunal of this state that determines by order which
356 is the controlling order under subsection (b)(1) or (2) or
357 subsection (c), or that issues a new controlling order under
358 subsection (b)(3), shall state in that order:

359 (1) The basis upon which the tribunal made its
360 determination;

361 (2) The amount of prospective support, if any; and

362 (3) The total amount of consolidated arrearages and
363 accrued interest, if any, under all of the orders after all
364 payments made are credited as provided by Section 93-25-209.

365 (g) Within thirty (30) days after issuance of an order
366 determining which is the controlling order, the party obtaining
367 the order shall file a certified copy of it in each tribunal that
368 issued or registered an earlier order of child support. A party



369 or support enforcement agency obtaining the order that fails to
370 file a certified copy is subject to appropriate sanctions by a
371 tribunal in which the issue of failure to file arises. The
372 failure to file does not affect the validity or enforceability of
373 the controlling order.

374 (h) An order that has been determined to be the controlling
375 order, or a judgment for consolidated arrearages of support and
376 interest, if any, made pursuant to this section must be recognized
377 in proceedings under this chapter.

378 93-25-208. **Child-support orders for two or more obligees.**
379 In responding to registrations or complaints for enforcement of
380 two (2) or more child-support orders in effect at the same time
381 with regard to the same obligor and different individual obligees,
382 at least one (1) of which was issued by a tribunal of another
383 state or foreign country, a tribunal of this state shall enforce
384 those orders in the same manner as if the orders had been issued
385 by a tribunal of this state.

386 93-25-209. **Credit for payments.** A tribunal of this state
387 shall credit amounts collected for a particular period pursuant to
388 any child-support order against the amounts owed for the same
389 period under any other child-support order for support of the same
390 child issued by a tribunal of this state, another state, or a
391 foreign country.

392 93-25-210. **Application of chapter to nonresident subject to**
393 **personal jurisdiction.** A tribunal of this state exercising



394 personal jurisdiction over a nonresident in a proceeding under
395 this chapter, under other law of this state relating to a support
396 order, or recognizing a foreign support order may receive evidence
397 from outside this state pursuant to Section 93-25-316, communicate
398 with a tribunal outside this state pursuant to Section 93-25-317,
399 and obtain discovery through a tribunal outside this state
400 pursuant to Section 93-25-318. In all other respects, Articles 3
401 through 6 do not apply and the tribunal shall apply the procedural
402 and substantive law of this state.

403 93-25-211. **Continuing, exclusive jurisdiction to modify**
404 **spousal-support order.** (a) A tribunal of this state issuing a
405 spousal-support order consistent with the law of this state has
406 continuing, exclusive jurisdiction to modify the spousal-support
407 order throughout the existence of the support obligation.

408 (b) A tribunal of this state may not modify a
409 spousal-support order issued by a tribunal of another state or a
410 foreign country having continuing, exclusive jurisdiction over
411 that order under the law of that state or foreign country.

412 (c) A tribunal of this state that has continuing, exclusive
413 jurisdiction over a spousal-support order may serve as:

414 (1) An initiating tribunal to request a tribunal of
415 another state to enforce the spousal-support order issued in this
416 state; or

417 (2) A responding tribunal to enforce or modify its own
418 spousal-support order.



419 **ARTICLE 3**

420 **CIVIL PROVISIONS OF GENERAL APPLICATION**

421 93-25-301. **Proceedings under chapter.** (a) Except as
422 otherwise provided in this chapter, this article applies to all
423 proceedings under this chapter.

424 (b) An individual complainant or a support enforcement
425 agency may initiate a proceeding authorized under this chapter by
426 filing a complaint in an initiating tribunal for forwarding to a
427 responding tribunal or by filing a complaint or a comparable
428 pleading directly in a tribunal of another state or a foreign
429 country which has or can obtain personal jurisdiction over the
430 defendant.

431 93-25-302. **Proceeding by minor parent.** A minor parent, or a
432 guardian or other legal representative of a minor parent, may
433 maintain a proceeding on behalf of or for the benefit of the
434 minor's child.

435 93-25-303. **Application of law of state.** Except as otherwise
436 provided in this chapter, a responding tribunal of this state
437 shall:

438 (1) Apply the procedural and substantive law generally
439 applicable to similar proceedings originating in this state and
440 may exercise all powers and provide all remedies available in
441 those proceedings; and



442 (2) Determine the duty of support and the amount
443 payable in accordance with the law and support guidelines of this
444 state.

445 93-25-304. **Duties of initiating tribunal.** (a) Upon the
446 filing of a complaint authorized by this chapter, an initiating
447 tribunal of this state shall forward the complaint and its
448 accompanying documents:

449 (1) To the responding tribunal or appropriate support
450 enforcement agency in the responding state; or

451 (2) If the identity of the responding tribunal is
452 unknown, to the state information agency of the responding state
453 with a request that they be forwarded to the appropriate tribunal
454 and that receipt be acknowledged.

455 (b) If requested by the responding tribunal, a tribunal of
456 this state shall issue a certificate or other document and make
457 findings required by the law of the responding state. If the
458 responding tribunal is in a foreign country, upon request the
459 tribunal of this state shall specify the amount of support sought,
460 convert that amount into the equivalent amount in the foreign
461 currency under applicable official or market exchange rate as
462 publicly reported, and provide any other documents necessary to
463 satisfy the requirements of the responding foreign tribunal.

464 93-25-305. **Duties and powers of responding tribunal.** (a)
465 When a responding tribunal of this state receives a complaint or
466 comparable pleading from an initiating tribunal or directly



467 pursuant to Section 93-25-301(b), it shall cause the complaint or
468 pleading to be filed and shall notify the complainant where and
469 when it was filed.

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

472 (1) Establish or enforce a support order, modify a
473 child-support order, determine the controlling child-support
474 order, or determine parentage of a child;

475 (2) Order an obligor to comply with a support order,
476 specifying the amount and the manner of compliance;

477 (3) Order income withholding;

478 (4) Determine the amount of any arrearage and specify a
479 method of payment;

480 (5) Enforce orders by civil or criminal contempt, or
481 both;

482 (6) Set aside property for satisfaction of the support
483 order;

484 (7) Place liens and order execution on the obligor's
485 property;

486 (8) Order an obligor to keep the tribunal informed of
487 the obligor's current residential address, electronic-mail
488 address, telephone number, employer, address of employment and
489 telephone number at the place of employment;

490 (9) Issue a bench warrant or capias for an obligor who
491 has failed after proper notice to appear at a hearing ordered by



492 the tribunal and enter the bench warrant or capias in any local
493 and state computer systems for criminal warrants;

494 (10) Order the obligor to seek appropriate employment
495 by specified methods;

496 (11) Award reasonable attorney's fees and other fees
497 and costs; and

498 (12) Grant any other available remedy.

499 (c) A responding tribunal of this state shall include in a
500 support order issued under this chapter, or in the documents
501 accompanying the order, the calculations on which the support
502 order is based.

503 (d) A responding tribunal of this state may not condition
504 the payment of a support order issued under this chapter upon
505 compliance by a party with provisions for visitation.

506 (e) If a responding tribunal of this state issues an order
507 under this chapter, the tribunal shall send a copy of the order to
508 the complainant and the defendant and to the initiating tribunal,
509 if any.

510 (f) If requested to enforce a support order, arrearage, or
511 judgment or modify a support order stated in a foreign currency, a
512 responding tribunal of this state shall convert the amount stated
513 in the foreign currency to the equivalent amount in dollars under
514 the applicable official or market exchange rate as publicly
515 reported.



516 93-25-306. **Inappropriate tribunal.** If a complaint or
517 comparable pleading is received by an inappropriate tribunal of
518 this state, the tribunal shall forward the pleading and
519 accompanying documents to an appropriate tribunal of this state or
520 another state and notify the complainant where and when the
521 pleading was sent.

522 93-25-307. **Duties of support enforcement agency.** (a) In a
523 proceeding under this chapter, a support enforcement agency of
524 this state, upon request:

525 (1) Shall provide services to a complainant residing in
526 a state;

527 (2) Shall provide services to a complainant requesting
528 services through a central authority of a foreign country as
529 described in Section 93-25-102(5) (A) or (D); and

530 (3) May provide services to a complainant who is an
531 individual not residing in a state.

532 (b) A support enforcement agency of this state that is
533 providing services to the complainant as appropriate shall:

534 (1) Take all steps necessary to enable an appropriate
535 tribunal of this state, another state, or a foreign country to
536 obtain jurisdiction over the defendant;

537 (2) Request an appropriate tribunal to set a date, time
538 and place for a hearing;



539 (3) Make a reasonable effort to obtain all relevant
540 information, including information as to income and property of
541 the parties;

542 (4) Within two (2) days, exclusive of Saturdays,
543 Sundays and legal holidays, after receipt of a notice in a record
544 from an initiating, responding or registering tribunal, send a
545 copy of the notice to the complainant;

546 (5) Within two (2) days, exclusive of Saturdays,
547 Sundays and legal holidays, after receipt of a communication in a
548 record from the defendant or the defendant's attorney, send a copy
549 of the communication to the complainant; and

550 (6) Notify the complainant if jurisdiction over the
551 defendant cannot be obtained.

552 (c) A support enforcement agency of this state that requests
553 registration of a child-support order in this state for
554 enforcement or for modification shall make reasonable efforts:

555 (1) To ensure that the order to be registered is the
556 controlling order; or

557 (2) If two (2) or more child-support orders exist and
558 the identity of the controlling order has not been determined, to
559 ensure that a request for such a determination is made in a
560 tribunal having jurisdiction to do so.

561 (d) A support enforcement agency of this state that requests
562 registration and enforcement of a child-support order, arrearages
563 or judgment stated in a foreign currency shall convert the amounts



564 stated in the foreign currency into the equivalent amounts in
565 dollars under the applicable official or market exchange rate as
566 publicly reported.

567 (e) A support enforcement agency of this state shall request
568 a tribunal of this state to issue a child-support order and an
569 income-withholding order that redirect payment of current support,
570 arrearages and interest if requested to do so by a support
571 enforcement agency of another state pursuant to Section 93-25-319.

572 (f) This chapter does not create or negate a relationship of
573 attorney and client or other fiduciary relationship between a
574 support enforcement agency or the attorney for the agency and the
575 individual being assisted by the agency.

576 93-25-308. **Duty of the Executive Director of the Department**

577 **of Human Services.** (a) If the Executive Director of the
578 Department of Human Services determines that the support
579 enforcement agency is neglecting or refusing to provide services
580 to an individual, the executive director may order the agency to
581 perform its duties under this chapter or may provide those
582 services directly to the individual.

583 (b) The Executive Director of the Department of Human
584 Services may determine that a foreign country has established a
585 reciprocal arrangement for child support with this state and take
586 appropriate action for notification of the determination.



587 93-25-309. **Private counsel.** An individual may employ
588 private counsel to represent the individual in proceedings
589 authorized by this chapter.

590 93-25-310. **Duties of Department of Human Services.** (a) The
591 Department of Human Services is the state information agency under
592 this chapter.

593 (b) The state information agency shall:

594 (1) Compile and maintain a current list, including
595 addresses, of the tribunals in this state which have jurisdiction
596 under this chapter and any support enforcement agencies in this
597 state, and transmit a copy to the state information agency of
598 every other state;

599 (2) Maintain a register of names and addresses of
600 tribunals and support enforcement agencies received from other
601 states;

602 (3) Forward to the appropriate tribunal in the county
603 in this state in which the obligee who is an individual or the
604 obligor resides, or in which the obligor's property is believed to
605 be located, all documents concerning a proceeding under this
606 chapter received from another state or a foreign country; and

607 (4) Obtain information concerning the location of the
608 obligor and the obligor's property within this state not exempt
609 from execution, by such means as postal verification and federal
610 or state locator services, examination of telephone directories,
611 requests for the obligor's address from employers, and examination



612 of governmental records, including, to the extent not prohibited
613 by other law, those relating to real property, vital statistics,
614 law enforcement, taxation, motor vehicles, driver's licenses and
615 social security.

616 93-25-311. **Pleadings and accompanying documents.** (a) In a
617 proceeding under this chapter, a complainant seeking to establish
618 a support order, to determine parentage of a child, or to register
619 and modify a support order of a tribunal of another state or a
620 foreign country must file a complaint. Unless otherwise ordered
621 under Section 93-25-312, the complaint or accompanying documents
622 must provide, so far as known, the name, residential address and
623 social security numbers of the obligor and the obligee or the
624 parent and alleged parent, and the name, sex, residential address,
625 social security number and date of birth of each child for whose
626 benefit support is sought or whose parentage is to be determined.
627 Unless filed at the time of registration, the complaint must be
628 accompanied by a copy of any support order known to have been
629 issued by another tribunal. The complaint may include any other
630 information that may assist in locating or identifying the
631 defendant.

632 (b) The complaint must specify the relief sought. The
633 complaint and accompanying documents must conform substantially
634 with the requirements imposed by the forms mandated by federal law
635 for use in cases filed by a support enforcement agency.



636 93-25-312. **Nondisclosure of information in exceptional**
637 **circumstances.** If a party alleges in an affidavit or a pleading
638 under oath that the health, safety or liberty of a party or child
639 would be jeopardized by disclosure of specific identifying
640 information, that information must be sealed and may not be
641 disclosed to the other party or the public. After a hearing in
642 which a tribunal takes into consideration the health, safety or
643 liberty of the party or child, the tribunal may order disclosure
644 of information that the tribunal determines to be in the interest
645 of justice.

646 93-25-313. **Costs and fees.** (a) The complainant may not be
647 required to pay a filing fee or other costs.

648 (b) If an obligee prevails, a responding tribunal of this
649 state may assess against an obligor filing fees, reasonable
650 attorney's fees, other costs and necessary travel and other
651 reasonable expenses incurred by the obligee and the obligee's
652 witnesses. The tribunal may not assess fees, costs or expenses
653 against the obligee or the support enforcement agency of either
654 the initiating or responding state or foreign country, except as
655 provided by other law. Attorney's fees may be taxed as costs, and
656 may be ordered paid directly to the attorney, who may enforce the
657 order in the attorney's own name. Payment of support owed to the
658 obligee has priority over fees, costs and expenses.

659 (c) The tribunal shall order the payment of costs and
660 reasonable attorney's fees if it determines that a hearing was



661 requested primarily for delay. In a proceeding under Article 6, a
662 hearing is presumed to have been requested primarily for delay if
663 a registered support order is confirmed or enforced without
664 change.

665 93-25-314. **Limited immunity of complainant.** (a)

666 Participation by a complainant in a proceeding under this chapter
667 before a responding tribunal, whether in person, by private
668 attorney or through services provided by the support enforcement
669 agency, does not confer personal jurisdiction over the complainant
670 in another proceeding.

671 (b) A complainant is not amenable to service of civil
672 process while physically present in this state to participate in a
673 proceeding under this chapter.

674 (c) The immunity granted by this section does not extend to
675 civil litigation based on acts unrelated to a proceeding under
676 this chapter committed by a party while physically present in this
677 state to participate in the proceeding.

678 93-25-315. **Nonparentage as defense.** A party whose parentage
679 of a child has been previously determined by or pursuant to law
680 may not plead nonparentage as a defense to a proceeding under this
681 chapter.

682 93-25-316. **Special rules of evidence and procedure.** (a)

683 The physical presence of a nonresident party who is an individual
684 in a tribunal of this state is not required for the establishment,



685 enforcement or modification of a support order or the rendition of
686 a judgment determining parentage of a child.

687 (b) An affidavit, a document substantially complying with
688 federally mandated forms, or a document incorporated by reference
689 in any of them, which would not be excluded under the hearsay rule
690 if given in person, is admissible in evidence if given under
691 penalty of perjury by a party or witness residing outside this
692 state.

693 (c) A copy of the record of child support payments certified
694 as a true copy of the original by the custodian of the record may
695 be forwarded to a responding tribunal. The copy is evidence of
696 facts asserted in it, and is admissible to show whether payments
697 were made.

698 (d) Copies of bills for testing for parentage of a child,
699 and for prenatal and postnatal health care of the mother and
700 child, furnished to the adverse party at least ten (10) days
701 before trial, are admissible in evidence to prove the amount of
702 the charges billed and that the charges were reasonable, necessary
703 and customary.

704 (e) Documentary evidence transmitted from outside this state
705 to a tribunal of this state by telephone, telecopier or other
706 electronic means that do not provide an original record may not be
707 excluded from evidence on an objection based on the means of
708 transmission.



709 (f) In a proceeding under this chapter, a tribunal of this
710 state shall permit a party or witness residing outside this state
711 to be deposed or to testify under penalty of perjury by telephone,
712 audiovisual means or other electronic means at a designated
713 tribunal or other location. A tribunal of this state shall
714 cooperate with other tribunals in designating an appropriate
715 location for the deposition or testimony.

716 (g) If a party called to testify at a civil hearing refuses
717 to answer on the ground that the testimony may be
718 self-incriminating, the trier of fact may draw an adverse
719 inference from the refusal.

720 (h) A privilege against disclosure of communications between
721 spouses does not apply in a proceeding under this chapter.

722 (i) The defense of immunity based on the relationship of
723 husband and wife or parent and child does not apply in a
724 proceeding under this chapter.

725 (j) A voluntary acknowledgement of paternity, certified as a
726 true copy, is admissible to establish parentage of the child.

727 93-25-317. Communications between tribunals. A tribunal of
728 this state may communicate with a tribunal outside this state in a
729 record or by telephone, electronic mail, or other means, to obtain
730 information concerning the laws, the legal effect of a judgment,
731 decree or order of that tribunal, and the status of a proceeding.
732 A tribunal of this state may furnish similar information by
733 similar means to a tribunal outside this state.



734 93-25-318. **Assistance with discovery.** A tribunal of this
735 state may:

736 (1) Request a tribunal outside this state to assist in
737 obtaining discovery; and

738 (2) Upon request, compel a person over which it has
739 jurisdiction to respond to a discovery order issued by a tribunal
740 outside this state.

741 93-25-319. **Receipt and disbursement of payments.** (a) A
742 support enforcement agency or tribunal of this state shall
743 disburse promptly any amounts received pursuant to a support
744 order, as directed by the order. The agency or tribunal shall
745 furnish to a requesting party or tribunal of another state or a
746 foreign country a certified statement by the custodian of the
747 record of the amounts and dates of all payments received.

748 (b) If neither the obligor, nor the obligee who is an
749 individual, nor the child resides in this state, upon request from
750 the support enforcement agency of this state or another state, the
751 Department of Human Services or a tribunal of this state shall:

752 (1) Direct that the support payment be made to the
753 support enforcement agency in the state in which the obligee is
754 receiving services; and

755 (2) Issue and send to the obligor's employer a
756 conforming income-withholding order or an administrative notice of
757 change of payee, reflecting the redirected payments.



758 (c) The support enforcement agency of this state receiving
759 redirected payments from another state pursuant to a law similar
760 to subsection (b) shall furnish to a requesting party or tribunal
761 of the other state a certified statement by the custodian of the
762 record of the amount and dates of all payments received.

763 **ARTICLE 4**

764 **ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE**

765 93-25-401. **Establishment of support order.** (a) If a
766 support order entitled to recognition under this chapter has not
767 been issued, a responding tribunal of this state with personal
768 jurisdiction over the parties may issue a support order if:

769 (1) The individual seeking the order resides outside
770 this state; or

771 (2) The support enforcement agency seeking the order is
772 located outside this state.

773 (b) The tribunal may issue a temporary child-support order
774 if the tribunal determines that such an order is appropriate and
775 the individual ordered to pay is:

776 (1) A presumed father of the child;

777 (2) Petitioning to have his paternity adjudicated;

778 (3) Identified as the father of the child through
779 genetic testing;

780 (4) An alleged father who has declined to submit to
781 genetic testing;



782 (5) Shown by clear and convincing evidence to be the
783 father of the child;

784 (6) An acknowledged father as provided by applicable
785 state law;

786 (7) The mother of the child; or

787 (8) An individual who has been ordered to pay child
788 support in a previous proceeding and the order has not been
789 reversed or vacated.

790 (c) Upon finding, after notice and opportunity to be heard,
791 that an obligor owes a duty of support, the tribunal shall issue a
792 support order directed to the obligor and may issue other orders
793 pursuant to Section 93-25-305.

794 93-25-402. **Proceeding to determine parentage.** A tribunal of
795 this state authorized to determine parentage of a child may serve
796 as a responding tribunal in a proceeding to determine parentage of
797 a child brought under this chapter or a law or procedure
798 substantially similar to this chapter.

799 **ARTICLE 5**

800 **ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION**

801 93-25-501. **Employer's receipt of income-withholding order of**
802 **another state.** An income-withholding order issued in another
803 state may be sent by or on behalf of the obligee, or by the
804 support enforcement agency to the person defined as the obligor's
805 employer under Sections 93-11-101 through 93-11-119 without first



806 filing a complaint or comparable pleading or registering the order
807 with a tribunal of this state.

808 93-25-502. **Employer's compliance with income-withholding**
809 **order of another state.** (a) Upon receipt of an
810 income-withholding order, the obligor's employer shall immediately
811 provide a copy of the order to the obligor.

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

815 (c) Except as otherwise provided in subsection (d) and
816 Section 93-25-503, the employer shall withhold and distribute the
817 funds as directed in the withholding order by complying with the
818 terms of the order which specify:

819 (1) The duration and amount of periodic payments of
820 current child support, stated as a sum certain;

821 (2) The person designated to receive payments and the
822 address to which the payments are to be forwarded;

823 (3) Medical support, whether in the form of periodic
824 cash payment, stated as a sum certain, or ordering the obligor to
825 provide health insurance coverage for the child under a policy
826 available through the obligor's employment;

827 (4) The amount of periodic payments of fees and costs
828 for a support enforcement agency, the issuing tribunal, and the
829 obligee's attorney, stated as sums certain; and



830 (5) The amount of periodic payments of arrearages and
831 interest on arrearages, stated as sums certain.

832 (d) An employer shall comply with the law of the state of
833 the obligor's principal place of employment for withholding from
834 income with respect to:

835 (1) The employer's fees for processing an
836 income-withholding order;

837 (2) The maximum amount permitted to be withheld from
838 the obligor's income; and

839 (3) The times within which the employer must implement
840 the withholding order and forward the child-support payment.

841 93-25-503. **Employer's compliance with two or more**
842 **income-withholding orders of another state.** If an obligor's
843 employer receives two (2) or more income-withholding orders with
844 respect to the earnings of the same obligor, the employer
845 satisfies the terms of the orders if the employer complies with
846 the law of the state of the obligor's principal place of
847 employment to establish the priorities for withholding and
848 allocating income withheld for two (2) or more child-support
849 obligees.

850 93-25-504. **Immunity from civil liability.** An employer that
851 complies with an income-withholding order issued in another state
852 in accordance with this article is not subject to civil liability
853 to an individual or agency with regard to the employer's
854 withholding of child support from the obligor's income.



855 93-25-505. **Penalties for noncompliance.** An employer that
856 willfully fails to comply with an income-withholding order issued
857 in another state and received for enforcement is subject to the
858 same penalties that may be imposed for noncompliance with an order
859 issued by a tribunal of this state.

860 93-25-506. **Contest by obligor.** (a) An obligor may contest
861 the validity or enforcement of an income-withholding order issued
862 in another state and received directly by an employer in this
863 state by registering the order in a tribunal of this state and
864 filing a contest to that order as provided in Article 6, or
865 otherwise contesting the order in the same manner as if the order
866 had been issued by a tribunal of this state.

867 (b) The obligor shall give notice of the contest to:

868 (1) A support enforcement agency providing services to
869 the obligee;

870 (2) Each employer that has directly received an
871 income-withholding order relating to the obligor; and

872 (3) The person designated to receive payments in the
873 income-withholding order, or if no person is designated, to the
874 obligee.

875 93-25-507. **Administrative enforcement of orders.** (a) A
876 party or support enforcement agency seeking to enforce a support
877 order or an income-withholding order, or both, issued in another
878 state or a foreign support order may send the documents required



879 for registering the order to a support enforcement agency of this
880 state.

881 (b) Upon receipt of the documents, the support enforcement
882 agency, without initially seeking to register the order, shall
883 consider and, if appropriate, use any administrative procedure
884 authorized by the law of this state to enforce a support order or
885 an income-withholding order, or both. If the obligor does not
886 contest administrative enforcement, the order need not be
887 registered. If the obligor contests the validity or
888 administrative enforcement of the order, the support enforcement
889 agency shall register the order pursuant to this chapter.

890 **ARTICLE 6**

891 **REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER**

892 **Part 1**

893 **Registration for Enforcement of Support Order**

894 93-25-601. **Registration of order for enforcement.** A support
895 order or income-withholding order issued in another state or a
896 foreign support order may be registered in this state for
897 enforcement.

898 93-25-602. **Procedure to register order for enforcement.** (a)
899 Except as provided in Section 93-25-706, a support order or
900 income-withholding order of another state or a foreign support
901 order may be registered in this state by sending the following
902 records to the appropriate tribunal in this state:



903 (1) A letter of transmittal to the tribunal requesting
904 registration and enforcement;

905 (2) Two (2) copies, including one (1) certified copy,
906 of the order to be registered, including any modification of the
907 order;

908 (3) A sworn statement by the person requesting
909 registration or a certified statement by the custodian of the
910 records showing the amount of any arrearage;

911 (4) The name of the obligor and, if known:

912 (A) The obligor's address and social security
913 number;

914 (B) The name and address of the obligor's employer
915 and any other source of income of the obligor; and

916 (C) A description and the location of property of
917 the obligor in this state not exempt from execution; and

918 (5) Except as otherwise provided in Section 93-25-312,
919 the name and address of the obligee and, if applicable, the person
920 to whom support payments are to be remitted.

921 (b) On receipt of a request for registration, the
922 registering tribunal shall cause the order to be filed as an order
923 of a tribunal of another state or a foreign support order,
924 together with one (1) copy of the documents and information,
925 regardless of their form.

926 (c) A complaint or comparable pleading seeking a remedy that
927 must be affirmatively sought under other law of this state may be



928 filed at the same time as the request for registration or later.
929 The pleading must specify the grounds for the remedy sought.

930 (d) If two (2) or more orders are in effect, the person
931 requesting registration shall:

932 (1) Furnish to the tribunal a copy of every support
933 order asserted to be in effect in addition to the documents
934 specified in this section;

935 (2) Specify the order alleged to be the controlling
936 order, if any; and

937 (3) Specify the amount of consolidated arrearages, if
938 any.

939 (e) A request for a determination of which is the
940 controlling order may be filed separately or with a request for
941 registration and enforcement or for registration and modification.
942 The person requesting registration shall give notice of the
943 request to each party whose rights may be affected by the
944 determination.

945 93-25-603. **Effect of registration for enforcement.** (a) A
946 support order or income-withholding order issued in another state
947 or a foreign support order is registered when the order is filed
948 in the registering tribunal of this state.

949 (b) A registered support order issued in another state or a
950 foreign country is enforceable in the same manner and is subject
951 to the same procedures as an order issued by a tribunal of this
952 state.



953 (c) Except as otherwise provided in this chapter, a tribunal
954 of this state shall recognize and enforce, but may not modify, a
955 registered support order if the issuing tribunal had jurisdiction.

956 93-25-604. Choice of law. (a) Except as otherwise provided
957 in subsection (d), the law of the issuing state or foreign country
958 governs:

959 (1) The nature, extent, amount and duration of current
960 payments under a registered support order;

961 (2) The computation and payment of arrearages and
962 accrual of interest on the arrearages under the support order; and

963 (3) The existence and satisfaction of other obligations
964 under the support order.

965 (b) In a proceeding for arrearages under a registered
966 support order, the statute of limitation of this state or of the
967 issuing state or foreign country, whichever is longer, applies.

968 (c) A responding tribunal of this state shall apply the
969 procedures and remedies of this state to enforce current support
970 and collect arrearages and interest due on a support order of
971 another state or a foreign country registered in this state.

972 (d) After a tribunal of this state or another state
973 determines which is the controlling order and issues an order
974 consolidating arrearages, if any, a tribunal of this state shall
975 prospectively apply the law of the state or foreign country
976 issuing the controlling order, including its law on interest on



977 arrearages, on current and future support and on consolidated
978 arrearages.

979 **Part 2**

980 **Contest of Validity or Enforcement**

981 93-25-605. **Notice of registration of order.** (a) When a
982 support order or income-withholding order issued in another state
983 or a foreign support order is registered, the registering tribunal
984 of this state shall notify the nonregistering party. The notice
985 must be accompanied by a copy of the registered order and the
986 documents and relevant information accompanying the order.

987 (b) The notice must inform the nonregistering party:

988 (1) That a registered support order is enforceable as
989 of the date of registration in the same manner as an order issued
990 by a tribunal of this state;

991 (2) That a hearing to contest the validity or
992 enforcement of the registered order must be requested within
993 twenty (20) days after notice unless the registered order is under
994 Section 93-25-707;

995 (3) That failure to contest the validity or enforcement
996 of the registered order in a timely manner will result in
997 confirmation of the order and enforcement of the order and the
998 alleged arrearages; and

999 (4) Of the amount of any alleged arrearages.

1000 (c) If the registering party asserts that two (2) or more
1001 orders are in effect, a notice must also:



1002 (1) Identify the two (2) or more orders and the order
1003 alleged by the registering party to be the controlling order and
1004 the consolidated arrearages, if any;

1005 (2) Notify the nonregistering party of the right to a
1006 determination of which is the controlling order;

1007 (3) State that the procedures provided in subsection
1008 (b) apply to the determination of which is the controlling order;
1009 and

1010 (4) State that failure to contest the validity or
1011 enforcement of the order alleged to be the controlling order in a
1012 timely manner may result in confirmation that the order is the
1013 controlling order.

1014 (d) Upon registration of an income-withholding order for
1015 enforcement, the support enforcement agency or the registering
1016 tribunal shall notify the obligor's employer pursuant to Sections
1017 93-11-101 through 93-11-119.

1018 93-25-606. **Procedure to contest validity or enforcement of**
1019 **registered support order.** (a) A nonregistering party seeking to
1020 contest the validity or enforcement of a registered support order
1021 in this state shall request a hearing within the time required by
1022 Section 93-25-605. The nonregistering party may seek to vacate
1023 the registration, to assert any defense to an allegation of
1024 noncompliance with the registered order, or to contest the
1025 remedies being sought or the amount of any alleged arrearage
1026 pursuant to Section 93-25-607.



1027 (b) If the nonregistering party fails to contest the
1028 validity or enforcement of the registered support order in a
1029 timely manner, the order is confirmed by operation of law.

1030 (c) If a nonregistering party requests a hearing to contest
1031 the validity or enforcement of the registered support order, the
1032 registering tribunal shall schedule the matter for hearing and
1033 give notice to the parties of the date, time and place of the
1034 hearing.

1035 93-25-607. **Contest of registration or enforcement.** (a) A
1036 party contesting the validity or enforcement of a registered
1037 support order or seeking to vacate the registration has the burden
1038 of proving one or more of the following defenses:

1039 (1) The issuing tribunal lacked personal jurisdiction
1040 over the contesting party;

1041 (2) The order was obtained by fraud;

1042 (3) The order has been vacated, suspended or modified
1043 by a later order;

1044 (4) The issuing tribunal has stayed the order pending
1045 appeal;

1046 (5) There is a defense under the law of this state to
1047 the remedy sought;

1048 (6) Full or partial payment has been made;

1049 (7) The statute of limitation under Section 93-25-604
1050 precludes enforcement of some or all of the alleged arrearage; or



1051 (8) The alleged controlling order is not the
1052 controlling order.

1053 (b) If a party presents evidence establishing a full or
1054 partial defense under subsection (a), a tribunal may stay
1055 enforcement of a registered support order, continue the proceeding
1056 to permit production of additional relevant evidence and issue
1057 other appropriate orders. An uncontested portion of the
1058 registered support order may be enforced by all remedies available
1059 under the law of this state.

1060 (c) If the contesting party does not establish a defense
1061 under subsection (a) to the validity or enforcement of a
1062 registered support order, the registering tribunal shall issue an
1063 order confirming the order.

1064 93-25-608. **Confirmed order.** Confirmation of a registered
1065 support order, whether by operation of law or after notice and
1066 hearing, precludes further contest of the order with respect to
1067 any matter that could have been asserted at the time of
1068 registration.

1069 **Part 3**

1070 **Registration and Modification of**

1071 **Child-Support Order of Another State**

1072 93-25-609. **Procedure to register child-support order of**
1073 **another state for modification.** A party or support enforcement
1074 agency seeking to modify, or to modify and enforce, a
1075 child-support order issued in another state shall register that



1076 order in this state in the same manner provided in Sections
1077 93-25-601 through 93-25-608 if the order has not been registered.
1078 A complaint for modification may be filed at the same time as a
1079 request for registration or later. The pleading must specify the
1080 grounds for modification.

1081 93-25-610. **Effect of registration for modification.** A
1082 tribunal of this state may enforce a child-support order of
1083 another state registered for purposes of modification in the same
1084 manner as if the order had been issued by a tribunal of this
1085 state, but the registered support order may be modified only if
1086 the requirements of Section 93-25-611 or Section 93-25-613 have
1087 been met.

1088 93-25-611. **Modification of child-support order of another**
1089 **state.** (a) If Section 93-25-613 does not apply, upon complaint,
1090 a tribunal of this state may modify a child-support order issued
1091 in another state which is registered in this state, if, after
1092 notice and hearing, it finds that:

1093 (1) The following requirements are met:

1094 (A) Neither the child, nor the obligee who is an
1095 individual, nor the obligor resides in the issuing state;

1096 (B) A complainant who is a nonresident of this
1097 state seeks modification; and

1098 (C) The defendant is subject to the personal
1099 jurisdiction of the tribunal of this state; or



1100 (2) This state is the residence of the child, or a
1101 party who is an individual is subject to the personal jurisdiction
1102 of the tribunal of this state, and all of the parties who are
1103 individuals have filed consents in a record in the issuing
1104 tribunal for a tribunal of this state to modify the support order
1105 and assume continuing, exclusive jurisdiction.

1106 (b) Modification of a registered child-support order is
1107 subject to the same requirements, procedures and defenses that
1108 apply to the modification of an order issued by a tribunal of this
1109 state and the order may be enforced and satisfied in the same
1110 manner.

1111 (c) A tribunal of this state may not modify any aspect of a
1112 child-support order that may not be modified under the law of the
1113 issuing state, including the duration of the obligation of
1114 support. If two (2) or more tribunals have issued child-support
1115 orders for the same obligor and the same child, the order that
1116 controls and must be so recognized under Section 93-25-207
1117 establishes the aspects of the support order which are
1118 nonmodifiable.

1119 (d) In a proceeding to modify a child-support order, the law
1120 of the state that is determined to have issued the initial
1121 controlling order governs the duration of the obligation of
1122 support. The obligor's fulfillment of the duty of support
1123 established by that order precludes imposition of a further
1124 obligation of support by a tribunal of this state.



1125 (e) On the issuance of an order by a tribunal of this state
1126 modifying a child-support order issued in another state, the
1127 tribunal of this state becomes the tribunal having continuing,
1128 exclusive jurisdiction.

1129 (f) Notwithstanding subsections (a) through (e) and Section
1130 93-25-201(b), a tribunal of this state retains jurisdiction to
1131 modify an order issued by a tribunal of this state if:

- 1132 (1) One (1) party resides in another state; and
1133 (2) The other party resides outside the United States.

1134 93-25-612. **Recognition of order modified in another state.**

1135 If a child-support order issued by a tribunal of this state is
1136 modified by a tribunal of another state which assumed jurisdiction
1137 pursuant to the Uniform Interstate Family Support Act, a tribunal
1138 of this state:

1139 (1) May enforce its order that was modified only as to
1140 arrearages and interest accruing before the modification;

1141 (2) May provide appropriate relief for violations of
1142 its order which occurred before the effective date of the
1143 modification; and

1144 (3) Shall recognize the modifying order of the other
1145 state, upon registration, for the purpose of enforcement.

1146 93-25-613. **Jurisdiction to modify child-support order of
1147 another state when individual parties reside in this state. (a)**

1148 If all of the parties who are individuals reside in this state and
1149 the child does not reside in the issuing state, a tribunal of this



1150 state has jurisdiction to enforce and to modify the issuing
1151 state's child-support order in a proceeding to register that
1152 order.

1153 (b) A tribunal of this state exercising jurisdiction under
1154 this section shall apply the provisions of Articles 1 and 2, this
1155 article, and the procedural and substantive law of this state to
1156 the proceeding for enforcement or modification. Articles 3, 4, 5,
1157 7, and 8 do not apply.

1158 93-25-614. **Notice to issuing tribunal of modification.**

1159 Within thirty (30) days after issuance of a modified child-support
1160 order, the party obtaining the modification shall file a certified
1161 copy of the order with the issuing tribunal that had continuing,
1162 exclusive jurisdiction over the earlier order, and in each
1163 tribunal in which the party knows the earlier order has been
1164 registered. A party who obtains the order and fails to file a
1165 certified copy is subject to appropriate sanctions by a tribunal
1166 in which the issue of failure to file arises. The failure to file
1167 does not affect the validity or enforceability of the modified
1168 order of the new tribunal having continuing, exclusive
1169 jurisdiction.

1170 **Part 4**

1171 **Registration and Modification of Foreign Child-Support Order**

1172 93-25-615. **Jurisdiction to modify child-support order of**

1173 **foreign country.** (a) Except as otherwise provided in Section

1174 93-25-711, if a foreign country lacks or refuses to exercise



1175 jurisdiction to modify its child-support order pursuant to its
1176 laws, a tribunal of this state may assume jurisdiction to modify
1177 the child-support order and bind all individuals subject to the
1178 personal jurisdiction of the tribunal whether the consent to
1179 modification of a child-support order otherwise required of the
1180 individual pursuant to Section 93-25-611 has been given or whether
1181 the individual seeking modification is a resident of this state or
1182 of the foreign country.

1183 (b) An order issued by a tribunal of this state modifying a
1184 foreign child-support order pursuant to this section is the
1185 controlling order.

1186 93-25-616. **Procedure to register child-support order of**
1187 **foreign country for modification.** A party or support enforcement
1188 agency seeking to modify, or to modify and enforce, a foreign
1189 child-support order not under the Convention may register that
1190 order in this state under Sections 93-25-601 through 93-25-608 if
1191 the order has not been registered. A complaint for modification
1192 may be filed at the same time as a request for registration, or at
1193 another time. The complaint must specify the grounds for
1194 modification.

1195 **ARTICLE 7**

1196 **SUPPORT PROCEEDING UNDER CONVENTION**

1197 93-25-701. **Definitions.** In this article:



1198 (1) "Application" means a request under the Convention
1199 by an obligee or obligor, or on behalf of a child, made through a
1200 central authority for assistance from another central authority.

1201 (2) "Central authority" means the entity designated by
1202 the United States or a foreign country described in Section
1203 93-25-102(5) (D) to perform the functions specified in the
1204 Convention.

1205 (3) "Convention support order" means a support order of
1206 a tribunal of a foreign country described in Section
1207 93-25-102(5) (D) .

1208 (4) "Direct request" means a complaint filed by an
1209 individual in a tribunal of this state in a proceeding involving
1210 an obligee, obligor, or child residing outside the United States.

1211 (5) "Foreign central authority" means the entity
1212 designated by a foreign country described in Section
1213 93-25-102(5) (D) to perform the functions specified in the
1214 Convention.

1215 (6) "Foreign support agreement":

1216 (A) Means an agreement for support in a record
1217 that:

1218 (i) Is enforceable as a support order in the
1219 country of origin;

1220 (ii) Has been:

1221 (I) Formally drawn up or registered as
1222 an authentic instrument by a foreign tribunal; or



1223 (II) Authenticated by, or concluded,
1224 registered, or filed with a foreign tribunal; and

1225 (iii) May be reviewed and modified by a
1226 foreign tribunal; and

1227 (B) Includes a maintenance arrangement or
1228 authentic instrument under the Convention.

1229 (7) "United States central authority" means the
1230 Secretary of the United States Department of Health and Human
1231 Services.

1232 93-25-702. **Applicability.** This article applies only to a
1233 support proceeding under the Convention. In such a proceeding, if
1234 a provision of this article is inconsistent with Articles 1
1235 through 6, this article controls.

1236 93-25-703. **Relationship of the Department of Human Services**
1237 **to United States central authority.** The Department of Human
1238 Services of this state is recognized as the agency designated by
1239 the United States central authority to perform specific functions
1240 under the Convention.

1241 93-25-704. **Initiation by the Department of Human Services of**
1242 **support proceeding under Convention.** (a) In a support proceeding
1243 under this article, the Department of Human Services of this state
1244 shall:

1245 (1) Transmit and receive applications; and

1246 (2) Initiate or facilitate the institution of a
1247 proceeding regarding an application in a tribunal of this state.



1248 (b) The following support proceedings are available to an
1249 obligee under the Convention:

1250 (1) Recognition or recognition and enforcement of a
1251 foreign support order;

1252 (2) Enforcement of a support order issued or recognized
1253 in this state;

1254 (3) Establishment of a support order if there is no
1255 existing order, including, if necessary, determination of
1256 parentage of a child;

1257 (4) Establishment of a support order if recognition of
1258 a foreign support order is refused under Section 93-25-708(b) (2),
1259 (4), or (9);

1260 (5) Modification of a support order of a tribunal of
1261 this state; and

1262 (6) Modification of a support order of a tribunal of
1263 another state or a foreign country.

1264 (c) The following support proceedings are available under
1265 the Convention to an obligor against which there is an existing
1266 support order:

1267 (1) Recognition of an order suspending or limiting
1268 enforcement of an existing support order of a tribunal of this
1269 state;

1270 (2) Modification of a support order of a tribunal of
1271 this state; and



1272 (3) Modification of a support order of a tribunal of
1273 another state or a foreign country.

1274 (d) A tribunal of this state may not require security, bond,
1275 or deposit, however described, to guarantee the payment of costs
1276 and expenses in proceedings under the Convention.

1277 93-25-705. **Direct request.** (a) A complainant may file a
1278 direct request seeking establishment or modification of a support
1279 order or determination of parentage of a child. In the
1280 proceeding, the law of this state applies.

1281 (b) A complainant may file a direct request seeking
1282 recognition and enforcement of a support order or support
1283 agreement. In the proceeding, Sections 93-25-706 through
1284 93-25-713 apply.

1285 (c) In a direct request for recognition and enforcement of a
1286 Convention support order or foreign support agreement:

1287 (1) A security, bond, or deposit is not required to
1288 guarantee the payment of costs and expenses; and

1289 (2) An obligee or obligor that in the issuing country
1290 has benefited from free legal assistance is entitled to benefit,
1291 at least to the same extent, from any free legal assistance
1292 provided for by the law of this state under the same
1293 circumstances.

1294 (d) A complainant filing a direct request is not entitled to
1295 assistance from the Department of Human Services.



1296 (e) This article does not prevent the application of laws of
1297 this state that provide simplified, more expeditious rules
1298 regarding a direct request for recognition and enforcement of a
1299 foreign support order or foreign support agreement.

1300 93-25-706. **Registration of Convention support order.** (a)
1301 Except as otherwise provided in this article, a party who is an
1302 individual or a support enforcement agency seeking recognition of
1303 a Convention support order shall register the order in this state
1304 as provided in Article 6.

1305 (b) Notwithstanding Sections 93-25-311 and 93-25-602(a), a
1306 request for registration of a Convention support order must be
1307 accompanied by:

1308 (1) A complete text of the support order or an abstract
1309 or extract of the support order drawn up by the issuing foreign
1310 tribunal, which may be in the form recommended by The Hague
1311 Conference on Private International Law;

1312 (2) A record stating that the support order is
1313 enforceable in the issuing country;

1314 (3) If the respondent did not appear and was not
1315 represented in the proceedings in the issuing country, a record
1316 attesting, as appropriate, either that the respondent had proper
1317 notice of the proceedings and an opportunity to be heard or that
1318 the respondent had proper notice of the support order and an
1319 opportunity to be heard in a challenge or appeal on fact or law
1320 before a tribunal;



1321 (4) A record showing the amount of arrearages, if any,
1322 and the date the amount was calculated;

1323 (5) A record showing a requirement for automatic
1324 adjustment of the amount of support, if any, and the information
1325 necessary to make the appropriate calculations; and

1326 (6) If necessary, a record showing the extent to which
1327 the applicant received free legal assistance in the issuing
1328 country.

1329 (c) A request for registration of a Convention support order
1330 may seek recognition and partial enforcement of the order.

1331 (d) A tribunal of this state may vacate the registration of
1332 a Convention support order without the filing of a contest under
1333 Section 93-25-707 only if, acting on its own motion, the tribunal
1334 finds that recognition and enforcement of the order would be
1335 manifestly incompatible with public policy.

1336 (e) The tribunal shall promptly notify the parties of the
1337 registration or the order vacating the registration of a
1338 Convention support order.

1339 93-25-707. **Contest of registered Convention support order.**

1340 (a) Except as otherwise provided in this article, Sections
1341 93-25-605 through 93-25-608 apply to a contest of a registered
1342 Convention support order.

1343 (b) A party contesting a registered Convention support order
1344 shall file a contest not later than thirty (30) days after notice
1345 of the registration, but if the contesting party does not reside



1346 in the United States, the contest must be filed not later than
1347 sixty (60) days after notice of the registration.

1348 (c) If the nonregistering party fails to contest the
1349 registered Convention support order by the time specified in
1350 subsection (b), the order is enforceable.

1351 (d) A contest of a registered Convention support order may
1352 be based only on grounds set forth in Section 93-25-708. The
1353 contesting party bears the burden of proof.

1354 (e) In a contest of a registered Convention support order, a
1355 tribunal of this state:

1356 (1) Is bound by the findings of fact on which the
1357 foreign tribunal based its jurisdiction; and

1358 (2) May not review the merits of the order.

1359 (f) A tribunal of this state deciding a contest of a
1360 registered Convention support order shall promptly notify the
1361 parties of its decision.

1362 (g) A challenge or appeal, if any, does not stay the
1363 enforcement of a Convention support order unless there are
1364 exceptional circumstances.

1365 93-25-708. **Recognition and enforcement of registered**
1366 **Convention support order.** (a) Except as otherwise provided in
1367 subsection (b), a tribunal of this state shall recognize and
1368 enforce a registered Convention support order.



1369 (b) The following grounds are the only grounds on which a
1370 tribunal of this state may refuse recognition and enforcement of a
1371 registered Convention support order:

1372 (1) Recognition and enforcement of the order is
1373 manifestly incompatible with public policy, including the failure
1374 of the issuing tribunal to observe minimum standards of due
1375 process, which include notice and an opportunity to be heard;

1376 (2) The issuing tribunal lacked personal jurisdiction
1377 consistent with Section 93-25-201;

1378 (3) The order is not enforceable in the issuing
1379 country;

1380 (4) The order was obtained by fraud in connection with
1381 a matter of procedure;

1382 (5) A record transmitted in accordance with Section
1383 93-25-706 lacks authenticity or integrity;

1384 (6) A proceeding between the same parties and having
1385 the same purpose is pending before a tribunal of this state and
1386 that proceeding was the first to be filed;

1387 (7) The order is incompatible with a more recent
1388 support order involving the same parties and having the same
1389 purpose if the more recent support order is entitled to
1390 recognition and enforcement under this chapter in this state;

1391 (8) Payment, to the extent alleged arrearages have been
1392 paid in whole or in part;



1393 (9) In a case in which the defendant neither appeared
1394 nor was represented in the proceeding in the issuing foreign
1395 country:

1396 (A) If the law of that country provides for prior
1397 notice of proceedings, the defendant did not have proper notice of
1398 the proceedings and an opportunity to be heard; or

1399 (B) If the law of that country does not provide
1400 for prior notice of the proceedings, the defendant did not have
1401 proper notice of the order and an opportunity to be heard in a
1402 challenge or appeal on fact or law before a tribunal; or

1403 (10) The order was made in violation of Section
1404 93-25-711.

1405 (c) If a tribunal of this state does not recognize a
1406 Convention support order under subsection (b) (2), (4), or (9):

1407 (1) The tribunal may not dismiss the proceeding without
1408 allowing a reasonable time for a party to request the
1409 establishment of a new Convention support order; and

1410 (2) The Department of Human Services shall take all
1411 appropriate measures to request a child-support order for the
1412 obligee if the application for recognition and enforcement was
1413 received under Section 93-25-704.

1414 93-25-709. **Partial enforcement.** If a tribunal of this state
1415 does not recognize and enforce a Convention support order in its
1416 entirety, it shall enforce any severable part of the order. An



1417 application or direct request may seek recognition and partial
1418 enforcement of a Convention support order.

1419 93-25-710. **Foreign support agreement.** (a) Except as
1420 otherwise provided in subsections (c) and (d), a tribunal of this
1421 state shall recognize and enforce a foreign support agreement
1422 registered in this state.

1423 (b) An application or direct request for recognition and
1424 enforcement of a foreign support agreement must be accompanied by:

1425 (1) A complete text of the foreign support agreement;

1426 and

1427 (2) A record stating that the foreign support agreement
1428 is enforceable as an order of support in the issuing country.

1429 (c) A tribunal of this state may vacate the registration of
1430 a foreign support agreement only if, acting on its own motion, the
1431 tribunal finds that recognition and enforcement would be
1432 manifestly incompatible with public policy.

1433 (d) In a contest of a foreign support agreement, a tribunal
1434 of this state may refuse recognition and enforcement of the
1435 agreement if it finds:

1436 (1) Recognition and enforcement of the agreement is
1437 manifestly incompatible with public policy;

1438 (2) The agreement was obtained by fraud or
1439 falsification;

1440 (3) The agreement is incompatible with a support order
1441 involving the same parties and having the same purpose in this



1442 state, another state, or a foreign country if the support order is
1443 entitled to recognition and enforcement under this chapter in this
1444 state; or

1445 (4) The record submitted under subsection (b) lacks
1446 authenticity or integrity.

1447 (e) A proceeding for recognition and enforcement of a
1448 foreign support agreement must be suspended during the pendency of
1449 a challenge to or appeal of the agreement before a tribunal of
1450 another state or a foreign country.

1451 93-25-711. **Modification of Convention child-support order.**

1452 (a) A tribunal of this state may not modify a Convention
1453 child-support order if the obligee remains a resident of the
1454 foreign country where the support order was issued unless:

1455 (1) The obligee submits to the jurisdiction of a
1456 tribunal of this state, either expressly or by defending on the
1457 merits of the case without objecting to the jurisdiction at the
1458 first available opportunity; or

1459 (2) The foreign tribunal lacks or refuses to exercise
1460 jurisdiction to modify its support order or issue a new support
1461 order.

1462 (b) If a tribunal of this state does not modify a Convention
1463 child-support order because the order is not recognized in this
1464 state, Section 93-25-708(c) applies.



1490 state when the crime was allegedly committed and has not fled
1491 therefrom.

1492 93-25-802. **Conditions of rendition.** (a) Before making a
1493 demand that the governor of another state surrender an individual
1494 charged criminally in this state with having failed to provide for
1495 the support of an obligee, the governor of this state may require
1496 a prosecutor of this state to demonstrate that at least sixty (60)
1497 days previously the obligee had initiated proceedings for support
1498 pursuant to this chapter or that the proceeding would be of no
1499 avail.

1500 (b) If, under this chapter or a law substantially similar to
1501 this chapter, the governor of another state makes a demand that
1502 the governor of this state surrender an individual charged
1503 criminally in that state with having failed to provide for the
1504 support of a child or other individual to whom a duty of support
1505 is owed, the governor may require a prosecutor to investigate the
1506 demand and report whether a proceeding for support has been
1507 initiated or would be effective. If it appears that a proceeding
1508 would be effective but has not been initiated, the governor may
1509 delay honoring the demand for a reasonable time to permit the
1510 initiation of a proceeding.

1511 (c) If a proceeding for support has been initiated and the
1512 individual whose rendition is demanded prevails, the governor may
1513 decline to honor the demand. If the complainant prevails and the
1514 individual whose rendition is demanded is subject to a support



1515 order, the governor may decline to honor the demand if the
1516 individual is complying with the support order.

1517 **ARTICLE 9**

1518 **MISCELLANEOUS PROVISIONS**

1519 93-25-901. **Uniformity of application and construction.** In
1520 applying and construing this uniform act, consideration must be
1521 given to the need to promote uniformity of the law with respect to
1522 its subject matter among states that enact it.

1523 93-25-902. **Transitional provision.** This chapter applies to
1524 proceedings begun on or after the effective date of this act to
1525 establish a support order or determine parentage of a child or to
1526 register, recognize, enforce, or modify a prior support order,
1527 determination, or agreement, whenever issued or entered.

1528 93-25-903. **Severability.** If any provision of this chapter
1529 or its application to any person or circumstance is held invalid,
1530 the invalidity does not affect other provisions or applications of
1531 this chapter which can be given effect without the invalid
1532 provision or application, and to this end the provisions of this
1533 chapter are severable.

1534 **SECTION 2.** Sections 93-25-1, 93-25-3, 93-25-5, 93-25-7,
1535 93-25-9, 93-25-11, 93-25-13, 93-25-15, 93-25-17, 93-25-19,
1536 93-25-21, 93-25-23, 93-25-25, 93-25-26, 93-25-26.1, 93-25-27,
1537 93-25-29, 93-25-31, 93-25-33, 93-25-35, 93-25-37, 93-25-39,
1538 93-25-41, 93-25-43, 93-25-45, 93-25-47, 93-25-49, 93-25-51,
1539 93-25-53, 93-25-55, 93-25-57, 93-25-59, 93-25-61, 93-25-63,



1540 93-25-65, 93-25-67, 93-25-69, 93-25-71, 93-25-73, 93-25-75,
1541 93-25-77, 93-25-79, 93-25-81, 93-25-83, 93-25-85, 93-25-87,
1542 93-25-89, 93-25-91, 93-25-93, 93-25-95, 93-25-97, 93-25-99,
1543 93-25-101, 93-25-103, 93-25-105, 93-25-107, 93-25-108, 93-25-109,
1544 93-25-111, 93-25-113, 93-25-115 and 93-25-117, Mississippi Code of
1545 1972, which comprise the Uniform Interstate Family Support Act
1546 adopted in 1997, are repealed.

1547 **SECTION 3.** This act shall take effect and be in force from
1548 and after July 1, 2015.

