CHAPTER 67

UNIFORM INTERSTATE FAMILY SUPPORT ACT

SUBCHAPTER 1

GENERAL PROVISIONS

§2801. Short title

This chapter may be known and cited as the "Uniform Interstate Family Support Act." [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

§2802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

1. Child. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Child support order. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.
[PL 2009, c. 95, §1 (AMD); PL 2009, c. 95, §87 (AFF).]

2-A. Convention. "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded at The Hague on November 23, 2007.
[PL 2009, c. 95, §2 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Duty of support. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse or former spouse, including an unsatisfied obligation to provide support.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

3-A. Foreign country. "Foreign country" means a country, including a political subdivision thereof, other than the United States, that under its law authorizes the issuance of support orders and:

A. Has been declared under the law of the United States to be a foreign reciprocating country; [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Has established a reciprocal arrangement for child support with this State as provided in section 3008-A; [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Has enacted a law or established procedures for the issuance and enforcement of support orders that are substantially similar to the procedures under this chapter; or [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

D. In which the Convention is in force with respect to the United States. [PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §3 (NEW); PL 2009, c. 95, §87 (AFF).]

3-B. Foreign support order. "Foreign support order" means a support order issued by a foreign tribunal.
[PL 2009, c. 95, §4 (NEW); PL 2009, c. 95, §87 (AFF).]

3-C. Foreign tribunal. "Foreign tribunal" means a court, administrative agency or quasi-judicial entity of a foreign country authorized to establish, enforce or modify support orders or to determine parentage of a child. "Foreign tribunal" includes a competent authority under the Convention.
[PL 2009, c. 95, §5 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Home state. "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state or foreign country in which the child lived from birth with a parent or a person acting as parent. A period of temporary absence of a parent or a person acting as parent is counted as part of the 6-month or other period.
[PL 2009, c. 95, §6 (AMD); PL 2009, c. 95, §87 (AFF).]

5. Income. "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

6. Income-withholding order. "Income-withholding order" means an order or other legal process directed to an obligor's employer, as provided by chapter 65, subchapter IV, to withhold support from the income of the obligor.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

7. Initiating state. "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter.
[PL 2003, c. 436, §1 (AMD).]

8. Initiating tribunal. "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.
[PL 2009, c. 95, §7 (AMD); PL 2009, c. 95, §87 (AFF).]

8-A. Issuing foreign country. "Issuing foreign country" means the foreign country in which a tribunal issues a support order or judgment determining parentage.
[PL 2009, c. 95, §8 (NEW); PL 2009, c. 95, §87 (AFF).]

9. Issuing state. "Issuing state" means the state in which a tribunal issues a support order or a judgment determining parentage of a child.
[PL 2009, c. 95, §9 (AMD); PL 2009, c. 95, §87 (AFF).]

10. Issuing tribunal. "Issuing tribunal" means the tribunal of a state or foreign country that issues a support order or a judgment determining parentage of a child.
[PL 2009, c. 95, §10 (AMD); PL 2009, c. 95, §87 (AFF).]

11. Law. "Law" includes decisional and statutory law and rules and regulations having the force of law.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

11-A. Outside this State. "Outside this State" means a location in another state or a country other than the United States, whether or not the country meets the definition of "foreign country" under subsection 3-A.
[PL 2009, c. 95, §11 (NEW); PL 2009, c. 95, §87 (AFF).]

12. Obligee. "Obligee" means:

A. An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued; [PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

B. A foreign country or a state or a political subdivision of a state to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee in place of child support; [PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

C. An individual seeking a judgment determining parentage of the individual's child; or [PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

D. A person that is a creditor in a proceeding subject to subchapter 7-A. [PL 2009, c. 95, §12 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §12 (AMD); PL 2009, c. 95, §87 (AFF).]

13. Obligor. "Obligor" means an individual or the estate of a decedent:

A. Who owes or is alleged to owe a duty of support; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. Who is alleged but has not been adjudicated to be a parent of a child; [PL 2009, c. 95, §13 (AMD); PL 2009, c. 95, §87 (AFF).]

C. Who is liable under a support order; or [PL 2009, c. 95, §13 (AMD); PL 2009, c. 95, §87 (AFF).]

D. Who is a debtor in a proceeding under subchapter 7-A. [PL 2009, c. 95, §13 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §13 (AMD); PL 2009, c. 95, §87 (AFF).]

13-A. Person. "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; public corporation; government or governmental subdivision, agency or instrumentality; or any other legal or commercial entity.

[PL 2009, c. 95, §14 (AMD); PL 2009, c. 95, §87 (AFF).]

13-B. Record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

[PL 2003, c. 436, §2 (NEW).]

14. Register. "Register" means to file in a tribunal of this State a support order or judgment determining parentage of a child issued in another state or foreign country.

[PL 2009, c. 95, §15 (AMD); PL 2009, c. 95, §87 (AFF).]

15. Registering tribunal. "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.

[PL 2009, c. 95, §16 (AMD); PL 2009, c. 95, §87 (AFF).]

16. Responding state. "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.

[PL 2009, c. 95, §17 (AMD); PL 2009, c. 95, §87 (AFF).]

17. Responding tribunal. "Responding tribunal" means the authorized tribunal in a responding state or foreign country.

[PL 2009, c. 95, §18 (AMD); PL 2009, c. 95, §87 (AFF).]

18. Spousal support order. "Spousal support order" means a support order for a spouse or former spouse of the obligor.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

19. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian nation or tribe.

A. [PL 2009, c. 95, §19 (RP); PL 2009, c. 95, §87 (AFF).]

B. [PL 2009, c. 95, §19 (RP); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §19 (AMD); PL 2009, c. 95, §87 (AFF).]

20. State information agency. "State information agency" in this State is the Department of Health and Human Services.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

21. Support enforcement agency. "Support enforcement agency" means a public official or agency authorized to:

A. Seek enforcement of support orders or laws relating to the duty of support; [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

B. Seek establishment or modification of child support; [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

C. Request determination of parentage; [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

D. Attempt to locate obligors or their assets; or [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

E. Request determination of the controlling child support order. [PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

The support enforcement agency in this State is the Department of Health and Human Services.

[PL 2009, c. 95, §20 (AMD); PL 2009, c. 95, §87 (AFF).]

22. Support order. "Support order" means a judgment, decree, order, decision or directive, whether temporary, final or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse or a former spouse, that provides for monetary support, health care, arrearages, retroactive support or reimbursement for financial assistance provided to an individual obligee in place of child support. "Support order" may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees and other relief.

[PL 2009, c. 95, §21 (AMD); PL 2009, c. 95, §87 (AFF).]

23. Tribunal. "Tribunal" means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

24. Tribunal of this State. A "tribunal of this State" means the District Court or the Department of Health and Human Services.

[PL 1999, c. 731, Pt. ZZZ, §36 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 669, §13 (AMD). PL 1999, c. 731, §ZZZ36 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 2003, c. 436, §§1-7 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 95, §§1-21 (AMD). PL 2009, c. 95, §87 (AFF).

§2802-A. State tribunal and support enforcement agency

1. State tribunals. The District Court and the Department of Health and Human Services are tribunals of this State.
[PL 2009, c. 95, §22 (NEW); PL 2009, c. 95, §87 (AFF).]

2. State support enforcement agency. The Department of Health and Human Services is the support enforcement agency of this State.
[PL 2009, c. 95, §22 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §22 (NEW). PL 2009, c. 95, §87 (AFF).

§2803. Remedies cumulative

1. Remedies cumulative. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a support order on the basis of comity.
[PL 2009, c. 95, §23 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Not exclusive method; jurisdiction. This chapter does not:

A. Provide the exclusive method of establishing or enforcing a support order under the laws of this State; or [PL 2003, c. 436, §8 (NEW).]

B. Grant a tribunal of this State jurisdiction to render judgment or issue an order relating to parental rights and responsibilities other than child support in a proceeding under this chapter. [PL 2003, c. 436, §8 (NEW).]
[PL 2003, c. 436, §8 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §8 (RPR). PL 2009, c. 95, §23 (AMD). PL 2009, c. 95, §87 (AFF).

§2804. Application of chapter to resident of foreign country and foreign support proceeding

1. Support proceeding. A tribunal of this State shall apply this subchapter, subchapters 2 to 6 and, as applicable, subchapter 7-A to a support proceeding involving:

A. A foreign support order; [PL 2009, c. 95, §24 (NEW); PL 2009, c. 95, §87 (AFF).]

B. A foreign tribunal; or [PL 2009, c. 95, §24 (NEW); PL 2009, c. 95, §87 (AFF).]

C. An obligee, obligor or child residing in a foreign country. [PL 2009, c. 95, §24 (NEW); PL 2009, c. 95, §87 (AFF).]
[PL 2009, c. 95, §24 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Comity. A tribunal of this State that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of this subchapter and subchapters 2 to 6.
[PL 2009, c. 95, §24 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Proceeding subject to the Convention. Subchapter 7-A applies only to a support proceeding under the Convention. In such a proceeding, if a provision of subchapter 7-A is inconsistent with a provision of this subchapter or subchapters 2 to 6, subchapter 7-A controls.
[PL 2009, c. 95, §24 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §24 (NEW). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 2

JURISDICTION

ARTICLE 1

EXTENDED PERSONAL JURISDICTION

§2851. Bases for jurisdiction over nonresident

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

§2852. Procedure when exercising jurisdiction over nonresident

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

ARTICLE 2

PROCEEDINGS INVOLVING 2 OR MORE STATES

§2901. Initiating and responding tribunal of this State

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

§2902. Simultaneous proceedings in another state

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

§2903. Continuing, exclusive jurisdiction

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

§2904. Enforcement and modification of support order by tribunal having continuing jurisdiction

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

ARTICLE 3

RECONCILIATIONS OF MULTIPLE ORDERS

§2951. Recognition of controlling child support orders

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 669, §15 (AMD). PL 2003, c. 436, §9 (RP).

§2952. Multiple child support orders for 2 or more obligees

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

§2953. Credit for payments

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §9 (RP).

SUBCHAPTER 2-A

JURISDICTION

§2961. Bases for jurisdiction over nonresident

1. Exercise of jurisdiction. In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

A. The individual is personally served with notice within this State; [PL 2003, c. 436, §10 (NEW).]

B. The individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; [PL 2015, c. 186, §6 (AMD).]

C. The individual resided with the child in this State; [PL 2003, c. 436, §10 (NEW).]

D. The individual resided in this State and provided prenatal expenses or support for the child; [PL 2003, c. 436, §10 (NEW).]

E. The child resides in this State as a result of the acts or directives of the individual; [PL 2003, c. 436, §10 (NEW).]

F. The individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; or [PL 2003, c. 436, §10 (NEW).]

G. There is any other basis consistent with the Constitution of Maine and the United States Constitution for the exercise of personal jurisdiction. [PL 2003, c. 436, §10 (NEW).]

[PL 2015, c. 186, §6 (AMD).]

2. Use of bases to establish personal jurisdiction. The bases of personal jurisdiction set forth in subsection 1 or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child support order of another state unless the requirements of section 3253 are met or, in the case of a foreign support order, unless the requirements of section 3261 are met. [PL 2009, c. 95, §25 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §25 (AMD). PL 2009, c. 95, §87 (AFF). PL 2015, c. 186, §6 (AMD).

§2962. Duration of personal jurisdiction

Personal jurisdiction acquired by a tribunal of this State in a proceeding under this chapter or other law of this State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 2965, 2966 and 2971. [PL 2003, c. 436, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW).

§2963. Initiating and responding tribunal of this State

Under this chapter, a tribunal of this State may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or foreign country. [PL 2009, c. 95, §26 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §26 (AMD). PL 2009, c. 95, §87 (AFF).

§2964. Simultaneous proceedings

1. Exercise of jurisdiction when filed in another state. A tribunal of this State may exercise jurisdiction to establish a support order when the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state or a foreign country only if:

A. The petition or comparable pleading in this State is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive pleading challenging the exercise of jurisdiction by the other state or the foreign country; [PL 2009, c. 95, §27 (AMD); PL 2009, c. 95, §87 (AFF).]

B. The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and [PL 2009, c. 95, §27 (AMD); PL 2009, c. 95, §87 (AFF).]

C. This State is the home state of the child, if that is a relevant factor. [PL 2009, c. 95, §27 (AMD); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §27 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Jurisdiction may not be exercised when filed in another state. A tribunal of this State may not exercise jurisdiction to establish a support order when the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

A. The petition or comparable pleading in the other state or the foreign country is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State; [PL 2009, c. 95, §27 (AMD); PL 2009, c. 95, §87 (AFF).]

B. The contesting party timely challenges the exercise of jurisdiction in this State; and [PL 2003, c. 436, §10 (NEW).]

C. The other state or the foreign country is the home state of the child, if that is a relevant factor. [PL 2009, c. 95, §27 (AMD); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §27 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §27 (AMD). PL 2009, c. 95, §87 (AFF).

§2965. Continuing, exclusive jurisdiction to modify child support order

1. Tribunal has continuing, exclusive jurisdiction. A tribunal of this State that has issued a support order consistent with the laws of this State has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

A. At the time of the filing of a request for modification this State is the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued; or [PL 2003, c. 436, §10 (NEW).]

B. Even if this State is not the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise jurisdiction to modify its order. [PL 2003, c. 436, §10 (NEW).]

[PL 2003, c. 436, §10 (NEW).]

2. Tribunal may not exercise continuing, exclusive jurisdiction. A tribunal of this State that has issued a child support order consistent with the laws of this State may not exercise its continuing, exclusive jurisdiction to modify the order if:

A. All of the parties who are individuals file consent in a record with the tribunal of this State that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or [PL 2003, c. 436, §10 (NEW).]

B. The tribunal's order is not the controlling order. [PL 2003, c. 436, §10 (NEW).]

[PL 2003, c. 436, §10 (NEW).]

3. Recognition of jurisdiction of another state's tribunal. If a tribunal of another state that has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to this chapter that modifies a child support order of a tribunal of this State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

[PL 2003, c. 436, §10 (NEW).]

4. Initiating tribunal to request modification. A tribunal of this State that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

[PL 2003, c. 436, §10 (NEW).]

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

[PL 2003, c. 436, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW).

§2966. Continuing jurisdiction to enforce child support order

1. Initiating tribunal to enforce. A tribunal of this State that has issued a child support order consistent with the laws of this State may serve as an initiating tribunal to request a tribunal of another state to enforce:

A. The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or [PL 2003, c. 436, §10 (NEW).]

B. A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order. [PL 2009, c. 95, §28 (AMD); PL 2009, c. 95, §87 (AFF).]

[PL 2003, c. 436, §10 (NEW); PL 2009, c. 95, §28 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Responding tribunal to enforce. A tribunal of this State having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.
[PL 2003, c. 436, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §28 (AMD). PL 2009, c. 95, §87 (AFF).

§2967. Determination of controlling child support orders

1. Recognition of orders; one tribunal. If a proceeding is brought under this chapter and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.
[PL 2003, c. 436, §10 (NEW).]

2. Recognition of orders; 2 or more tribunals. If a proceeding is brought under this chapter and 2 or more child support orders have been issued by tribunals of this State or another state or a foreign country with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls and must be recognized.

A. If only one of the tribunals has continuing, exclusive jurisdiction under this chapter, the order of that tribunal controls. [PL 2009, c. 95, §29 (AMD).]

B. If more than one of the tribunals has continuing, exclusive jurisdiction under this chapter:

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

(2) If an order has not been issued in the current home state of the child, the order most recently issued controls. [PL 2003, c. 436, §10 (NEW).]

C. If none of the tribunals have continuing, exclusive jurisdiction under this chapter, the tribunal of this State shall issue a child support order, which controls. [PL 2003, c. 436, §10 (NEW).]
[PL 2009, c. 95, §29 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Request for order. If 2 or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this State having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection 2. The request may be filed with a registration for enforcement or registration for modification pursuant to subchapter 6 or may be filed as a separate proceeding.
[PL 2009, c. 95, §30 (AMD); PL 2009, c. 95, §87 (AFF).]

4. Copy of orders required. A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.
[PL 2003, c. 436, §10 (NEW).]

5. Tribunal having continuing, exclusive jurisdiction. The tribunal that issued the controlling order under subsection 1, 2 or 3 has continuing jurisdiction to the extent provided in section 2965 or 2966.
[PL 2003, c. 436, §10 (NEW).]

6. Basis for order. A tribunal of this State that determines by order which is the controlling order under subsection 2, paragraph A or B or subsection 3, or that issues a new controlling order under subsection 2, paragraph C, shall state in that order:

A. The basis upon which the tribunal made its determination; [PL 2003, c. 436, §10 (NEW).]

B. The amount of prospective support, if any; and [PL 2003, c. 436, §10 (NEW).]

C. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 2969. [PL 2003, c. 436, §10 (NEW).]

[PL 2003, c. 436, §10 (NEW).]

7. Filing certified copy of order. Within 30 days after issuance of an order determining which order is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

[PL 2003, c. 436, §10 (NEW).]

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

[PL 2003, c. 436, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §§29, 30 (AMD). PL 2009, c. 95, §87 (AFF).

§2968. Child support orders for 2 or more obligees

In responding to registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this State shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this State. [PL 2009, c. 95, §31 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §31 (AMD). PL 2009, c. 95, §87 (AFF).

§2969. Credit for payments

A tribunal of this State shall credit amounts collected for a particular period pursuant to any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this State or another state or a foreign country. [PL 2009, c. 95, §32 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §32 (AMD). PL 2009, c. 95, §87 (AFF).

§2970. Application of chapter to nonresident subject to personal jurisdiction

A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this chapter or under other laws of this State relating to a support order or recognizing a foreign support order may receive evidence from outside this State pursuant to section 3016, communicate with a tribunal outside this State pursuant to section 3017 and obtain discovery through a tribunal outside this State pursuant to section 3018. In all other respects, subchapters 3 to 7-A do not apply and the tribunal shall apply the procedural and substantive law of this State. [PL 2009, c. 95, §33 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §33 (AMD). PL 2009, c. 95, §87 (AFF).

§2971. Continuing, exclusive jurisdiction to modify spousal support order

1. Tribunal of this State; continuing, exclusive jurisdiction. A tribunal of this State issuing a spousal support order consistent with the law of this State has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.
[PL 2003, c. 436, §10 (NEW).]

2. Spousal support issued by another state or foreign country. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.
[PL 2009, c. 95, §34 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Tribunal of this State; initiating or responding tribunal. A tribunal of this State that has continuing, exclusive jurisdiction over a spousal support order may serve as:

A. An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this State; or [PL 2003, c. 436, §10 (NEW).]

B. A responding tribunal to enforce or modify its own spousal support order. [PL 2003, c. 436, §10 (NEW).]

[PL 2003, c. 436, §10 (NEW).]

SECTION HISTORY

PL 2003, c. 436, §10 (NEW). PL 2009, c. 95, §34 (AMD). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 3

CIVIL PROVISIONS OF GENERAL APPLICATION

§3001. Proceedings under this chapter

1. Application of subchapter. Except as otherwise provided in this chapter, this subchapter applies to all proceedings under this chapter.
[PL 2003, c. 436, §11 (RPR).]

1-A. Initiation of proceedings. An individual petitioner or a support enforcement agency may initiate a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country that has or can obtain personal jurisdiction over the respondent.
[PL 2009, c. 95, §35 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Proceedings.

[PL 2003, c. 436, §11 (RP).]

3. Commencement of proceeding.

[PL 2003, c. 436, §11 (RP).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §11 (RPR). PL 2009, c. 95, §35 (AMD). PL 2009, c. 95, §87 (AFF).

§3002. Proceeding by minor parent

A minor parent or a guardian or other legal representative of a minor parent may maintain a proceeding on behalf of or for the benefit of the minor's child. [PL 2003, c. 436, §12 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §12 (AMD).

§3003. Application of law of this State

Except as otherwise provided in this chapter, a responding tribunal of this State shall: [PL 2003, c. 436, §12 (AMD).]

1. Procedural and substantive law; powers and remedies. Apply the procedural and substantive law generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and
[PL 2003, c. 436, §12 (AMD).]

2. Determine duty and amount of support. Determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §12 (AMD).

§3004. Duties of initiating tribunal

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §13 (RP).

§3004-A. Duties of initiating tribunal

1. Forward petition and accompanying documents. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this State shall forward the petition and its accompanying documents:

A. To the responding tribunal or appropriate support enforcement agency in the responding state; or [PL 2003, c. 436, §14 (NEW).]

B. If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged. [PL 2003, c. 436, §14 (NEW).]

[PL 2003, c. 436, §14 (NEW).]

2. Issue certificate or document; make findings; specify amount. If requested by the responding tribunal, a tribunal of this State shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal of this State shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under the applicable official or market exchange rate as publicly reported and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.
[PL 2009, c. 95, §36 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §14 (NEW). PL 2009, c. 95, §36 (AMD). PL 2009, c. 95, §87 (AFF).

§3005. Duties and powers of responding tribunal

1. Duties of responding tribunal. Upon receipt of a petition or comparable pleading from the state information agency, a responding tribunal shall cause the petition or pleading to be filed and notify the petitioner by first class mail where and when it was filed.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Powers of responding tribunal. A responding tribunal of this State, to the extent not prohibited by other law, may:

A. Establish or enforce a support order, modify a child support order, determine the controlling child support order or render a judgment to determine parentage of a child; [PL 2009, c. 95, §37 (AMD); PL 2009, c. 95, §87 (AFF).]

B. Order an obligor to comply with a support order, specifying the amount and the manner of compliance; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

C. Order income withholding; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

D. Determine the amount of any arrearages and specify a method of payment; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

E. Enforce orders by civil or criminal contempt, or both; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

F. Set aside property for satisfaction of the support order; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

G. Place liens and order execution on the obligor's property; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

H. Order an obligor to keep the tribunal informed of the obligor's current residential address, e-mail address, telephone number, employer, address of employment and telephone number at the place of employment; [PL 2009, c. 95, §38 (AMD); PL 2009, c. 95, §87 (AFF).]

I. Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

J. Order the obligor to seek appropriate employment by specified methods; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

K. Award reasonable attorney's fees and other fees and costs; or [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

L. Grant any other available remedy. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

[PL 2009, c. 95, §§ 37, 38 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Calculations included. A responding tribunal of this State shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

4. Support not conditional on visitation. A responding tribunal of this State may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

5. Copies of order. If a responding tribunal of this State issues an order under this chapter, the tribunal shall send a copy of the order by first class mail to the petitioner and the respondent and to the initiating tribunal, if any.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

6. Convert foreign currency amount to dollar amount. If requested to enforce a support order, arrears or judgment or modify a support order stated in a foreign currency, a responding tribunal of this

State shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.
[PL 2003, c. 436, §16 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §§15,16 (AMD). PL 2009, c. 95, §§37, 38 (AMD). PL 2009, c. 95, §87 (AFF).

§3006. Inappropriate tribunal

If a petition or comparable pleading is received by an inappropriate tribunal of this State, the inappropriate tribunal shall forward the petition or pleading and accompanying documents to an appropriate tribunal or to the state information agency in this State or another state and notify the petitioner where and when the pleading was sent. [PL 1997, c. 669, §16 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 669, §16 (AMD).

§3007. Duties of the department as the support enforcement agency

1. Services to petitioner. The department, upon request, shall provide services to a petitioner in a proceeding under this chapter.
[PL 2009, c. 95, §39 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Duties. If the department provides services to the petitioner, the department shall:

A. Take all steps necessary to enable an appropriate tribunal of this State or another state or a foreign country to obtain jurisdiction over the respondent; [PL 2009, c. 95, §40 (AMD); PL 2009, c. 95, §87 (AFF).]

B. Request an appropriate tribunal to set a date, time and place for a hearing; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

C. Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

D. Within 2 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice in a record from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner; [PL 2003, c. 436, §17 (AMD).]

E. Within 2 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and [PL 2003, c. 436, §17 (AMD).]

F. Notify the petitioner if jurisdiction over the respondent can not be obtained. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]
[PL 2009, c. 95, §40 (AMD); PL 2009, c. 95, §87 (AFF).]

2-A. Registration; reasonable efforts. If the department requests registration of a child support order in this State for enforcement or for modification, the department shall make reasonable efforts:

A. To ensure that the order to be registered is the controlling order; or [PL 2003, c. 436, §18 (NEW).]

B. If 2 or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so. [PL 2003, c. 436, §18 (NEW).]
[PL 2003, c. 436, §18 (NEW).]

2-B. Conversion of amounts to dollars. If the department requests registration and enforcement of a support order, arrears or judgment stated in a foreign currency, the department shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.
[PL 2003, c. 436, §18 (NEW).]

2-C. Issuance upon request. The department shall issue or request a tribunal of this State to issue a child support order and an income-withholding order that redirect payment of current support, arrears and interest if requested to do so by a support enforcement agency of another state pursuant to section 3019.
[PL 2009, c. 95, §41 (AMD); PL 2009, c. 95, §87 (AFF).]

3. No attorney or fiduciary relationship. This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between the department or the attorney for the department and the individual being assisted by the department.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §§17,18 (AMD). PL 2009, c. 95, §§39-41 (AMD). PL 2009, c. 95, §87 (AFF).

§3008. Duty of Attorney General

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 669, §17 (RP).

§3008-A. Duty of commissioner

If the commissioner determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the commissioner may order the agency to perform its duties under this chapter or may otherwise provide those services directly to the individual. [PL 1997, c. 669, §18 (NEW).]

The Attorney General may determine that a foreign country has established a reciprocal arrangement for child support with this State and take appropriate action for notification of the determination. [PL 2009, c. 95, §42 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1997, c. 669, §18 (NEW). PL 2003, c. 436, §19 (AMD). PL 2009, c. 95, §42 (AMD). PL 2009, c. 95, §87 (AFF).

§3009. Private attorney

An individual may employ a private attorney to represent the individual in proceedings authorized by this chapter. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

§3010. Duties of the department as the state information agency

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §20 (AMD). PL 2009, c. 95, §43 (RP). PL 2009, c. 95, §87 (AFF).

§3010-A. Duties of the department as the state information agency

1. State information agency. The department is the state information agency.
[PL 2009, c. 95, §44 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Duties. The state information agency shall:

A. Compile and maintain a current list, including addresses, of the tribunals in this State that have jurisdiction under this chapter and the department and transmit a copy to the state information agency of every other state; [PL 2009, c. 95, §44 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Maintain a register of the names and addresses of tribunals and support enforcement agencies received from other states; [PL 2009, c. 95, §44 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Forward to the appropriate tribunal in the state in which the obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from another state or a foreign country; and [PL 2009, c. 95, §44 (NEW); PL 2009, c. 95, §87 (AFF).]

D. Obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and social security. [PL 2009, c. 95, §44 (NEW); PL 2009, c. 95, §87 (AFF).]
[PL 2009, c. 95, §44 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §44 (NEW). PL 2009, c. 95, §87 (AFF).

§3011. Pleadings and accompanying documents

1. Petition; contents. In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine parentage of a child or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under section 3012, the petition or accompanying documents must provide, so far as known, the names, residential addresses and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.
[PL 2009, c. 95, §45 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Specify relief sought. The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §21 (AMD). PL 2009, c. 95, §45 (AMD). PL 2009, c. 95, §87 (AFF).

§3012. Nondisclosure of information in exceptional circumstances

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

disclosure of information that the tribunal determines to be in the interest of justice. [PL 2003, c. 436, §22 (RPR).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §22 (RPR).

§3013. Costs and fees

1. No fees or costs by petitioner. The petitioner may not be required to pay a filing fee or other costs.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Fees and costs if obligee prevails. If an obligee prevails, a responding tribunal of this State may assess against an obligor filing fees, reasonable attorney's fees, other costs and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.
[PL 2009, c. 95, §46 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Costs and fees if hearing for delay. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under subchapter VI, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2009, c. 95, §46 (AMD). PL 2009, c. 95, §87 (AFF).

§3014. Limited immunity of petitioner

1. Personal jurisdiction in another proceeding. Participation by a petitioner in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney or through services provided by the department, does not confer personal jurisdiction over the petitioner in another proceeding.
[PL 2003, c. 436, §23 (AMD).]

2. Not amenable to service. For the purpose of participating in a proceeding under this chapter, a petitioner is not amenable to service of civil process while physically present in this State.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

3. Not applicable to unrelated acts. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in this State for the purpose of participating in a proceeding under this chapter.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §23 (AMD).

§3015. Nonparentage as defense

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

§3016. Special rules of evidence and procedure

1. Physical presence not required. The physical presence of a nonresident party who is an individual in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.
[PL 2009, c. 95, §47 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Admissible evidence. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them that would not be excluded under the hearsay rule if given in person is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.
[PL 2009, c. 95, §48 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Copy of payment record admissible. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

4. Copies of bills admissible. Copies of bills for testing for parentage of a child and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.
[PL 2009, c. 95, §49 (AMD); PL 2009, c. 95, §87 (AFF).]

5. No objection based on means of transmission. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that does not provide an original record may not be excluded from evidence on an objection based on the means of transmission.
[PL 2009, c. 95, §50 (AMD); PL 2009, c. 95, §87 (AFF).]

6. Testimony not in person. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.
[PL 2009, c. 95, §51 (AMD); PL 2009, c. 95, §87 (AFF).]

7. Adverse inference from refusal to answer. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

8. No spousal privilege. A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

9. No familial immunity. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.
[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

10. Voluntary acknowledgment admissible. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.
[PL 2003, c. 436, §25 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §§24,25 (AMD). PL 2009, c. 95, §§47-51 (AMD). PL 2009, c. 95, §87 (AFF).

§3017. Communications between tribunals

A tribunal of this State may communicate with a tribunal outside this State in a record, in an e-mail or by telephone or other means to obtain information concerning the laws; the legal effect of a judgment, decree or order of that tribunal; and the status of a proceeding. A tribunal of this State may furnish similar information by similar means to a tribunal outside this State. [PL 2009, c. 95, §52 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §26 (AMD). PL 2009, c. 95, §52 (AMD). PL 2009, c. 95, §87 (AFF).

§3018. Assistance with discovery

A tribunal of this State may: [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

1. Request a tribunal outside this State. Request a tribunal outside this State to assist in obtaining discovery; and
[PL 2009, c. 95, §53 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Compel response. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal outside this State.
[PL 2009, c. 95, §53 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2009, c. 95, §53 (AMD). PL 2009, c. 95, §87 (AFF).

§3019. Receipt and disbursement of payments

1. Disburse promptly. The department shall disburse promptly any amounts received pursuant to a support order as directed by the order. The department shall furnish to a requesting party or tribunal of another state or foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.
[PL 2009, c. 95, §54 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Direct payment; issue withholding order or administrative notice. If neither the obligor, nor the obligee who is an individual, nor the child resides in this State, upon request from the department or the support enforcement agency of another state, the department or a tribunal of this State shall:

A. Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and [PL 2003, c. 436, §27 (NEW).]

B. Issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments. [PL 2003, c. 436, §27 (NEW).]

[PL 2003, c. 436, §27 (NEW).]

3. Statement of record of payments. If the department receives redirected payments from another state pursuant to a law similar to subsection 2, the department shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.
[PL 2003, c. 436, §27 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §27 (RPR). PL 2009, c. 95, §54 (AMD). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 4

ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF PARENTAGE

§3051. Petition to establish support order

1. Responding tribunal may issue support order. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

A. The individual seeking the order resides outside this State; or [PL 2009, c. 95, §55 (AMD); PL 2009, c. 95, §87 (AFF).]

B. The support enforcement agency seeking the order is located outside this State. [PL 2009, c. 95, §55 (AMD); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §55 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Responding tribunal may issue temporary support order. A responding tribunal of this State may issue a temporary support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

A. The presumed father of the child; [PL 2003, c. 436, §28 (NEW).]

B. Petitioning to have his paternity of the child adjudicated; [PL 2003, c. 436, §28 (NEW).]

C. Identified as the father of the child through genetic testing; [PL 2003, c. 436, §28 (NEW).]

D. An alleged father of the child who has declined to submit to genetic testing; [PL 2003, c. 436, §28 (NEW).]

E. Shown by clear and convincing evidence to be the father of the child; [PL 2003, c. 436, §28 (NEW).]

F. An acknowledged father of the child as provided in chapter 61, subchapter 3; [RR 2015, c. 2, §10 (COR).]

G. The mother of the child; or [PL 2003, c. 436, §28 (NEW).]

H. An individual who has been ordered to pay child support to the child in a previous proceeding and the order has not been reversed or vacated. [PL 2003, c. 436, §28 (NEW).]

[RR 2015, c. 2, §10 (COR).]

3. Tribunal shall issue support order. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 3005.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §28 (AMD). PL 2009, c. 95, §55 (AMD). PL 2009, c. 95, §87 (AFF). RR 2015, c. 2, §10 (COR). PL 2015, c. 296, Pt. C, §23 (AMD). PL 2015, c. 296, Pt. D, §1 (AFF).

§3052. Proceeding to determine parentage

A tribunal of this State authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or

procedure substantially similar to this chapter. [PL 2009, c. 95, §56 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §56 (NEW). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 5

ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

§3101. Employer's receipt of out-of-state income-withholding order

An income-withholding order issued in another state may be sent by or on behalf of the obligee or by the support enforcement agency to the obligor's employer, described as a payor of income under chapter 65, subchapter 4, without first filing a petition or comparable pleading or registering the order with a tribunal of this State. [PL 2003, c. 436, §29 (AMD).]

1. Income-withholding order.

[PL 1997, c. 669, §20 (RP).]

2. Right to hearing.

[PL 1997, c. 669, §20 (RP).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 669, §20 (RPR). PL 2003, c. 436, §29 (AMD).

§3101-A. Employer's compliance with out-of-state income-withholding order

1. Copy of order to obligor. Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.
[PL 1997, c. 669, §21 (NEW).]

2. Recognition of out-of-state order. The employer shall treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this State.
[PL 1997, c. 669, §21 (NEW).]

3. Employer to withhold and distribute funds. Except as otherwise provided in subsection 4 and section 3101-B, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order that specify:

A. The duration and amount of periodic payments of current child support, stated as an exact sum; [PL 1997, c. 669, §21 (NEW).]

B. The person or support enforcement agency designated to receive payments and the address to which payments are to be forwarded; [PL 1997, c. 669, §21 (NEW).]

C. Medical support, whether in the form of periodic cash payments stated as an exact sum or an order that the obligor provide health insurance coverage for the child under a policy available through the obligor's employment; [PL 1997, c. 669, §21 (NEW).]

D. The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal and the obligee's attorney, stated as exact sums; and [PL 1997, c. 669, §21 (NEW).]

E. The amount of periodic payments of arrearages and interest on arrearages, stated as exact sums. [PL 1997, c. 669, §21 (NEW).]

[PL 1997, c. 669, §21 (NEW).]

4. Compliance with state laws. An employer shall comply with the laws of the state of the obligor's principal place of employment with respect to:

A. The employer's fee for processing an income-withholding order; [PL 1997, c. 669, §21 (NEW).]

B. The maximum amount permitted to be withheld from the obligor's income; and [PL 1997, c. 669, §21 (NEW).]

C. The times within which the employer must implement the income-withholding order and forward the child support payment. [PL 1997, c. 669, §21 (NEW).]

[PL 1997, c. 669, §21 (NEW).]

SECTION HISTORY

PL 1997, c. 669, §21 (NEW).

§3101-B. Employer's compliance with 2 or more income-withholding orders

If an employer receives 2 or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the orders if the employer complies with the laws of the state of the obligor's principal place of employment when establishing the priorities for withholding and allocating income withheld for 2 or more child support obligees. [PL 2003, c. 436, §30 (AMD).]

SECTION HISTORY

PL 1997, c. 669, §21 (NEW). PL 2003, c. 436, §30 (AMD).

§3101-C. Immunity from civil liability

An employer that complies with an income-withholding order issued in another state in accordance with this subchapter is not subject to civil liability to an individual or support enforcement agency with regard to the employer's withholding of child support payments from the obligor's income. [PL 2009, c. 95, §57 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1997, c. 669, §21 (NEW). PL 2009, c. 95, §57 (AMD). PL 2009, c. 95, §87 (AFF).

§3101-D. Penalties for noncompliance

An employer that willfully fails to comply with an income-withholding order issued in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State. [PL 2009, c. 95, §58 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1997, c. 669, §21 (NEW). PL 2009, c. 95, §58 (AMD). PL 2009, c. 95, §87 (AFF).

§3101-E. Option to appoint department as payment agent

(REPEALED)

SECTION HISTORY

PL 1997, c. 669, §21 (NEW). PL 2015, c. 186, §7 (RP).

§3101-F. Contest by obligor

1. Contesting the validity or enforcement of an order. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State by registering the order in a tribunal of this State and filing a contest to that order

as provided in subchapter 6, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this State. Section 3153 applies to the contest.
[PL 2003, c. 436, §31 (AMD).]

2. Notice of the contest. The obligor shall give notice of the contest to:

A. The support enforcement agency providing services to the obligee; [PL 1997, c. 669, §21 (NEW).]

B. Each employer that has directly received an income-withholding order relating to the obligor; and [PL 2003, c. 436, §32 (AMD).]

C. The person designated to receive payments in the income-withholding order or, if a person is not designated, to the obligee. [PL 2003, c. 436, §33 (AMD).]

[PL 2003, c. 436, §§32, 33 (AMD).]

SECTION HISTORY

PL 1997, c. 669, §21 (NEW). PL 2003, c. 436, §§31-33 (AMD).

§3102. Administrative enforcement of orders

1. Documents to state information agency. A party residing in another state or a support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued in another state or a foreign support order shall send the documents required for registering the order to the department.
[PL 2009, c. 95, §59 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Consider and enforce. Upon receipt of the documents, the department, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.
[PL 2009, c. 95, §59 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §34 (AMD). PL 2009, c. 95, §59 (AMD). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 6

REGISTRATION, ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER

ARTICLE 1

REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

§3150. Registration of order for enforcement

A support order or income-withholding order issued in another state or a foreign country may be registered in this State for enforcement. [PL 2009, c. 95, §60 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §60 (NEW). PL 2009, c. 95, §87 (AFF).

§3151. Procedure to register order for enforcement

1. Required documents and information. Except as otherwise provided in section 3316, a support order or an income-withholding order of another state or a foreign support order may be registered in this State by sending the following records to the appropriate tribunal in this State:

A. A letter of transmittal to the tribunal requesting registration and enforcement; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. Two copies, including one certified copy, of the order to be registered, including any modification of an order; [PL 2003, c. 436, §36 (AMD).]

C. A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearages; [PL 2003, c. 436, §36 (AMD).]

D. The name of the obligor and, if known:

(1) The obligor's address and social security number;

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

(3) A description and the location of property of the obligor in this State not exempt from execution; and [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

E. Except as otherwise provided in section 3012, the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted. [PL 2009, c. 95, §61 (AMD); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §61 (AMD); PL 2009, c. 95, §87 (AFF).]

2. File as foreign judgment. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of another state or foreign country, together with one copy of the documents and information, regardless of their form.

[PL 2009, c. 95, §62 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Additional petition filed at same time. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration, or later. The pleading must specify the grounds for the remedy sought.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

4. Two or more orders in effect. If 2 or more orders are in effect, the person requesting registration shall:

A. Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section; [PL 2003, c. 436, §36 (NEW).]

B. Specify the order alleged to be the controlling order, if any; and [PL 2003, c. 436, §36 (NEW).]

C. Specify the amount of consolidated arrears, if any. [PL 2003, c. 436, §36 (NEW).]

[PL 2003, c. 436, §36 (NEW).]

5. Request for determination of controlling order. A request for a determination of which order is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

[PL 2003, c. 436, §36 (NEW).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §36 (AMD). PL 2009, c. 95, §§61, 62 (AMD). PL 2009, c. 95, §87 (AMD).

§3152. Effect of registration for enforcement

1. Registered when filed. A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this State.
[PL 2009, c. 95, §63 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Enforceability of registered order. A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.
[PL 2009, c. 95, §63 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Recognition and enforcement of registered order; no modification. Except as otherwise provided in this chapter, a tribunal of this State shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.
[PL 2009, c. 95, §63 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2009, c. 95, §63 (AMD). PL 2009, c. 95, §87 (AFF).

§3153. Choice of law

1. Current payments, other obligations and arrearages under order. Except as otherwise provided in subsection 4, the law of the issuing state or foreign country governs:

A. The nature, extent, amount and duration of current payments under a registered support order; [PL 2003, c. 436, §37 (NEW).]

B. The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and [PL 2003, c. 436, §37 (NEW).]

C. The existence and satisfaction of other obligations under the support order. [PL 2003, c. 436, §37 (NEW).]

[PL 2009, c. 95, §64 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Proceeding for arrears. In a proceeding for arrears under a registered support order, the statute of limitation of this State or of the issuing state or foreign country, whichever is for a longer period of time, applies.
[PL 2009, c. 95, §64 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Procedures and remedies of this State. A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in this State.
[PL 2009, c. 95, §64 (AMD); PL 2009, c. 95, §87 (AFF).]

4. Application of law of state issuing controlling order. After a tribunal of this State or another state determines which order is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support and on consolidated arrears.
[PL 2009, c. 95, §64 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §37 (RPR). PL 2009, c. 95, §64 (AMD). PL 2009, c. 95, §87 (AFF).

ARTICLE 2

CONTEST OF VALIDITY OR ENFORCEMENT

§3201. Notice of registration of order

1. Time and method of notice. When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this State shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.
[PL 2009, c. 95, §65 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Contents of notice. A notice must inform the nonregistering party:

A. That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after notice unless the registered order is subject to section 3317; [PL 2009, c. 95, §66 (AMD); PL 2009, c. 95, §87 (AFF).]

C. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

D. Of the amount of any alleged arrearages. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]
[PL 2009, c. 95, §66 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Notice if 2 or more orders. If the registering party asserts that 2 or more orders are in effect, a notice must also:

A. Identify the 2 or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any; [PL 2009, c. 95, §67 (AMD); PL 2009, c. 95, §87 (AFF).]

B. Notify the nonregistering party of the right to a determination of which order is the controlling order; [PL 2003, c. 436, §38 (NEW).]

C. State that the procedures provided in subsection 2 apply to the determination of which order is the controlling order; and [PL 2003, c. 436, §38 (NEW).]

D. State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order. [PL 2003, c. 436, §38 (NEW).]
[PL 2009, c. 95, §67 (AMD); PL 2009, c. 95, §87 (AFF).]

4. Notice of income-withholding order. Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to chapter 65, subchapter 4.
[PL 2009, c. 95, §68 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §38 (AMD). PL 2009, c. 95, §§65-68 (AMD). PL 2009, c. 95, §87 (AFF).

§3202. Procedure to contest validity or enforcement of registered order

1. Timing and remedies. A nonregistering party seeking to contest the validity or enforcement of a registered support order in this State shall request a hearing within the time required by section 3201. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation

of noncompliance with the registered order or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 3203.
[PL 2009, c. 95, §69 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Order confirmed if contest not timely. If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.
[PL 2009, c. 95, §70 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Notice of hearing to the parties. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time and place of the hearing.
[PL 2009, c. 95, §71 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §39 (AMD). PL 2009, c. 95, §§69-71 (AMD). PL 2009, c. 95, §87 (AFF).

§3203. Contest of registration or enforcement

1. Defenses to contest validity or enforcement. A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

A. The issuing tribunal lacked personal jurisdiction over the contesting party; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. The order was obtained by fraud; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

C. The order has been vacated, suspended or modified by a later order; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

D. The issuing tribunal has stayed the order pending appeal; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

E. There is a defense under the laws of this State to the remedy sought; [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

F. Full or partial payment has been made; [PL 2003, c. 436, §40 (AMD).]

G. The statute of limitation under section 3153 precludes enforcement of some or all of the alleged arrearages; or [PL 2003, c. 436, §40 (AMD).]

H. The alleged controlling order is not the controlling order. [PL 2003, c. 436, §41 (NEW).]
[PL 2009, c. 95, §72 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Full or partial defense. If a party presents evidence establishing a full or partial defense under subsection 1, a tribunal may stay enforcement of the registered support order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the laws of this State.
[PL 2009, c. 95, §72 (AMD); PL 2009, c. 95, §87 (AFF).]

3. Confirmation of order. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.
[PL 2009, c. 95, §72 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §§40,41 (AMD). PL 2009, c. 95, §72 (AMD). PL 2009, c. 95, §87 (AFF).

§3204. Confirmed order

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration. [PL 2009, c. 95, §73 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2009, c. 95, §73 (AMD). PL 2009, c. 95, §87 (AFF).

ARTICLE 3

REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE

§3251. Procedure to register child support order of another state for modification

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this State in the same manner provided in sections 3150 to 3204 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification. [PL 2009, c. 95, §74 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2009, c. 95, §74 (AMD). PL 2009, c. 95, §87 (AFF).

§3252. Effect of registration for modification

A tribunal of this State may enforce a child support order of another state registered for purposes of modification in the same manner as if the order had been issued by a tribunal of this State, but the registered support order may be modified only if the requirements of section 3253 or 3255 have been met. [PL 2009, c. 95, §75 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §42 (AMD). PL 2009, c. 95, §75 (AMD). PL 2009, c. 95, §87 (AFF).

§3253. Modification of child support order of another state

1. Modification of child support order of another state. If section 3255 does not apply, upon petition a tribunal of this State may modify a child support order issued in another state that has been registered in this State if, after notice and hearing, the tribunal finds that:

A. The following requirements are met:

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

(2) A petitioner who is a nonresident of this State seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this State; or [PL 2003, c. 436, §43 (RPR).]

B. This State is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction. [PL 2009, c. 95, §76 (AMD); PL 2009, c. 95, §87 (AFF).]

C. [PL 2003, c. 436, §43 (RP).]

[PL 2009, c. 95, §76 (AMD); PL 2009, c. 95, §87 (AFF).]

2. Modification; enforcement and satisfaction. Modification of a registered child support order is subject to the same requirements, procedures and defenses that apply to the modification of an order issued by a tribunal of this State and the order may be enforced and satisfied in the same manner.

[PL 2003, c. 436, §43 (RPR).]

3. No modification. A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If 2 or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be recognized under section 2967 establishes the aspects of the child support order that are nonmodifiable.

[PL 2009, c. 95, §77 (AMD); PL 2009, c. 95, §87 (AFF).]

3-A. Issuing state's law governs. In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this State.

[PL 2003, c. 436, §43 (NEW).]

4. Modification order; continuing, exclusive jurisdiction. Upon issuance of an order by a tribunal of this State modifying a child support order issued in another state, the tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

[PL 2003, c. 436, §43 (RPR).]

5. Filing of modified order.

[PL 2003, c. 436, §43 (RP).]

6. Retained jurisdiction to modify an order issued in this State. Notwithstanding subsections 1 to 4 and section 2961, subsection 2, a tribunal of this State retains jurisdiction to modify an order issued by a tribunal of this State if:

A. One party resides in another state; and [PL 2009, c. 95, §78 (NEW); PL 2009, c. 95, §87 (AFF).]

B. The other party resides outside the United States. [PL 2009, c. 95, §78 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §78 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 669, §22 (AMD). PL 2003, c. 436, §43 (RPR). PL 2009, c. 95, §§76-78 (AMD). PL 2009, c. 95, §87 (AFF).

§3254. Recognition of order modified in another state

If a child support order issued by a tribunal of this State is modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this State:

[PL 2015, c. 186, §8 (AMD).]

1. Enforce amounts accruing before modification. May enforce the order that was modified only as to arrears and interest accruing before the modification;

[PL 2003, c. 436, §44 (AMD).]

2. Enforce nonmodifiable aspects.

[PL 2003, c. 436, §44 (RP).]

3. Relief for violations before modification. May provide appropriate relief for violations of its order that occurred before the effective date of the modification; and
[PL 2003, c. 436, §44 (AMD).]

4. Recognize modifying order. Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.
[PL 2003, c. 436, §44 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §44 (AMD). PL 2015, c. 186, §8 (AMD).

§3255. Jurisdiction to modify child support order of another state when individual parties reside in State

1. Jurisdiction to modify. If all of the parties who are individuals reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.
[PL 2003, c. 436, §45 (NEW).]

2. Application of laws. A tribunal of this State exercising jurisdiction under this section shall apply the provisions of subchapters 1 and 2-A, this subchapter and the procedural and substantive law of this State to the proceeding for enforcement or modification. Subchapters 3, 4, 5, 7-A and 8 do not apply.
[PL 2009, c. 95, §79 (AMD); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2003, c. 436, §45 (NEW). PL 2009, c. 95, §79 (AMD). PL 2009, c. 95, §87 (AFF).

§3256. Notice to issuing tribunal of modification

Within 30 days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction. [PL 2003, c. 436, §45 (NEW).]

SECTION HISTORY

PL 2003, c. 436, §45 (NEW).

§3257. Jurisdiction to modify child support order of foreign country or political subdivision (REPEALED)

SECTION HISTORY

PL 2003, c. 436, §45 (NEW). PL 2009, c. 95, §80 (RP). PL 2009, c. 95, §87 (AFF).

ARTICLE 4

REGISTRATION AND MODIFICATION OF FOREIGN CHILD SUPPORT ORDER

§3261. Jurisdiction to modify child support order of foreign country

1. Assumption of jurisdiction. Except as otherwise provided in section 3321, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to section 3253 has been given or whether the individual seeking modification is a resident of this State or of the foreign country.
[PL 2009, c. 95, §81 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Controlling order. An order issued by a tribunal of this State modifying a foreign child support order pursuant to this section is the controlling order.
[PL 2009, c. 95, §81 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §81 (NEW). PL 2009, c. 95, §87 (AFF).

§3262. Procedure to register child support order of foreign country for modification

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the Convention may register that order in this State as provided in sections 3150 to 3204 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or at another time. The petition must specify the grounds for modification. [PL 2009, c. 95, §81 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §81 (NEW). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 7

DETERMINATION OF PARENTAGE

§3301. Proceeding to determine parentage

(REPEALED)

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §46 (AMD). PL 2009, c. 95, §82 (RP). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 7-A

SUPPORT PROCEEDINGS SUBJECT TO CONVENTION

§3311. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

1. Application. "Application" means a request under the Convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Central authority. "Central authority" means the entity designated by the United States or a foreign country described in section 2802, subsection 3-A to perform the functions specified in the Convention.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Convention support order. "Convention support order" means a support order of a tribunal of a foreign country described in section 2802, subsection 3-A.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Direct request. "Direct request" means a petition filed by an individual in a tribunal of this State in a proceeding involving an obligee, obligor or child residing outside the United States.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4-A. Foreign central authority. "Foreign central authority" means the entity designated by a foreign country as defined in section 2802, subsection 3-A to perform the functions specified in the Convention.
[PL 2015, c. 186, §9 (NEW).]

5. Foreign support agreement. "Foreign support agreement" means an agreement for support in a record that:

A. Is enforceable as a support order in the country of origin; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Has been formally drawn up or registered as an authentic instrument by a foreign tribunal or authenticated by or concluded, registered or filed with a foreign tribunal; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. May be reviewed and modified by a foreign tribunal. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

"Foreign support agreement" includes a maintenance arrangement or authentic instrument under the Convention.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

6. United States central authority. "United States central authority" means the Secretary of the United States Department of Health and Human Services.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF). PL 2015, c. 186, §9 (AMD).

§3312. Applicability

This subchapter applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this subchapter is inconsistent with a provision in subchapters 1 to 6, this subchapter controls. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3313. Relationship of the department to United States central authority

The Department of Health and Human Services of this State is recognized as the agency designated by the United States central authority to perform specific functions under the Convention. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3314. Initiation by department of support proceedings

1. Duty of department. In a proceeding pursuant to this subchapter, the department shall:

A. Transmit and receive applications; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Proceedings available to obligee. The following support proceedings are available to an obligee under the Convention:

A. Recognition or recognition and enforcement of a foreign support order; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Enforcement of a support order issued or recognized in this State; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

D. Establishment of a support order if recognition of a foreign support order is refused under section 3318; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

E. Modification of a support order of a tribunal of this State; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

F. Modification of a support order of a tribunal of another state or a foreign country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Proceedings available to obligor. The following support proceedings are available under the Convention to an obligor against whom there is an existing support order:

A. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. Modification of a support order of a tribunal of this State; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. Modification of a support order of a tribunal of another state or a foreign country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Tribunal may not require guarantee of payment of costs and expenses. A tribunal of this State may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3315. Direct request

1. Establishment or modification of support or determination of parentage. A petitioner may file a direct request seeking the establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this State applies.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Recognition and enforcement of support order or agreement. A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, the provisions of sections 3316 to 3323 apply.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Guarantee of payment of costs may not be required; free legal assistance. In a direct request seeking recognition and enforcement of a Convention support order or foreign support agreement:

A. A security, bond or deposit is not required to guarantee the payment of costs and expenses; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. An obligee or obligor who in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the laws of this State under the same circumstances. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. No assistance from the department. A petitioner filing a direct request is not entitled to receive assistance from the department.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

5. Application of laws of this State. This subchapter does not prevent the application of laws of this State that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3316. Registration of Convention support order

1. General requirement. Except as otherwise provided in this subchapter, a party who is an individual or a support enforcement agency seeking recognition of a Convention support order shall register the order in this State as provided in subchapter 6.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Additional requirements. Notwithstanding section 3011 and section 3151, subsection 1, a request for registration of a Convention support order must be accompanied by:

A. A complete text of the support order, or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. A record stating that the support order is enforceable in the issuing country; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the support order and an opportunity to challenge or appeal it on fact or law before a tribunal; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

D. A record showing the amount of arrears, if any, and the date the amount was calculated; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

E. A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

F. If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Recognition and partial enforcement. A request for registration of a Convention support order may seek recognition and partial enforcement of the order.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Refusal to register. A tribunal of this State may vacate the registration of a Convention support order, without the filing of a contest under section 3317, only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

5. Notice. A tribunal of this State shall promptly notify the parties to a foreign support order of the registration or the order vacating the registration of a Convention support order.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3317. Contest of registered Convention support order

1. General requirements. Except as otherwise provided in this subchapter, sections 3201 to 3204 apply to a contest of a registered Convention support order.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Additional requirements. A party contesting a registered Convention support order shall file a contest not later than 30 days after notice of the registration, except that if the contesting party does not reside in the United States, the contest must be filed not later than 60 days after notice of the registration.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Enforceable by operation of law. If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection 2, the order is enforceable.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Basis. A contest of a registered convention support order may be based only on grounds set forth in section 3318. The contesting party bears the burden of proof.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

5. Limitations. In a contest of a registered Convention support order, a tribunal of this State:

A. Is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. May not review the merits of the support order. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

6. Notice of decision. A tribunal of this State deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

7. No stay on appeal. A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3318. Recognition and enforcement of registered Convention support order

1. Recognition and enforcement. Except as otherwise provided in subsection 2, a tribunal of this State shall recognize and enforce a registered Convention support order.
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Exceptions. The following grounds are the only grounds on which a tribunal of this State may refuse recognition and enforcement of a registered Convention support order.

A. Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. The issuing tribunal lacked personal jurisdiction consistent with section 2961; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. The order is not enforceable in the issuing country; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

D. The order was obtained by fraud in connection with a matter of procedure; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

E. A record transmitted in accordance with section 3316 lacks authenticity or integrity; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

F. A proceeding between the same parties and having the same purpose is pending before a tribunal of this State and that proceeding was the first to be filed; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

G. The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this State; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

H. The payment of arrears, to the extent alleged arrears have been paid in whole or in part; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

I. In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:

(1) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or

(2) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

J. The order was made in violation of section 3321. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]
[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Convention support orders not recognized. If a tribunal of this State does not recognize a Convention support order under subsection 2, paragraph B, D, F or I:

A. The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new Convention support order; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. The department shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under section 3314. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3319. Partial enforcement

If a tribunal of this State does not recognize and enforce a Convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a Convention support order. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3320. Foreign support agreement

1. Recognition. Except as provided in subsections 3 and 4, a tribunal of this State shall recognize and enforce a foreign support agreement registered in this State.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Requirements. An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

A. A complete text of the foreign support agreement; and [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. A record stating that the foreign support agreement is enforceable as a decision in the issuing foreign country. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

3. Vacate registration. A tribunal of this State may vacate the registration of a foreign support agreement only if, acting on its motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

4. Refusal of recognition and enforcement. In a contest of a foreign support agreement, a tribunal of this State may refuse recognition and enforcement of the agreement if it finds:

A. Recognition and enforcement of the agreement is manifestly incompatible with public policy; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. The agreement was obtained by fraud or falsification; [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

C. The agreement is incompatible with a support order involving the same parties and having the same purpose in this State, another state or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this State; or [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

D. The record submitted under subsection 2, paragraph B lacks authenticity or integrity. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

5. Suspension of proceeding. A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3321. Modification of child support order subject to Convention

1. Obligee resident of the foreign country. A tribunal of this State may not modify a Convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

A. The obligee submits to the jurisdiction of a tribunal of this State, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

B. The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

2. Application of section 3318. If a tribunal of this State cannot modify the foreign child support order because the order is unable to be recognized in this State, the provisions of section 3318, subsection 3 apply.

[PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3322. Personal information; limit on use

Personal information gathered or transmitted under this subchapter may be used only for the purposes for which it was gathered or transmitted. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

§3323. Record in original language; English translation

A record filed with a tribunal of this State under this subchapter must be in the original language and, if not in English, must be accompanied by an English translation. [PL 2009, c. 95, §83 (NEW); PL 2009, c. 95, §87 (AFF).]

SECTION HISTORY

PL 2009, c. 95, §83 (NEW). PL 2009, c. 95, §87 (AFF).

SUBCHAPTER 8

INTERSTATE RENDITION

§3351. Grounds for rendition

1. Governor. For purposes of this chapter, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Powers of Governor. The Governor may:

A. Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

B. Upon demand by the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee. [PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

3. Application of provision for extradition. A provision for extradition of individuals not inconsistent with this chapter applies to the demand described in subsection 2 even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from that state.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF).

§3352. Conditions of rendition

1. Proceedings for support as prerequisite. Before making demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor may require a prosecutor of this State to demonstrate that, at least 60 days previously, the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

2. Criminal charge in another state. If, under this chapter or a law substantially similar to this chapter, the governor of another state makes a demand that the Governor surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

[PL 2003, c. 436, §47 (AMD).]

3. Declination to honor demand. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support order.

[PL 1995, c. 694, Pt. B, §2 (NEW); PL 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §47 (AMD).

SUBCHAPTER 9

MISCELLANEOUS PROVISIONS

§3401. Uniformity of application and construction

In applying and construing this Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. [PL 2003, c. 436, §48 (AMD).]

SECTION HISTORY

PL 1995, c. 694, §B2 (NEW). PL 1995, c. 694, §E2 (AFF). PL 2003, c. 436, §48 (AMD).

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