

**ACT No. 80**

2015 Regular Session

HOUSE BILL NO. 609

BY REPRESENTATIVE ROBERT JOHNSON

1 AN ACT

2 To amend and reenact Chapter 1 of Title XIII of the Louisiana Children's Code, formerly  
3 comprised of Articles 1301.1 through 1308.2, to be comprised of Articles 1301.1  
4 through 1309.3, and R.S. 46:236.3(I), relative to family support enforcement; to  
5 provide for a revision of the Uniform Interstate Family Support Act; to provide with  
6 respect to procedures for the registration, recognition, enforcement, and modification  
7 of family support orders; to extend applicability to foreign countries; to provide for  
8 jurisdiction; to provide procedures applicable to initiating and responding tribunals;  
9 to provide for the duties of the Department of Children and Family Services; to  
10 provide definitions; to provide with respect to income withholding to enforce a child  
11 support obligation; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 1 of Title XIII of the Louisiana Children's Code, formerly  
14 comprised of Articles 1301.1 through 1308.2, to be comprised of Articles 1301.1 through  
15 1309.3, is hereby amended and reenacted to read as follows:

16 TITLE XIII  
17 SUPPORT OF FAMILY  
18 CHAPTER 1. UNIFORM INTERSTATE FAMILY  
19 SUPPORT ACT

20 Section 1. General Provisions

21 Art. 1301.1. Short title

22 This Chapter may be cited as the "Uniform Interstate Family Support Act".

23 Art. 1301.2. ~~Uniformity of application and construction~~

24 ~~This Chapter shall be applied and construed to effectuate its general purpose~~  
25 ~~to make uniform the law with respect to the subject of this Chapter among states~~  
26 ~~enacting it.~~

1           ~~Art. 1301.3:~~ Definitions

2                   ~~As used in~~ In this Chapter:

3                   (1) ~~"Act" means the Uniform Interstate Family Support Act.~~

4                   ~~(2)~~ "Child" means an individual, whether over or under the age of majority,  
5                   who is or is alleged to be owed a duty of support by the individual's parent or who  
6                   is or is alleged to be the beneficiary of a support order directed to the parent.

7                   ~~(3)~~(2) ~~"Child support order"~~ "Child support order" means a support order for a child,  
8                   including a child who has attained the age of majority under the law of the issuing  
9                   state or foreign country.

10                  ~~(4)~~(3) ~~"Department" means the Department of Children and Family Services.~~  
11                  "Convention" means the Convention on the International Recovery of Child Support  
12                  and Other Forms of Family Maintenance, concluded at The Hague on November 23,  
13                  2007.

14                  ~~(5)~~(4) ~~"Duty of support" means an obligation imposed or imposable by law~~  
15                  to provide support for a child, spouse, or former spouse, including an unsatisfied  
16                  obligation to provide support.

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

20                  (a) Which has been declared under the law of the United States to be a  
21                  foreign reciprocating country;

22                  (b) Which has established a reciprocal arrangement for child support with  
23                  this state as provided in Article 1303.8;

24                  (c) Which has enacted a law or established procedures for the issuance and  
25                  enforcement of support orders which are substantially similar to the procedures  
26                  under this Chapter; or

27                  (d) In which the Convention is in full force with respect to the United States.

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

29                  (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial  
30                  entity of a foreign country which is authorized to establish, enforce, or modify

1 support orders or to determine parentage of a child. The term includes a competent  
 2 authority under the Convention.

3 ~~(6)~~(8) "Home state" means the state or foreign country in which a child lived  
 4 with a parent or a person acting as parent for at least six consecutive months  
 5 immediately preceding the time of filing of a petition or comparable pleading for  
 6 support and, if a child is less than six months old, the state or foreign country in  
 7 which the child lived from birth with any of them. A period of temporary absence  
 8 of any of them is counted as part of the six-month or other period.

9 ~~(7)~~(9) "Income" includes earnings or other periodic entitlements to money  
 10 from any source and any other property subject to withholding for support under the  
 11 ~~laws~~ law of this state.

12 ~~(8)~~(10) "Income-withholding order" means an order or other legal process  
 13 directed to an obligor's employer or other debtor, as defined by the income-  
 14 withholding law of this state, to withhold support from the income of the obligor.

15 ~~(9)~~ "Initiating state" means a state from which a proceeding is forwarded or  
 16 in which a proceeding is filed for forwarding to a responding state under this Chapter  
 17 or a law or procedure substantially similar to this Chapter, the Uniform Reciprocal  
 18 Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of  
 19 Support Act.

20 ~~(10)~~(11) "Initiating tribunal" means the ~~authorized tribunal in an initiating~~  
 21 ~~state.~~ tribunal of a state or foreign country from which a petition or comparable  
 22 pleading is forwarded or in which a petition or comparable pleading is filed for  
 23 forwarding to another state or foreign country.

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

26 ~~(11)~~(13) "Issuing state" means the state in which a tribunal issues a support  
 27 order or ~~renders~~ a judgment determining parentage of a child.

28 ~~(12)~~(14) "Issuing tribunal" means the tribunal of a state or foreign country  
 29 that issues a support order or ~~renders~~ a judgment determining parentage of a child.

1                   ~~(13)~~(15) "Law" includes decisional and statutory law and rules and  
 2 regulations having the force of law.

3                   ~~(14)~~(16) "Obligee" means ~~any of the following:~~

4                   (a) An individual to whom a duty of support is ~~owed~~ or is alleged to be owed  
 5 or in whose favor a support order ~~has been issued or a judgment determining~~  
 6 ~~parentage has been rendered~~ or a judgment determining parentage of a child has been  
 7 issued;

8                   (b) A foreign country, state or political subdivision of a state to which the  
 9 rights under a duty of support or support order have been assigned or which has  
 10 independent claims based on financial assistance provided to an individual obligee  
 11 in place of child support;

12                   (c) An individual seeking a judgment determining parentage of the  
 13 individual's child; or

14                   (d) A person that is a creditor in a proceeding under Section 7.

15                   ~~(15)~~(17) "Obligor" means an individual or the estate of a decedent who, ~~with~~  
 16 ~~respect to any of the following:~~

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

18                   (b) Is alleged, but has not been adjudicated to be a parent of a child; ;

19                   (c) Is liable under a support order; or

20                   (d) Is a debtor in a proceeding under Section 7.

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

23                   (19) "Person" means an individual, corporation, business trust, estate, trust,  
 24 partnership, limited liability company, association, joint venture, public corporation,  
 25 government or governmental subdivision, agency, or instrumentality, or any other  
 26 legal or commercial entity.

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

1                   ~~(16)~~(21) "Register" means to record or file in a tribunal of this state a support  
 2                   order or judgment determining parentage ~~in the registry of foreign support orders of~~  
 3                   a child issued in another state or a foreign country.

4                   ~~(17)~~(22) "Registering tribunal" means a tribunal in which a support order or  
 5                   judgment determining parentage of a child is registered.

6                   ~~(18)~~ "Registry of foreign support orders" means any place where a clerk of  
 7                   court records all support orders rendered in another state and enforced within this  
 8                   state.

9                   ~~(19)~~(23) "Responding state" means a state in which a ~~proceeding is filed or~~  
 10                   ~~to which a proceeding is forwarded for filing from an initiating state under this~~  
 11                   Chapter or a law or procedure substantially similar to this Chapter, the Uniform  
 12                   Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal  
 13                   Enforcement of Support Act petition or comparable pleading for support or to  
 14                   determine parentage of a child is filed or to which a petition or comparable pleading  
 15                   is forwarded for filing from another state or a foreign country.

16                   ~~(20)~~(24) "Responding tribunal" means the authorized tribunal in a  
 17                   responding state or foreign country.

18                   ~~(21)~~(25) "Spousal support order" means a support order for a spouse or  
 19                   former spouse of the obligor.

20                   ~~(22)~~(26) "State" means a state of the United States, the District of Columbia,  
 21                   Puerto Rico, the United States Virgin Islands, or any territory or insular possession  
 22                   subject to under the jurisdiction of the United States. The term "state" includes both  
 23                   of the following: an Indian nation or tribe.

24                   ~~(a) An Indian tribe.~~

25                   ~~(b) A foreign jurisdiction that has enacted a law or established procedures~~  
 26                   for issuance and enforcement of support orders that are substantially similar to the  
 27                   procedures under this Chapter, the Uniform Reciprocal Enforcement of Support Act,  
 28                   or the Revised Uniform Reciprocal Enforcement of Support Act.

29                   ~~(23)~~(27) "Support enforcement agency" means a public official ~~or an agency,~~  
 30                   governmental entity, or private agency authorized to ~~seek any of the following:~~

1 (a) ~~Enforcement~~ Seek enforcement of support orders or laws relating to the  
2 duty of support;₂

3 (b) ~~Establishment~~ Seek establishment or modification of child support;₂

4 (c) ~~Determination~~ Request determination of parentage of a child;₂

5 (d) ~~Location of~~ Attempt to locate obligors or their assets; or

6 (e) Request determination of the controlling child support order.

7 (24)(28) "Support order" means a judgment, decree, ~~or~~ order, decision, or  
8 directive, whether temporary, final, or subject to modification, issued in a state or  
9 foreign country for the benefit of a child, a spouse, or a former spouse, which  
10 provides for monetary support, health care, arrearages, retroactive support, or  
11 reimbursement for financial assistance provided to an individual obligee in place of  
12 child support. ~~and~~ The term may include related costs and fees, interest, income  
13 withholding, automatic adjustment, reasonable attorney fees, and other relief.

14 (25)(29) "Tribunal" means a court, administrative agency, or quasi judicial  
15 entity authorized to establish, enforce, or modify support orders or to determine  
16 parentage of a child. ~~However, with respect to the establishment, enforcement, or~~  
17 ~~modification of support orders or the determination of parentage in Louisiana, a~~  
18 ~~"tribunal" is limited to a state court of competent jurisdiction.~~

19 Art. ~~1301.4.~~ 1301.3. ~~Tribunals of state~~ State Tribunal and Support Enforcement  
20 Agency

21 A. The district courts or, if applicable, the family or juvenile courts, and the  
22 division of administrative review, ~~office of the secretary,~~ Department of Children  
23 and Family Services, or other administrative law division authorized by law, are the  
24 tribunals of this state for purposes of this Chapter.

25 B. The Department of Children and Family Services is the support  
26 enforcement agency of this state.

27 Art. ~~1301.5.~~ 1301.4. Remedies cumulative

28 A. Remedies provided by this Chapter are cumulative and do not affect the  
29 availability of remedies under other law or the recognition of a foreign support order  
30 on the basis of comity.

1                    B. This Chapter does not:

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

4                    (2) Grant a tribunal of this state jurisdiction to render judgment or issue an  
5                    order relating to child custody or visitation in a proceeding under this Chapter.

6                    Art. 1301.5. Application of Chapter to resident of foreign country and foreign  
7                    support proceeding

8                    A. A tribunal of this state shall apply Sections 1 through 6 and, as applicable,  
9                    Section 7, to a support proceeding involving:

10                  (1) A foreign support order;

11                  (2) A foreign tribunal; or

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

13                  B. A tribunal of this state that is requested to recognize and enforce a support  
14                  order on the basis of comity may apply the procedural and substantive provisions of  
15                  Sections 1 through 6.

16                  C. Section 7 applies only to a support proceeding under the Convention. In  
17                  such a proceeding, if a provision of Section 7 is inconsistent with Section 1 through  
18                  6, Section 7 controls.

19                                  Section 2. Jurisdiction

20                                  ~~Subsection A. Extended Personal Jurisdiction~~

21                    Art. 1302.1. Basis for jurisdiction over nonresident

22                    A. In a proceeding to establish, ~~or enforce, or modify~~ a support order or to  
23                    determine parentage of a child, a tribunal of this state may exercise personal  
24                    jurisdiction over a nonresident individual; ~~or his tutor~~ the individual's guardian,  
25                    curator, or tutor, in any of the following situations if:

26                    (1) The individual is personally served with citation, summons, or notice  
27                    within this state;:

28                    (2) The individual submits to the jurisdiction of this state by consent in a  
29                    record, by entering a general appearance, or by filing a responsive document having  
30                    the effect of waiving any ~~exception or~~ contest to personal jurisdiction;:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

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

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

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

8 (7) The individual asserted parentage of a child in the putative father registry  
9 maintained in this state by the Department of Health and Hospitals, office of public  
10 health; or

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

13 B. The basis for personal jurisdiction set forth in Paragraph A or in any other  
14 law of this state may not be used to acquire personal jurisdiction for a tribunal of this  
15 state to modify a child support order of another state unless the requirements of  
16 Article 1306.11 are met, or, in the case of a foreign support order, unless the  
17 requirements of Article 1306.15 are met.

18 ~~Art. 1302.2. Procedure when exercising jurisdiction over nonresident~~ Duration of  
19 personal jurisdiction

20 ~~A tribunal of this state exercising personal jurisdiction over a nonresident~~  
21 ~~under Article 1302.1 (Basis for jurisdiction over nonresident) may apply Article~~  
22 ~~1303.16 (Special rules of evidence and procedure) to receive evidence from another~~  
23 ~~state, and Article 1303.18 (Assistance with discovery) to obtain discovery through~~  
24 ~~a tribunal of another state. In all other respects, the provisions of Sections 3 through~~  
25 ~~7 of this Chapter do not apply and the tribunal shall apply the procedural and~~  
26 ~~substantive laws of this state, including the rules on choice of law other than those~~  
27 ~~established by this Chapter.~~ Personal jurisdiction acquired by a tribunal of this state  
28 in a proceeding under this Chapter or other law of this state relating to a support  
29 order continues as long as a tribunal of this state has continuing, exclusive



1 jurisdiction to modify its order or continuing jurisdiction to enforce its order as  
2 provided by Articles 1302.5, 1302.6, and 1302.11.

3 ~~Subsection B. Proceedings Involving~~

4 ~~Two or More States~~

5 Art. 1302.3. Initiating and responding tribunal of state

6 Under this Chapter, a tribunal of this state may serve as an initiating tribunal  
7 to forward proceedings to a tribunal of another state and as a responding tribunal for  
8 proceedings initiated in another state or a foreign country.

9 Art. 1302.4. Simultaneous proceedings ~~in another state~~

10 A. A tribunal of this state may exercise jurisdiction to establish a support  
11 order if the petition or comparable pleading is filed after a ~~petition or a comparable~~  
12 ~~pleading is filed in another state~~ or a foreign country only if ~~all of the following~~  
13 ~~exist~~:

14 (1) The petition or comparable pleading in this state is filed before the  
15 expiration of the time allowed in the other state or the foreign country for filing a  
16 responsive pleading challenging the exercise of jurisdiction by the other state or the  
17 foreign country;

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

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

21 B. A tribunal of this state may not exercise jurisdiction to establish a support  
22 order if the petition or comparable pleading is filed before a petition or comparable  
23 pleading is filed in another state or a foreign country if ~~all of the following~~ exist:

24 (1) The petition or comparable pleading in the other state or foreign country  
25 is filed before the expiration of the time allowed in this state for filing a responsive  
26 pleading challenging the exercise of jurisdiction by this state;

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

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

1 Art. 1302.5. Continuing; exclusive jurisdiction to modify child support order

2 A. A tribunal of this state ~~issuing a~~ that has issued a child support order  
 3 consistent with the ~~laws~~ law of this state has and shall exercise continuing, exclusive  
 4 jurisdiction ~~over a child support order as follows~~ to modify its child support order  
 5 if the order is the controlling order and:

6 (1) ~~As long as this state remains the residence of the obligor, the individual~~  
 7 ~~obligee, or the child for whose benefit the support order is issued.~~ At the time of the  
 8 filing of a request for modification, this state is the residence of the obligor, the  
 9 individual obligee, or the child for whose benefit the support order is issued; or

10 (2) ~~Until all of the parties who are individuals have filed written consent with~~  
 11 ~~the tribunal of this state for a tribunal of another state to modify the order and~~  
 12 ~~assume continuing, exclusive jurisdiction~~ Even if this state is not the residence of  
 13 the obligor, the individual obligee, or the child for whose benefit the support order  
 14 is issued, the parties consent in a record or in open court that the tribunal of this state  
 15 may continue to exercise jurisdiction to modify its order.

16 B. A tribunal of this state ~~issuing~~ that has issued a child support order  
 17 consistent with the law of this state may not exercise its continuing, exclusive  
 18 jurisdiction to modify the order if: ~~the order has been modified by a tribunal of~~  
 19 ~~another state pursuant to this Chapter or a law substantially similar to this Chapter.~~

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

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

25 C. ~~If a child support order of this state is modified by a tribunal of another~~  
 26 ~~state pursuant to this Chapter or a law substantially similar to this Chapter, a tribunal~~  
 27 ~~of this state loses its continuing, exclusive jurisdiction with regard to prospective~~  
 28 ~~enforcement of the order issued in this state, and may only:~~

29 (1) ~~Enforce the order that was modified as to amounts accruing before the~~  
 30 ~~modification.~~

1                   ~~(2) Enforce nonmodifiable aspects of that order.~~

2                   ~~(3) Provide other appropriate relief for violations of that order which~~  
3                   ~~occurred before the effective date of the modification. If a tribunal of another state~~  
4                   ~~has issued a child support order pursuant to the Uniform Interstate Family Support~~  
5                   ~~Act or a law substantially similar to that Act which modifies a child support order~~  
6                   ~~of a tribunal of this state, tribunals of this state shall recognize the continuing,~~  
7                   ~~exclusive jurisdiction of the tribunal of the other state.~~

8                   D. ~~A tribunal of this state shall recognize the continuing, exclusive~~  
9                   ~~jurisdiction of a tribunal of another state which has issued a child support order~~  
10                  ~~pursuant to this Chapter or a law substantially similar to this Chapter. A tribunal of~~  
11                  ~~this state that lacks continuing, exclusive jurisdiction to modify a child support order~~  
12                  ~~may serve as an initiating tribunal to request a tribunal of another state to modify a~~  
13                  ~~support order issued in that state.~~

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

17                  F. ~~A tribunal of this state issuing a support order consistent with the laws of~~  
18                  ~~this state has continuing, exclusive jurisdiction over a spousal support order~~  
19                  ~~throughout the existence of the support obligation. A tribunal of this state may not~~  
20                  ~~modify a spousal support order issued by a tribunal of another state having~~  
21                  ~~continuing, exclusive jurisdiction over that order under the laws of that state.~~

22                  Art. 1302.6. ~~Enforcement and modification of support order by tribunal having~~  
23                  ~~continuing jurisdiction~~ Continuing jurisdiction to enforce child support order

24                  A. A tribunal of this state that has issued a child support order consistent  
25                  ~~with the law of this state~~ may serve as an initiating tribunal to request a tribunal of  
26                  another state to enforce ~~or modify a support order issued in that state.;~~

27                  (1) The order if the order is the controlling order and has not been modified  
28                  ~~by a tribunal of another state that assumed jurisdiction pursuant to the Uniform~~  
29                  ~~Interstate Family Support Act; or~~

1                   (2) A money judgment for arrears of support and interest on the order  
2                   accrued before a determination that an order of a tribunal of another state is the  
3                   controlling order.

4                   B. A tribunal of this state having continuing, ~~exclusive~~ jurisdiction over a  
5                   support order may act as a responding tribunal to enforce ~~or modify~~ the order. If a  
6                   party ~~subject to the continuing, exclusive jurisdiction of the tribunal no longer~~  
7                   resides in the issuing state, in subsequent proceedings the tribunal may apply Article  
8                   1303.16 (Special rules of evidence and procedure) to receive evidence from another  
9                   state and Article 1303.18 (Assistance with discovery) to obtain discovery through a  
10                  tribunal of another state.

11                  C. ~~A tribunal of this state which lacks continuing, exclusive jurisdiction over~~  
12                  a spousal support order may not serve as a responding tribunal to modify a spousal  
13                  support order of another state.

14                                   ~~Subsection C. Reconciliation of Multiple Orders~~

15                  Art. 1302.7. ~~Recognition~~ Determination of controlling child support order

16                  A. If a proceeding is brought under this Chapter, and only one tribunal has  
17                  issued a child support order, the order of that tribunal controls and must be ~~so~~  
18                  recognized.

19                  B. If a proceeding is brought under this Chapter, and two or more child  
20                  support orders have been issued by tribunals of this state, ~~or another state, or a~~  
21                  foreign country with regard to the same obligor and same child, a tribunal of this  
22                  state having personal jurisdiction over both the obligor and individual obligee shall  
23                  apply the following rules ~~in determining which order to recognize for purposes of~~  
24                  continuing, exclusive jurisdiction and by order shall determine which order controls  
25                  and must be recognized:

26                               (1) If only one of the tribunals would have continuing, exclusive jurisdiction  
27                               under this Chapter, the order of that tribunal controls ~~and must be so recognized.~~

28                               (2) If more than one of the tribunals would have continuing, exclusive  
29                               jurisdiction under this Chapter;

1           (a) ~~an~~ An order issued by a tribunal in the current home state of the child  
 2           controls ~~and must be so recognized~~, or

3           (b) ~~but if~~ If an order has not been issued in the current home state of the  
 4           child, the order most recently issued controls ~~and must be so recognized~~.

5           (3) If none of the tribunals would have continuing, exclusive jurisdiction  
 6           under this Chapter, the tribunal of this state ~~having jurisdiction over the parties~~ shall  
 7           issue a child support order, which controls ~~and must be so recognized~~.

8           C. If two or more child support orders have been issued for the same obligor  
 9           and same child, ~~and if the obligor or the individual obligee resides in the state, a~~  
 10          ~~party may request a tribunal of this state to~~ upon request of a party who is an  
 11          individual or that is a support enforcement agency, a tribunal of this state having  
 12          personal jurisdiction over both the obligor and the obligee who is an individual shall  
 13          determine which order controls ~~and must be so recognized~~ under Paragraph B hereof.  
 14          The request may be filed with a registration for enforcement or registration for  
 15          modification pursuant to Section 6, or may be filed as a separate proceeding.

16          D. A request to determine which is the controlling order ~~The request~~ must  
 17          be accompanied by a ~~certified~~ copy of every child support order in effect and the  
 18          applicable record of payments. The requesting party shall give notice of the request  
 19          to each party whose rights may be affected by the determination.

20          ~~D.E.~~ E. The tribunal that issued the controlling order under Paragraph A, B, or  
 21          C of this Article ~~is the tribunal that~~ has continuing, ~~exclusive~~ jurisdiction in  
 22          accordance ~~with~~ to the extent provided in Article 1302.5 (~~Continuing, exclusive~~  
 23          ~~jurisdiction~~) or 1302.6.

24          E.F. A tribunal of this state that determines by order ~~the identity of the~~  
 25          controlling order under Subparagraph B(1) or (2) ~~or that issues a new controlling~~  
 26          order under Subparagraph B(3) shall state in that order the basis upon which the  
 27          tribunal made its determination: which is the controlling order under Subparagraph  
 28          (B)(1) or (2) or Paragraph C, or that issues a new controlling order under  
 29          Subparagraph (B)(3), shall state in that order:

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

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

2                   (3) The total amount of consolidated arrears and accrued interest, if any,  
 3                   under all of the orders after all payments made are credited as provided by Article  
 4                   1302.9.

5                   F.G. Within thirty days after issuance of an order determining ~~the identity~~  
 6                   of which is the controlling order, the party obtaining the order shall file a certified  
 7                   copy of it ~~with~~ in each tribunal that issued or registered an earlier order of child  
 8                   support. A party or support enforcement agency obtaining ~~who obtains~~ the order ~~and~~  
 9                   that fails to file a certified copy is subject to appropriate sanctions by a tribunal in  
 10                  which the issue of failure to file arises. The failure to file does not affect the validity  
 11                  or enforceability of the controlling order.

12                  H. An order that has been determined to be the controlling order, or a  
 13                  judgment for consolidated arrears of support and interest, if any, made pursuant to  
 14                  this Article must be recognized in proceedings under this Chapter.

15                  Art. 1302.8. ~~Multiple child~~ Child support orders for two or more obligees

16                  In responding to ~~multiple~~ registrations or petitions for enforcement of two or  
 17                  more child support orders in effect at the same time with regard to the same obligor  
 18                  and different individual obligees, at least one of which was issued by a tribunal of  
 19                  another state or a foreign country, a tribunal of this state shall enforce those orders  
 20                  in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this  
 21                  state.

22                  Art. 1302.9. Credit for payments

23                  ~~Amounts collected and credited for a particular period pursuant to a support~~  
 24                  ~~order issued by a tribunal of another state must be credited against the amounts~~  
 25                  ~~accruing or accrued for the same period under a support order issued by the tribunal~~  
 26                  ~~of this state.~~

27                  A tribunal of this state shall credit amounts collected for a particular period  
 28                  pursuant to any child support order against the amounts owed for the same period  
 29                  under any other child support order for support of the same child issued by a tribunal  
 30                  of this state, another state, or a foreign country.

1           Art. 1302.10. Application of Chapter to nonresident subject to personal jurisdiction  
 2                   A tribunal of this state exercising personal jurisdiction over a nonresident in  
 3           a proceeding under this Chapter, under other law of this state relating to a support  
 4           order, or recognizing a foreign support order may receive evidence from outside this  
 5           state pursuant to Article 1303.16, communicate with a tribunal outside this state  
 6           pursuant to Article 1303.17, and obtain discovery through a tribunal outside this state  
 7           pursuant to Article 1303.18. In all other respects, Sections 3 through 6 do not apply,  
 8           and the tribunal shall apply the procedural and substantive law of this state.

9           Art. 1302.11. Continuing exclusive jurisdiction to modify spousal support order

10                   A. A tribunal of this state issuing a spousal support order consistent with the  
 11           law of this state has continuing, exclusive jurisdiction to modify the spousal support  
 12           order throughout the existence of the support obligation.

13                   B. A tribunal of this state may not modify a spousal support order issued by  
 14           a tribunal of another state or a foreign country having continuing, exclusive  
 15           jurisdiction over that order under the law of that state or foreign country.

16                   C. A tribunal of this state that has continuing, exclusive jurisdiction over a  
 17           spousal support order may serve as:

18                           (1) An initiating tribunal to request a tribunal of another state to enforce the  
 19           spousal support order issued in this state; or

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

21                           Section 3. Civil Provisions of General Application

22           Art. 1303.1. Proceedings under Chapter

23                   A. Except as otherwise provided by in this Chapter, this Section applies to  
 24           all proceedings under this Chapter.

25                   ~~B. This Chapter provides for the following proceedings:~~

26                           ~~(1) Establishment of an order for spousal support or child support pursuant~~  
 27           ~~to Section 4 of this Chapter.~~

28                           ~~(2) Enforcement of a support order and income-withholding order of another~~  
 29           ~~state without registration pursuant to Section 5 of this Chapter.~~

1                   (3) ~~Registration of an order for spousal support or child support of another~~  
2                   ~~state for enforcement pursuant to Section 7 of this Chapter.~~

3                   (4) ~~Modification of an order for child support or spousal support issued by~~  
4                   ~~a tribunal of this state pursuant to Subsection B of Section 2 of this Chapter.~~

5                   (5) ~~Registration of an order for child support for another state for~~  
6                   ~~modification pursuant to Section 6 of this Chapter.~~

7                   (6) ~~Determination of parentage pursuant to Section 7 of this Chapter.~~

8                   (7) ~~Assertion of jurisdiction over nonresidents pursuant to Subsection A of~~  
9                   ~~Section 2 of this Chapter.~~

10                  C.B. An individual petitioner or a support enforcement agency may  
11                  ~~commence~~ initiate a proceeding authorized under this Chapter by filing a petition in  
12                  an initiating tribunal for forwarding to a responding tribunal or by filing a petition  
13                  or a comparable pleading directly in a tribunal of another state or foreign country  
14                  which has or can obtain personal jurisdiction over the respondent.

15                  Art. 1303.2. ~~Action~~ Proceeding by minor parent

16                         A minor parent, or a ~~tutor~~ guardian or other legal representative of a minor  
17                         parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

18                  Art. 1303.3. Application of law of state

19                         Except as otherwise provided by this Chapter, a responding tribunal of this  
20                         state shall:

21                                 (1) Apply the procedural and substantive law, ~~including the rules on choice~~  
22                                 ~~of law~~, generally applicable to similar proceedings originating in this state and may  
23                                 exercise all powers and provide all remedies available in those proceedings; and

24                                 (2) Determine the duty of support and the amounts payable in accordance  
25                                 with the law and support guidelines of this state.

26                  Art. 1303.4. Duties of initiating tribunal

27                         A. Upon the filing of a petition authorized by this Chapter, an initiating  
28                         tribunal of this state shall forward ~~three copies~~ of the petition and its accompanying  
29                         documents ~~as follows~~:



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

3 (2) If the identity of the responding tribunal is unknown, to the state  
4 information agency of the responding state with a request that ~~the documents~~ they  
5 be forwarded to the appropriate tribunal and that receipt be acknowledged.

6 B. ~~If a responding state has not enacted this Chapter or a law or procedure~~  
7 ~~substantially similar to this Chapter, a tribunal of this state may issue a certificate or~~  
8 ~~other document and make findings required by the law of the responding state. If the~~  
9 ~~responding state is a foreign jurisdiction, the tribunal may specify the amount of~~  
10 ~~support sought and provide other documents necessary to satisfy the requirements~~  
11 ~~of the responding state. If requested by the responding tribunal, a tribunal of this~~  
12 ~~state shall issue a certificate or other document and make findings required by the~~  
13 ~~law of the responding state. If the responding tribunal is in a foreign country, upon~~  
14 ~~request the tribunal of this state shall specify the amount of support sought, convert~~  
15 ~~that amount into the equivalent amount in the foreign currency under applicable~~  
16 ~~official or market exchange rate as publicly reported, and provide any other~~  
17 ~~documents necessary to satisfy the requirements of the responding foreign tribunal.~~

18 Art. 1303.5. Duties and powers of responding tribunal

19 A. When a responding tribunal of this state receives a petition or comparable  
20 pleading from an initiating tribunal or directly pursuant to Article 1303.1(~~C~~)  
21 (~~Proceeding under this Chapter~~) (B), it shall cause the petition or pleading to be filed  
22 and notify the petitioner where and when it was filed.

23 B. A responding tribunal of this state, to the extent ~~otherwise authorized by~~  
24 not prohibited by other law, may do one or more of the following:

25 (1) ~~Issue~~ Establish or enforce a support order, modify a child support order,  
26 ~~determine the controlling child support order,~~ or ~~render a judgment to determine~~  
27 ~~parentage of a child;~~

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

30 (3) Order income withholding;

1 (4) Determine the amount of any arrearages and specify a method of  
 2 payment;

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

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

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

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

9 (9) Issue a bench warrant or an order of contempt ~~or a bench warrant, or~~  
 10 ~~both~~, for an obligor who has failed; after proper notice; to appear at a hearing ordered  
 11 by the tribunal and enter the order of contempt and bench warrant in any local and  
 12 state computer systems for criminal warrants;

13 (10) Order the obligor to seek appropriate employment by specified  
 14 methods;

15 (11) Award reasonable attorney fees and other fees and costs; and

16 (12) Grant any other available remedy.

17 C. A responding tribunal of this state shall include in a support order issued  
 18 under this Chapter, or in the documents accompanying the order, the calculations on  
 19 which the support order is based.

20 D. A responding tribunal of this state may not condition the payment of a  
 21 support order issued under this Chapter upon compliance by a party with provisions  
 22 for visitation.

23 E. If a responding tribunal of this state issues an order under this Chapter,  
 24 the tribunal shall send a copy of the order to the petitioner and the respondent and to  
 25 the initiating tribunal, if any.

26 F. If requested to enforce a support order, arrears, or judgment or modify a  
 27 support order stated in a foreign currency, a responding tribunal of this state shall  
 28 convert the amount stated in the foreign currency to the equivalent amount in dollars  
 29 under the applicable official or market exchange rate as publicly reported.

1 Art. 1303.6. Inappropriate tribunal

2 If a petition or comparable pleading is received by an inappropriate tribunal  
 3 of this state, ~~it~~ the tribunal shall forward the pleading and accompanying documents  
 4 to an appropriate tribunal in this state or another state and notify the petitioner where  
 5 and when the pleading was sent.

6 Art. 1303.7. Duties of the support enforcement agency

7 A. ~~A support enforcement agency of this state, upon request, shall provide~~  
 8 ~~services to a petitioner in a proceeding under this Chapter.~~ In a proceeding under this  
 9 Chapter, a support enforcement agency of this state, upon request:

10 (1) Shall provide services to a petitioner residing in a state;

11 (2) Shall provide services to a petitioner requesting services through a central  
 12 authority of a foreign country as described in Article 1301.2(5)(a) or (d); and

13 (3) May provide services to a petitioner who is an individual not residing in  
 14 a state.

15 B. A support enforcement agency that is providing services to the petitioner;  
 16 ~~as appropriate,~~ shall:

17 (1) Take all steps necessary to enable an appropriate tribunal in this state, ~~or~~  
 18 ~~another state,~~ or a foreign country to obtain jurisdiction over the respondent;:

19 (2) Request an appropriate tribunal to set a date, time, and place for a  
 20 hearing;:

21 (3) Make a reasonable effort to obtain all relevant information, including  
 22 information as to income and property of the parties;:

23 (4) Within two days, exclusive of Saturdays, Sundays, and legal holidays,  
 24 after receipt of ~~a written~~ notice in a record from an initiating, responding, or  
 25 registering tribunal, send a copy of the notice to the petitioner;:

26 (5) Within two days, exclusive of Saturdays, Sundays, and legal holidays,  
 27 after receipt of ~~a written~~ communication in a record from the respondent or the  
 28 respondent's attorney, send a copy of the communication to the petitioner; and

29 (6) Notify the petitioner if jurisdiction over the respondent cannot be  
 30 obtained.

1           C. A support enforcement agency of this state that requests registration of  
2           a child support order in this state for enforcement or for modification shall make  
3           reasonable efforts:

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

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

8           D. A support enforcement agency of this state that requests registration and  
9           enforcement of a support order, arrears, or judgment stated in a foreign currency  
10           shall convert the amounts stated in the foreign currency into the equivalent amounts  
11           in dollars under the applicable official or market exchange rate as publicly reported.

12           E. A support enforcement agency of this state shall issue or request a tribunal  
13           of this state to issue a child support order and an income-withholding order that  
14           redirect payment of current support, arrears, and interest if requested to do so by a  
15           support enforcement agency of another state pursuant to Article 1303.19.

16           €.F. This Chapter does not create or negate a relationship of attorney and  
17           client or other fiduciary relationship between a support enforcement agency or the  
18           attorney for the agency and the individual being assisted by the agency.

19           Art. 1303.8. Duty of attorney general

20                   A. If the attorney general determines that the support enforcement agency  
21           is neglecting or refusing to provide services to an individual, the attorney general  
22           may order the agency to perform its duties under this Chapter or may provide those  
23           services directly to the individual.

24                   B. The attorney general may determine that a foreign country has established  
25           a reciprocal arrangement for child support with this state and take appropriate action  
26           for notification of the determination.

27           Art. 1303.9. Private counsel

28                   An individual may employ private counsel to represent the individual in  
29           proceedings authorized by this Chapter.

1 Art. 1303.10. Duties of the Department of Children and Family Services; state  
 2 information agency

3 A. The ~~department~~ Department of Children and Family Services is the state  
 4 information agency under this Chapter.

5 B. The state information agency shall:

6 (1) Compile and maintain a current list, including addresses, of the tribunals  
 7 in this state that have jurisdiction under this Chapter and any support enforcement  
 8 agencies in this state and transmit a copy to the state information agency of every  
 9 other state;

10 (2) Maintain a register of names and addresses of tribunals and support  
 11 enforcement agencies received from other states;

12 (3) Forward to the appropriate tribunal in the place in this state in which the  
 13 obligee who is an individual obligee or the obligor resides, or ~~where in which~~ the  
 14 obligor's property is believed to be located, all documents concerning a proceeding  
 15 under this Chapter received from ~~an initiating tribunal or the state information~~  
 16 ~~agency of the initiating state.~~ another state or a foreign country; and

17 (4) Obtain information concerning the location of the obligor and the  
 18 obligor's property within this state not exempt from execution, by such means as  
 19 postal verification and federal or state locator services, examination of telephone  
 20 directories, requests for the obligor's address from employers, and examination of  
 21 governmental records, including, to the extent not prohibited by other law, those  
 22 relating to real property, vital statistics, law enforcement, taxation, motor vehicles,  
 23 drivers' licenses, and social security.

24 Art. 1303.11. Pleadings and accompanying documents

25 A. ~~A petitioner seeking to establish or modify a support order or to~~  
 26 ~~determine parentage in a proceeding under this Chapter must verify the petition. In~~  
 27 a proceeding under this Chapter, a petitioner seeking to establish a support order, to  
 28 determine parentage of a child, or to register and modify a support order of a tribunal  
 29 of another state or a foreign country must file a petition. Unless otherwise ordered  
 30 under Article 1303.12 (~~Non~~disclosure of information in exceptional circumstances),

1 the petition or accompanying documents must provide, so far as known, the name,  
 2 residential address, and social security numbers of the obligor and the obligee or the  
 3 parent and alleged parent, and the name, sex, residential address, social security  
 4 number, and the date of birth of each child for ~~whom~~ whose benefit support is sought  
 5 or whose parentage is to be determined. ~~The~~ Unless filed at the time of registration,  
 6 the petition must be accompanied by a ~~certified~~ copy of any support order ~~in effect~~  
 7 known to have been issued by another tribunal. The petition may include any other  
 8 information that may assist in locating or identifying the respondent.

9 B. The petition must specify the relief sought. The petition and  
 10 accompanying documents must conform substantially with the requirements imposed  
 11 by the forms mandated by federal law for use in cases filed by a support enforcement  
 12 agency.

13 Art. 1303.12. Nondisclosure of information in exceptional circumstances

14 ~~Upon a finding, which may be made ex parte, that the health, safety, or~~  
 15 ~~liberty of a party or child would be unreasonably put at risk by the disclosure of~~  
 16 ~~identifying information, or if an existing order so provides, a tribunal shall order that~~  
 17 ~~the address of the child or party or other identifying information not be disclosed in~~  
 18 ~~a pleading or other document filed in a proceeding under this Chapter. If a party~~  
 19 ~~alleges in an affidavit or a pleading under oath that the health, safety, or liberty of~~  
 20 ~~a party or child would be jeopardized by disclosure of specific identifying~~  
 21 ~~information, that information shall be sealed and shall not be disclosed to the other~~  
 22 ~~party or the public. After a hearing in which a tribunal takes into consideration the~~  
 23 ~~health, safety, or liberty of the party or child, the tribunal may order disclosure of~~  
 24 ~~information that the tribunal determines to be in the interest of justice.~~

25 Art. 1303.13. Costs and fees

26 A. The petitioner may not be required to pay a filing fee or other costs.

27 B. If an obligee prevails, a responding tribunal of this state may assess  
 28 against an obligor filing fees, reasonable ~~attorney~~ attorney's fees, other costs, and  
 29 necessary travel and other reasonable expenses incurred by the obligee and the  
 30 obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the

1 obligee or the support enforcement agency of either the initiating or the responding  
2 state or foreign country, except as provided by other law. ~~Attorney~~ Attorney's fees  
3 may be taxed as costs and may be ordered paid directly to the attorney, who may  
4 enforce the order in the attorney's own name. Payment of support owed to the  
5 obligee has priority over fees, costs, and expenses.

6 C. The tribunal shall order the payment of costs and reasonable ~~attorney~~  
7 attorney's fees if it determines that a hearing was requested primarily for delay. In  
8 a proceeding under Section 6 ~~of this Chapter (Enforcement and modification of~~  
9 ~~support order after registration)~~, a hearing is presumed to have been requested  
10 primarily for delay if a registered support order is confirmed or enforced without  
11 change.

12 Art. 1303.14. Limited immunity of petitioner

13 A. Participation by a petitioner in a proceeding under this Chapter before a  
14 responding tribunal, whether in person, by private attorney, or through services  
15 provided by the support enforcement agency, does not confer personal jurisdiction  
16 over the petitioner in another proceeding.

17 B. A petitioner is not amenable to ~~services~~ service of civil process while  
18 physically present in this state to participate in a proceeding under this Chapter.

19 C. The immunity granted by this Article does not extend to civil litigation  
20 based on acts unrelated to a proceeding under this Chapter committed by a party  
21 while physically present in this state to participate in the proceeding.

22 Art. 1303.15. Nonparentage as defense

23 A party whose parentage of a child has been previously determined by or  
24 pursuant to law may not plead nonparentage as a defense to a proceeding under this  
25 Chapter.

26 Art. 1303.16. Special rules of evidence and ~~procedures~~ procedure

27 A. The physical presence of ~~the petitioner in a responding~~ a nonresident  
28 party who is an individual in a tribunal of this state is not required for the  
29 establishment, enforcement, or modification of a support order or the rendition of a  
30 judgment determining parentage of a child.

1           B. ~~A verified petition,~~ An affidavit, document substantially complying with  
2           federally mandated forms, ~~and~~ or a document incorporated by reference in any of  
3           them, which would not be excluded under the hearsay rule if given in person, is  
4           admissible in evidence if given under ~~oath~~ penalty of perjury by a party or witness  
5           residing ~~in another~~ outside this state.

6           C. A copy of the record of child support payments certified as a true copy  
7           of the original by the custodian of the record may be forwarded to a responding  
8           tribunal. The copy is evidence of facts asserted in it and is admissible to show  
9           whether payments were made.

10          D. Copies of bills for testing for parentage and for prenatal and postnatal  
11          health care of the mother and child, furnished to the adverse party at least ten days  
12          before trial, are admissible in evidence to prove the amount of the charges billed and  
13          that the charges were reasonable, necessary, and customary.

14          E. Documentary evidence transmitted from ~~another~~ outside this state to a  
15          tribunal of this state by telephone, telecopier, or other electronic means that do not  
16          provide an original writing record may not be excluded from evidence on an  
17          objection based on the means of transmission.

18          F. In a proceeding under this Chapter, a tribunal of this state ~~may~~ shall  
19          permit a party or witness residing ~~in another~~ outside this state to be deposed or to  
20          testify under penalty of perjury by telephone, audiovisual means, or other electronic  
21          means at a designated tribunal or other location ~~in that state~~. A tribunal of this state  
22          shall cooperate with other tribunals ~~of other states~~ in designating an appropriate  
23          location for the deposition or testimony.

24          G. If a party called to testify at a civil hearing refuses to answer on the  
25          ground that the testimony may be self-incriminating, the trier of fact may draw an  
26          adverse inference from the refusal.

27          H. A privilege against disclosure of communications between spouses does  
28          not apply in a proceeding under this Chapter.

29          I. The defense of immunity based on the relationship of husband and wife  
30          or parent and child does not apply in a proceeding under this Chapter.



1                    J. A voluntary acknowledgment of paternity, certified as a true copy, is  
 2                    admissible to establish parentage of the child.

3                    Art. 1303.17. Communications between tribunals

4                    A tribunal of this state may communicate with a tribunal ~~of another~~ outside  
 5                    this state in writing, a record or by telephone, electronic mail, or other means, to  
 6                    obtain information concerning the laws ~~of that state~~, the legal effect of a judgment,  
 7                    decree, or order of that tribunal, and the status of a proceeding ~~in the other state~~. A  
 8                    tribunal of this state may furnish similar information by similar means to a tribunal  
 9                    ~~of another~~ outside this state.

10                  Art. 1303.18. Assistance with discovery

11                  A tribunal of this state may ~~do all of the following~~:

12                  (1) Request a tribunal ~~of another~~ outside this state to assist in obtaining  
 13                  discovery; and

14                  (2) ~~Or~~ Upon request, compel a person over whom it has jurisdiction to  
 15                  respond to a discovery order issued by a tribunal ~~of another~~ outside this state.

16                  Art. 1303.19. Receipt and disbursement of payments

17                  A. A support enforcement agency or tribunal of this state shall disburse  
 18                  promptly any amounts received pursuant to a support order, as directed by the order.  
 19                  The agency or tribunal shall furnish to a requesting party or tribunal of another state  
 20                  or a foreign country a certified statement by the custodian of the record of the  
 21                  amounts and dates of all payments received.

22                  B. If neither the obligor, nor the obligee who is an individual, nor the child  
 23                  resides in this state, upon request from the support enforcement agency of this state  
 24                  or another state, the support enforcement agency of this state or a tribunal of this  
 25                  state shall:

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

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

1            C. The support enforcement agency of this state receiving redirected  
 2            payments from another state pursuant to a law similar to Paragraph B of this Article  
 3            shall furnish to a requesting party or tribunal of the other state a certified statement  
 4            by the custodian of the record of the amount and dates of all payments received.

5            Section 4. Establishment of Support Order or Determination of Parentage

6            Art. 1304.1. ~~Petition to establish~~ Establishment of support order

7            A. If a support order entitled to recognition under this Chapter has not been  
 8            issued, a responding tribunal of this state with personal jurisdiction over the  
 9            parties may issue a support order if ~~either~~:

10            (1) The individual seeking the order resides ~~in another~~ outside this state;; or

11            (2) The support enforcement agency seeking the order is located ~~in another~~  
12            outside this state.

13            B. ~~The tribunal may issue a temporary child support order in the event of any~~  
14            ~~of the following:~~

15            (1) ~~The respondent has signed a verified statement acknowledging parentage.~~

16            (2) ~~The respondent has been determined by or pursuant to law to be the~~  
17            ~~parent.~~

18            (3) ~~There is other clear and convincing evidence that the respondent is the~~  
19            ~~child's parent.~~

20            The tribunal may issue a temporary child support order if the tribunal  
21            determines that such an order is appropriate and the individual ordered to pay is:

22            (1) A presumed father of the child;

23            (2) Petitioning to have his paternity adjudicated;

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

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

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

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

28            (7) The mother of the child; or

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

1 C. Upon finding, after notice and opportunity to be heard, that an obligor  
2 owes a duty of support, the tribunal shall issue a support order directed to the obligor  
3 and may issue other orders pursuant to Article 1303.5 (~~Duties and powers of~~  
4 ~~responding tribunal~~).

5 Art. 1304.2. Proceeding to Determine Parentage

6 A tribunal of this state authorized to determine parentage of a child may serve  
7 as a responding tribunal in a proceeding to determine parentage of a child brought  
8 under this Chapter or a law or procedure substantially similar to this Chapter.

9 Section 5. Enforcement of Support Order  
10 ~~of Another State~~ Without Registration

11 Art. 1305.1. Employer's receipt of income-withholding order of another state

12 An income-withholding order issued in another state may be sent by or on  
13 behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~  
14 defined as the obligor's employer under the income withholding law of this state  
15 without first filing a petition or comparable pleading or registering the order with a  
16 tribunal of this state.

17 Art. 1305.2. Employer's compliance with income-withholding ~~order~~ of another state

18 A. Upon receipt of an income-withholding order, the obligor's employer  
19 shall immediately provide a copy of the order to the obligor.

20 B. The employer shall treat an income-withholding order issued in another  
21 state which appears regular on its face as if it had been issued by a tribunal of this  
22 state.

23 C. Except as otherwise provided in Paragraph D of this Article hereof and  
24 Article 1305.3, the employer shall withhold and distribute the funds as directed in  
25 the withholding order by complying with the terms of the order, which ~~specifies all~~  
26 ~~of the following~~ specify:

27 (1) The duration and ~~the~~ amount of periodic payments of current child  
28 support, stated as a sum certain;:

29 (2) The person ~~or agency~~ designated to receive payments and the address to  
30 which the payments are to be forwarded;:

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

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

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

9 D. An employer shall comply with the law of the state of the obligor's  
10 principal place of employment for withholding from income with respect to ~~all of the~~  
11 following:

12 (1) The employer's fee for processing an income-withholding order;

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

15 (3) The times within which the employer must implement the withholding  
16 order and forward the child support payment.

17 ~~Art. 1305.3. Compliance~~ Employer's compliance with multiple two or more income-  
18 withholding orders

19 If the obligor's employer receives ~~multiple two or more~~ multiple two or more income-withholding  
20 orders with respect to the earnings of the same obligor, the employer satisfies the  
21 terms of the ~~multiple~~ multiple orders if the employer complies with the law of the state of the  
22 obligor's principal place of employment to establish the priorities for withholding  
23 and allocating income withheld for ~~multiple two or more~~ multiple two or more child support obligees.

24 Art. 1305.4. Immunity from civil liability

25 An employer ~~who~~ that complies with an income-withholding order issued in  
26 another state in accordance with this Section is not subject to civil liability to ~~any~~ an  
27 individual or agency with regard to the employer's withholding of child support from  
28 the obligor's income.

1 Art. 1305.5. Penalties for noncompliance

2 An employer ~~who~~ that willfully fails to comply with an income-withholding  
 3 order issued ~~by~~ in another state and received for enforcement is subject to the same  
 4 penalties that may be imposed for noncompliance with an order issued by a tribunal  
 5 of this state.

6 Art. 1305.6. Contest by obligor

7 A. An obligor may contest the validity or enforcement of an income-  
 8 withholding order issued in another state and received directly by an employer in this  
 9 state by registering the order in a tribunal of this state and filing a contest to that  
 10 order as provided in Section 6, or otherwise contesting the order in the same manner  
 11 as if the order had been issued by a tribunal of this state. ~~Article 1306.4 (Choice of~~  
 12 ~~law) applies to the contest.~~

13 B. The obligor shall give notice of the contest to ~~all of the following~~:

- 14 (1) A support enforcement agency providing services to the obligee;
- 15 (2) Each employer that has directly received an income-withholding order:  
 16 relating to the obligor; and
- 17 (3) The person ~~or agency~~ designated to receive payments in the income-  
 18 withholding order or, if no person ~~or agency~~ is designated, to the obligee.

19 Art. 1305.7. Administrative enforcement of orders

20 A. A party or support enforcement agency seeking to enforce a support order  
 21 or an income-withholding order, or both, issued ~~by a tribunal of~~ in another state or  
 22 a foreign support order may send the documents required for registering the order to  
 23 a support enforcement agency of this state.

24 B. Upon receipt of the documents, the support enforcement agency, without  
 25 initially seeking to register the order, shall consider and, if appropriate, use any  
 26 administrative procedure authorized by the law of this state to enforce a support  
 27 order or an income-withholding order, or both. If the obligor does not contest  
 28 administrative enforcement, the order need not be registered. If the obligor contests  
 29 the validity or administrative enforcement of the order, the support enforcement  
 30 agency shall register the order pursuant to this Chapter.

1 Section 6. Registration, Enforcement, and Modification of  
2 Support Order ~~After Registration~~

3 Subsection A. Registration ~~and~~ for Enforcement  
4 of Support Order

5 Art. 1306.1. Registration of order for enforcement

6 A support order or an income-withholding order issued by a tribunal of  
7 ~~another state~~ in another state or a foreign support order may be registered in this state  
8 for enforcement.

9 Art. 1306.2. Procedure to register order for enforcement

10 A. Except as otherwise provided in Article 1307.6, a ~~A~~ support order or  
11 income-withholding order of another state or a foreign support order may be  
12 registered in this state by sending the following ~~documents and information~~ records  
13 to the appropriate tribunal in this state:

14 (1) A letter of transmittal to the tribunal requesting registration and  
15 enforcement;

16 (2) Two copies, including one certified copy, of ~~all orders~~ the order to be  
17 registered, including any modification of ~~an~~ the order;

18 (3) A sworn statement by the ~~party seeking~~ person requesting registration or  
19 a certified statement by the custodian of the records showing the amount of any  
20 arrearage;

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

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

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

25 (c) A description and the location of property of the obligor in this state not  
26 exempt from execution; and

27 (5) Except as otherwise provided in Article 1303.12, the ~~The~~ name and  
28 address of the obligee and, if applicable, the ~~agency or~~ person to whom support  
29 payments are to be remitted.

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

5                   C. A petition or comparable pleading seeking a remedy that must be  
 6                   affirmatively sought under other law of this state may be filed at the same time as the  
 7                   request for registration or later. The pleading must specify the grounds for the  
 8                   remedy sought.

9                   D. If two or more orders are in effect, the person requesting registration  
 10                  shall:

11                  (1) Furnish to the tribunal a copy of every support order asserted to be in  
 12                  effect in addition to the documents specified in this Section;

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

14                  (3) Specify the amount of consolidated arrears, if any.

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

19                  Art. 1306.3. Effect of registration for enforcement

20                  A. A support order or income-withholding order issued in another state or  
 21                  a foreign support order is registered when the order is filed in the registering tribunal  
 22                  of this state.

23                  B. A registered support order issued in another state or a foreign country is  
 24                  enforceable in the same manner and is subject to the same procedures as an order  
 25                  issued by a tribunal of this state.

26                  C. Except as otherwise provided in this ~~Section~~ Chapter, a tribunal of this  
 27                  state shall recognize and enforce, but may not modify, a registered support order if  
 28                  the issuing tribunal had jurisdiction.

1 Art. 1306.4. Choice of law

2 A. Except as otherwise provided in Paragraph D, the ~~The~~ law of the issuing  
 3 state or foreign country governs:

4 (1) The ~~the~~ nature, extent, amount, and duration of current payments ~~and~~  
 5 ~~other obligations of support and the payment of arrearages under the order~~ under a  
 6 registered support order;

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

9 (3) The existence and satisfaction of other obligations under the support  
 10 order.

11 B. In a proceeding for ~~arrearages~~ arrears under a registered support order, the  
 12 ~~prescriptive period under the laws~~ statute of limitation of this state or of the issuing  
 13 state or foreign country, whichever is longer, applies.

14 C. A responding tribunal of this state shall apply the procedures and  
 15 remedies of this state to enforce current support and collect arrears and interest due  
 16 on a support order of another state or a foreign country registered in this state.

17 D. After a tribunal of this state or another state determines which is the  
 18 controlling order and issues an order consolidating arrears, if any, a tribunal of this  
 19 state shall prospectively apply the law of the state or foreign country issuing the  
 20 controlling order, including its law on interest on arrears, on current and future  
 21 support, and on consolidated arrears.

22 Subsection B. Contest of Validity or Enforcement

23 Art. 1306.5. Notice of registration of order

24 A. When a support order or income-withholding order issued in another state  
 25 or a foreign support order is registered, the registering tribunal of this state shall  
 26 notify the nonregistering party. The notice must be accompanied by a copy of the  
 27 registered order and the documents and relevant information accompanying the  
 28 order.



1 B. The notice must inform the nonregistering party ~~of all of the following:~~

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

4 (2) That a hearing to contest the validity or enforcement of the registered  
 5 order must be requested within twenty days after notice unless the registered order  
 6 is under Article 1307.7;

7 (3) That failure to contest the validity or enforcement of the registered order  
 8 in a timely manner will result in confirmation of the order and enforcement of the  
 9 order and the alleged arrearages ~~and precludes further contest of that order with~~  
 10 ~~respect to any matter that could have been asserted;~~ and

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

12 C. If the registering party asserts that two or more orders are in effect, a  
 13 notice must also:

14 (1) Identify the two or more orders and the order alleged by the registering  
 15 party to be the controlling order and the consolidated arrears, if any;

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

18 (3) State that the procedures provided in Paragraph B apply to the  
 19 determination of which is the controlling order; and

20 (4) State that failure to contest the validity or enforcement of the order  
 21 alleged to be the controlling order in a timely manner may result in confirmation that  
 22 the order is the controlling order.

23 D. Upon registration of an income-withholding order for enforcement, the  
 24 support enforcement agency or the registering tribunal shall notify the obligor's  
 25 employer pursuant to the income-withholding ~~laws~~ law of this state.

26 Art. 1306.6. Procedure to contest validity or enforcement of registered support order

27 A. A nonregistering party seeking to contest the validity or enforcement of  
 28 a registered support order in this state shall request a hearing within ~~twenty days~~  
 29 ~~after notice of the registration~~ the time required by Article 1306.5. The  
 30 nonregistering party may seek to vacate the registration, to assert any defense to an

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 allegation of noncompliance with the registered order, or to contest the remedies  
 2 being sought or the amount of any alleged arrearages pursuant to Article 1306.7  
 3 (~~Contest of registration or enforcement~~).

4 B. If the nonregistering party fails to contest the validity or enforcement of  
 5 the registered support order in a timely manner, the order is confirmed by operation  
 6 of law.

7 C. If a nonregistering party requests a hearing to contest the validity or  
 8 enforcement of the registered support order, the registering tribunal shall schedule  
 9 the matter for hearing and give notice to the parties of the date, time, and place of the  
 10 hearing.

11 Art. 1306.7. Contest of registration or enforcement

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

15 (1) The issuing tribunal lacked personal jurisdiction over the contesting  
 16 party.

17 (2) The order was obtained by fraud.

18 (3) The order has been vacated, suspended, or modified by a later order.

19 (4) The issuing tribunal has stayed the order pending appeal.

20 (5) There is a defense under the law of this state to the remedy sought.

21 (6) Full or partial payment has been made.

22 (7) The ~~prescriptive period~~ statute of limitation under Article 1306.4  
 23 (~~Choice of law~~) precludes enforcement of some or all of the arrearages.

24 (8) The alleged controlling order is not the controlling order.

25 B. If a party presents evidence establishing a full or partial defense under  
 26 Paragraph A ~~of this Article~~, a tribunal may stay enforcement of ~~the~~ a registered  
 27 support order, continue the proceeding to permit production of additional relevant  
 28 evidence, and issue other appropriate orders. An uncontested portion of the  
 29 registered order may be enforced by all remedies available under the ~~laws~~ law of this  
 30 state.

1 C. If the contesting party does not establish a defense under Paragraph A of  
2 ~~this Article~~ to the validity or enforcement of the a registered support order, the  
3 registering tribunal shall issue an order confirming the order.

4 Art. 1306.8. Confirmed order

5 Confirmation of a registered support order, whether by operation of law or  
6 after notice and hearing, precludes further contest of the order with respect to any  
7 matter that could have been asserted at the time of registration.

8 Subsection C. Registration and Modification of  
9 Child Support Order Of Another State

10 Art. 1306.9. Procedure to register child support order of another state for  
11 modification

12 A party or support enforcement agency seeking to modify, or to modify and  
13 enforce, a child support order issued in another state shall register that order in this  
14 state in the same manner provided in ~~Subsection A of this Section~~ Articles 1306.1  
15 through 1306.8 if the order has not been registered. A petition for modification may  
16 be filed at the same time as a request for registration, or later. The pleading must  
17 specify the grounds for modification.

18 Art. 1306.10. Effect of registration for modification

19 A tribunal of this state may enforce a child support order of another state  
20 registered for purposes of modification, in the same manner as if the order had been  
21 issued by a tribunal of this state, but the registered order may be modified only if the  
22 requirements of Article 1306.11 (~~Modification of child support order of another~~  
23 ~~state)~~ or 1306.13 have been met.

24 Art. 1306.11. Modification of child support order of another state

25 A. ~~After a child support order issued in another state has been registered in~~  
26 ~~this state, the responding tribunal of this state may modify that order only if Article~~  
27 ~~1306.13 (Jurisdiction to modify child support order of another state when individual~~  
28 ~~parties reside in this state) does not apply and, after notice and hearing, it finds that~~  
29 ~~either~~ If Article 1306.13 does not apply, upon petition a tribunal of this state may

1 modify a child support order issued in another state which is registered in this state  
2 if, after notice and hearing, the tribunal finds that:

3 (1) ~~All of the~~ The following requirements are met:

4 (a) ~~Neither the~~ The child, ~~nor the individual~~ obligee ~~who is an individual,~~  
5 ~~and nor the obligor do not reside~~ resides in the issuing state.

6 (b) A petitioner who is a nonresident of this state seeks modification; and

7 (c) The respondent is subject to the personal jurisdiction of the tribunal of  
8 this state; or

9 ~~(2) The child or a party who is an individual is subject to the personal~~  
10 ~~jurisdiction of the tribunal of this state and all of the parties who are individuals have~~  
11 ~~filed a written consent in the issuing tribunal for a tribunal of this state to modify the~~  
12 ~~support order and assume continuing, exclusive jurisdiction over the order. However,~~  
13 ~~if the issuing state is a foreign jurisdiction that has not enacted a law or established~~  
14 ~~procedures substantially similar to the procedures under this Chapter, the consent~~  
15 ~~otherwise required of an individual residing in this state is not required for the~~  
16 ~~tribunal to assume jurisdiction to modify the child support order. This state is the~~  
17 ~~residence of the child, or a party who is an individual is subject to the personal~~  
18 ~~jurisdiction of the tribunal of this state, and all of the parties who are individuals~~  
19 ~~have filed consents in a record in the issuing tribunal for a tribunal of this state to~~  
20 ~~modify the support order and assume continuing, exclusive jurisdiction.~~

21 B. Modification of a registered child support order is subject to the same  
22 requirements, procedures, and defenses that apply to the modification of an order  
23 issued by a tribunal of this state and the order may be enforced and satisfied in the  
24 same manner.

25 C. A tribunal of this state may not modify any aspect of a child support order  
26 that may not be modified under the law of the issuing state; including the duration  
27 of the obligation of support. If two or more tribunals have issued child support  
28 orders for the same obligor and same child, the order that controls and must be so  
29 recognized under ~~the provisions of Article 1302.7 (Recognition of controlling child~~

1 support order) establishes the aspects of the support order that which are  
 2 nonmodifiable.

3 D. In a proceeding to modify a child support order, the law of the state that  
 4 is determined to have issued the controlling order governs the duration of the  
 5 obligation of support. The obligor's fulfillment of the duty of support established by  
 6 that order precludes imposition of a further obligation of support by a tribunal of this  
 7 state.

8 ~~D.E.~~ On issuance of an order by a tribunal of this state modifying a child  
 9 support order issued in another state, a the tribunal of this state becomes the tribunal  
 10 having continuing, exclusive jurisdiction.

11 F. Notwithstanding Paragraphs A through E of this Article and Article  
 12 1302.1(B), a tribunal of this state retains jurisdiction to modify an order issued by  
 13 a tribunal of this state if:

14 (1) One party resides in another state; and

15 (2) The other party resides outside the United States.

16 Art. 1306.12. Recognition of order modified in another state

17 ~~A tribunal of this state shall recognize a modification of its earlier child~~  
 18 ~~support order by a tribunal of another state, which assumed jurisdiction pursuant to~~  
 19 ~~this Chapter or a law substantially similar to this Chapter, and, upon request, except~~  
 20 ~~as otherwise provided in this Chapter, shall do all of the following: If a child support~~  
 21 ~~order issued by a tribunal of this state is modified by a tribunal of another state~~  
 22 ~~which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act,~~  
 23 ~~a tribunal of this state:~~

24 ~~(1) Enforce the order that was modified only as to amounts accruing before~~  
 25 ~~the modification. May enforce its order that was modified only as to arrears and~~  
 26 ~~interest accruing before the modification;~~

27 ~~(2) Enforce only nonmodifiable aspects of that order.~~

28 ~~(3) Provide other May provide appropriate relief ~~only~~ for violations of ~~that~~~~  
 29 ~~its order that which occurred before the effective date of the modification; and~~

1                   ~~(4)(3) Recognize~~ Shall recognize the modifying order of the other state, upon  
 2 registration, for the purpose of enforcement.

3                   Art. 1306.13. Jurisdiction to modify child support order of another state when  
 4                   individual parties reside in this state

5                   A. If all of the parties who are individuals reside in this state and the child  
 6 does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce  
 7 and to modify the issuing state's child support order in a proceeding to register that  
 8 order.

9                   B. A tribunal of this state exercising jurisdiction ~~as provided in~~ under this  
 10 Article shall apply the provisions of Sections 1 and 2, ~~this Section, of this Chapter,~~  
 11 ~~this Article,~~ and the procedural and substantive laws of this state to the proceeding  
 12 for enforcement or modification. Sections 3, 4, 5, 7, and 8 ~~of this Chapter~~ do not  
 13 apply.

14                  Art. 1306.14. Notice to issuing tribunal of modification

15                   Within thirty days after issuance of a modified child support order, the party  
 16 obtaining the modification shall file a certified copy of the order with the issuing  
 17 tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each  
 18 tribunal in which the party knows the earlier order has been registered. A party who  
 19 obtains the order and fails to file a certified copy is subject to appropriate sanctions  
 20 by a tribunal in which the issue of failure to file arises. The failure to file does not  
 21 affect the validity or enforceability of the modified order of the new tribunal having  
 22 continuing, exclusive jurisdiction.

23                  Subsection D. Registration and modification of foreign child support order

24                  Art. 1306.15. Jurisdiction to modify child support order of foreign country

25                   A. Except as otherwise provided in Article 1307.11, if a foreign country  
 26 lacks or refuses to exercise jurisdiction to modify its child support order pursuant to  
 27 its laws, a tribunal of this state may assume jurisdiction to modify the child support  
 28 order and bind all individuals subject to the personal jurisdiction of the tribunal  
 29 whether the consent to modification of a child support order otherwise required of

1           the individual pursuant to Article 1306.11 has been given or whether the individual  
2           seeking modification is a resident of this state or of the foreign country.

3           B. An order issued by a tribunal of this state modifying a foreign child  
4           support order pursuant to this section is the controlling order.

5           Art. 1306.16. Procedure to register child support order of a foreign country for  
6           modification

7           A party or support enforcement agency seeking to modify, or to modify and  
8           enforce, a foreign child support order not under the Convention may register that  
9           order in this state under Articles 1306.1 through 1306.8 if the order has not been  
10          registered. A petition for modification may be filed at the same time as a request for  
11          registration, or at another time. The petition must specify the grounds for  
12          modification.

13          Section 7. ~~Determination of Parentage~~ Support Proceedings Under Convention

14          Art. 1307.1. ~~Proceeding to determine parentage~~ Definitions

15                 ~~A. A tribunal of this state may serve as an initiating or responding tribunal~~  
16                 ~~in a proceeding brought under this Chapter or a law or procedure substantially~~  
17                 ~~similar to this Chapter, the Uniform Reciprocal Enforcement of Support Act, or the~~  
18                 ~~Revised Uniform Reciprocal Enforcement of Support Act to determine that the~~  
19                 ~~petitioner is a parent of a particular child or to determine that a respondent is a parent~~  
20                 ~~of that child.~~

21                 ~~B. In a proceeding to determine parentage, a responding tribunal of this state~~  
22                 ~~shall apply the procedural and substantive law of this state and the rules of this state~~  
23                 ~~on choice of law.~~

24                 In this Section:

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

28                         (2) "Central authority" means the entity designated by the United States or  
29                         a foreign country described in Article 1301.2(5)(d) to perform the functions specified  
30                         in the Convention.

1                   (3) "Convention support order" means a support order of a tribunal of a  
2                   foreign country described in Article 1301.2(5)(d).

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

6                   (5) "Foreign central authority" means the entity designated by a foreign  
7                   country described in Article 1301.2(5)(d) to perform the functions specified in the  
8                   Convention.

9                   (6) "Foreign support agreement":

10                  (a) Means an agreement for support in a record that:

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

12                  (ii) Has been:

13                  (aa) Formally drawn up or registered as an authentic instrument by a foreign  
14                  tribunal; or

15                  (bb) Authenticated by, or concluded, registered, or filed with a foreign  
16                  tribunal; and

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

18                  (b) Includes a maintenance arrangement or authentic instrument under the  
19                  Convention.

20                  (7) "United States central authority" means the Secretary of the United States  
21                  Department of Health and Human Services.

22                  Art. 1307.2. Applicability

23                  This Section applies only to a support proceeding under the Convention. In  
24                  such a proceeding, if a provision of this Section is inconsistent with Sections 1  
25                  through 6, this Section controls.

26                  Art. 1307.3. Relationship of the Department of Children and Family Services to  
27                  United States central authority

28                  The Department of Children and Family Services of this state is recognized  
29                  as the agency designated by the United States central authority to perform specific  
30                  functions under the Convention.



1           Art. 1307.4. Initiation by the Department of Children and Family Services of  
2                           support proceeding under convention

3           A. In a support proceeding under this Section, the Department of Children  
4           and Family Services, of this state shall:

5                           (1) Transmit and receive applications; and

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

8           B. The following support proceedings are available to an obligee under the  
9           Convention:

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

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

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

14                          (4) Establishment of a support order if recognition of a foreign support order  
15           is refused under Article 1307.8(B)(2), (4), or (9);

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

17                          (6) Modification of a support order of a tribunal of another state or a foreign  
18           country.

19           C. The following support proceedings are available under the Convention to  
20           an obligor against which there is an existing support order:

21                          (1) Recognition of an order suspending or limiting enforcement of an  
22           existing support order of a tribunal of this state;

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

24                          (3) Modification of a support order of a tribunal of another state or a foreign  
25           country.

26           D. A tribunal of this state may not require security, bond, or deposit,  
27           however described, to guarantee the payment of costs and expenses in proceedings  
28           under the Convention.

1           Art. 1307.5. Direct request

2                   A. A petitioner may file a direct request seeking establishment or  
3                   modification of a support order or determination of parentage of a child. In the  
4                   proceeding, the law of this state applies.

5                   B. A petitioner may file a direct request seeking recognition and enforcement  
6                   of a support order or support agreement. In the proceeding, Articles 1307.6 through  
7                   1307.13 apply.

8                   C. In a direct request for recognition and enforcement of a Convention  
9                   support order or foreign support agreement:

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

12                   (2) An obligee or obligor that in the issuing country has benefitted from free  
13                   legal assistance is entitled to benefit, at least to the same extent, from any free legal  
14                   assistance provided for by the law of this state under the same circumstances.

15                   D. A petitioner filing a direct request is not entitled to assistance from the  
16                   Department of Children and Family Services.

17                   E. This Section does not prevent the application of laws of this state that  
18                   provide simplified, more expeditious rules regarding a direct request for recognition  
19                   and enforcement of a foreign support order or foreign support agreement.

20           Art. 1307.6. Registration of convention support order

21                   A. Except as otherwise provided in this Section, a party who is an individual  
22                   or a support enforcement agency seeking recognition of a Convention support order  
23                   shall register the order in this state as provided in Section 6.

24                   B. Notwithstanding Articles 1303.11 and 1306.2(A), a request for  
25                   registration of a Convention support order must be accompanied by:

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

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

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

6           (4) A record showing the amount of arrears, if any, and the date the amount  
7           was calculated;

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

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

13          C. A request for registration of a Convention support order may seek  
14          recognition and partial enforcement of the order.

15          D. A tribunal of this state may vacate the registration of a Convention  
16          support order without the filing of a contest under Article 1307.7 only if, acting on  
17          its own motion, the tribunal finds that recognition and enforcement of the order  
18          would be manifestly incompatible with public policy.

19          E. The tribunal shall promptly notify the parties of the registration or the  
20          order vacating the registration of a Convention support order.

21          Art. 1307.7. Contest of registered convention support order

22          A. Except as otherwise provided in this Section, Articles 1306.5 through  
23          1306.8 apply to a contest of a registered Convention support order.

24          B. A party contesting a registered Convention support order shall file a  
25          contest not later than thirty days after notice of the registration, but if the contesting  
26          party does not reside in the United States, the contest shall be filed not later than  
27          sixty days after notice of the registration.

28          C. If the nonregistering party fails to contest the registered Convention  
29          support order by the time specified in Paragraph B of this Article, the order is  
30          enforceable.

1                   D. A contest of a registered Convention support order may be based only on  
2                   grounds set forth in Article 1307.8. The contesting party bears the burden of proof.

3                   E. In a contest of a registered Convention support order, a tribunal of this  
4                   state:

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

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

8                   F. A tribunal of this state deciding a contest of a registered Convention  
9                   support order shall promptly notify the parties of its decision.

10                  G. A challenge or appeal, if any, does not stay the enforcement of a  
11                  Convention support order unless there are exceptional circumstances.

12                  Art. 1307.8. Recognition and enforcement of registered convention support order

13                  A. Except as otherwise provided in Paragraph B of this Article, a tribunal of  
14                  this state shall recognize and enforce a registered Convention support order.

15                  B. The following grounds are the only grounds on which a tribunal of this  
16                  state may refuse recognition and enforcement of a registered Convention support  
17                  order:

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

21                  (2) The issuing tribunal lacked personal jurisdiction consistent with Article  
22                  1302.1;

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

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

26                  (5) A record transmitted in accordance with Article 1307.6 lacks authenticity  
27                  or integrity;

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

1           (7) The order is incompatible with a more recent support order involving the  
2           same parties and having the same purpose if the more recent support order is entitled  
3           to recognition and enforcement under this Chapter in this state;

4           (8) Payment, to the extent alleged arrears have been paid in whole or in part;

5           (9) In a case in which the respondent neither appeared nor was represented  
6           in the proceeding in the issuing foreign country:

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

10          (b) If the law of that country does not provide for prior notice of the  
11          proceedings, the respondent did not have proper notice of the order and an  
12          opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or

13          (10) The order was made in violation of Article 1307.11.

14          C. If a tribunal of this state does not recognize a Convention support order  
15          under Subparagraph B(2), (4), or (9) of this Article.

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

19          (2) The Department of Children and Family Services shall take all  
20          appropriate measures to request a child support order for the obligee if the  
21          application for recognition and enforcement was received under Article 1307.4.

22          Art. 1307.9. Partial enforcement

23          If a tribunal of this state does not recognize and enforce a Convention support  
24          order in its entirety, it shall enforce any severable part of the order. An application  
25          or direct request may seek recognition and partial enforcement of a Convention  
26          support order.

27          Art. 1307.10. Foreign support agreement

28          A. Except as otherwise provided in Paragraphs C and D of this Article, a  
29          tribunal of this state shall recognize and enforce a foreign support agreement  
30          registered in this state.

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

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

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

6           C. A tribunal of this state may vacate the registration of a foreign support  
7           agreement only if, acting on its own motion, the tribunal finds that recognition and  
8           enforcement would be manifestly incompatible with public policy.

9           D. In a contest of a foreign support agreement, a tribunal of this state may  
10           refuse recognition and enforcement of the agreement if it finds:

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

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

14                   (3) The agreement is incompatible with a support order involving the same  
15           parties and having the same purpose in this state, another state, or a foreign country  
16           if the support order is entitled to recognition and enforcement under this Chapter in  
17           this state; or

18                   (4) The record submitted under Paragraph B of this Article lacks authenticity  
19           or integrity.

20           E. A proceeding for recognition and enforcement of a foreign support  
21           agreement shall be suspended during the pendency of a challenge to or appeal of the  
22           agreement before a tribunal of another state or a foreign country.

23           Art. 1307.11. Modification of convention child support order

24                   A. A tribunal of this state may not modify a Convention child support order  
25           if the obligee remains a resident of the foreign country where the support order was  
26           issued unless:

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

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

3               B. If a tribunal of this state does not modify a Convention child support order  
4               because the order is not recognized in this state, Article 1307.8(C) applies.

5               Art. 1307.12. Personal information; limit on use

6               Personal information gathered or transmitted under this Section may be used  
7               only for the purposes for which it was gathered or transmitted.

8               Art. 1307.13. Record in original language; English translation

9               A record filed with a tribunal of this state under this Section must be in the  
10              original language and, if not in English, must be accompanied by an English  
11              translation.

12                               Section 8. Interstate Rendition

13               Art. 1308.1. Grounds for rendition

14                       A. For purposes of this Section, "governor" includes an individual  
15                       performing the functions of governor or the executive authority of a state covered by  
16                       this Chapter.

17                       B. The governor of this state may ~~either~~:

18                               (1) Demand that the governor of another state surrender an individual found  
19                               in the other state who is charged criminally in this state with having failed to provide  
20                               for the support of an obligee; ~~or~~

21                               (2) On the demand by the governor of another state, surrender an individual  
22                               found in this state who is charged criminally in the other state with having failed to  
23                               provide for the support of an obligee.

24                       C. A provision for extradition of individuals not inconsistent with this  
25                       Chapter applies to the demand even if the individual whose surrender is demanded  
26                       was not in the demanding state when the crime was allegedly committed and has not  
27                       fled therefrom.

28               Art. 1308.2. Conditions of rendition

29                       A. Before making demand that the governor of another state surrender an  
30                       individual charged criminally in this state with having failed to provide for the

1 support of an obligee, the governor of this state may require a prosecutor of this state  
 2 to demonstrate that at least sixty days previously the obligee had initiated  
 3 proceedings for support pursuant to this Chapter or that the proceeding would be of  
 4 no avail.

5 B. If, under this Chapter or a law substantially similar to this Chapter, ~~the~~  
 6 ~~Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal~~  
 7 ~~Enforcement of Support Act,~~ the governor of another state makes a demand that the  
 8 governor of this state surrender an individual charged criminally in that state with  
 9 having failed to provide for the support of a child or other individual to whom a duty  
 10 of support is owed, the governor may require a prosecutor to investigate the demand  
 11 and report whether a proceeding for support has been initiated or would be effective.  
 12 If it appears that a proceeding would be effective but has not been initiated, the  
 13 governor may delay honoring the demand for a reasonable time to permit the  
 14 initiation of a proceeding.

15 C. If a proceeding for support has been initiated and the individual whose  
 16 rendition is demanded prevails, the governor may decline to honor the demand. If  
 17 the petitioner prevails and the individual whose rendition is demanded is subject to  
 18 a support order, the governor may decline to honor the demand if the individual is  
 19 complying with the support order.

20 Section 9. Miscellaneous Provisions

21 Art. 1309.1. Uniformity of application and construction

22 In applying and construing this uniform act, consideration must be given to  
 23 the need to promote uniformity of the law with respect to its subject matter among  
 24 states that enact it to the extent that such provisions are not prohibited by the  
 25 Louisiana Constitution.

26 Art. 1309.2. Transitional provision

27 This Chapter applies to proceedings begun on or after the effective date of  
 28 this Chapter to establish a support order or determine parentage of a child or to



1 register, recognize, enforce, or modify a prior support order, determination, or  
2 agreement, whenever issued or entered.

3 Art. 1309.3. Severability

4 If any provision of this Chapter or its application to any person or  
5 circumstance is held invalid, the invalidity does not affect other provisions or  
6 applications of this Chapter which can be given effect without the invalid provision  
7 or application, and to this end the provisions of this Chapter are severable.

8 Section 2. R.S. 46:236.3(I) is hereby amended and reenacted to read as follows:

9 §236.3. Enforcement of support by income assignment

10 \* \* \*

11 I.(1) The notice to withhold shall operate as an assignment and shall be  
12 binding, fourteen days after mailing or other transmission, or from the department  
13 by administrative order of income assignment, upon any existing or future employers  
14 or payors of income of the person ordered to pay support.

15 (2) Notwithstanding any provision of this Section, a payor may choose to  
16 receive notices to withhold in an electronic format from the department in  
17 accordance with the provisions of 42 U.S.C. 654a(g)(1)(A).

18 \* \* \*

19 Section 3. Prior to October 1, 2015, the Department of Children and Family Services  
20 shall take action necessary to implement Section 2 of this Act on October 1, 2015, including  
21 promulgation of necessary rules in accordance with the Administrative Procedure Act.

22 Section 4.(A) Section 1 of this Act shall become effective on July 1, 2015; if vetoed  
23 by the governor and subsequently approved by the legislature, Section 1 of this Act shall  
24 become effective on the day following such approval by the legislature.

25 (B) Section 2 of this Act shall become effective on October 1, 2015.

26 (C) Section 3 of this Act and this Section shall become effective upon signature of  
27 this Act by the governor or, if not signed by the governor, upon expiration of the time for  
28 bills to become law without signature of the governor, as provided by Article III, Section 18  
29 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently

1 approved by the legislature, Section 3 of this Act and this Section shall become effective on  
2 the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_