House Engrossed Senate Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 186

SENATE BILL 1332

AN ACT

REPEALING TITLE 25, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES; AMENDING TITLE 25, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Title 25, chapter 5, article 4, Arizona Revised Statutes, is repealed.

Sec. 2. Title 25, Arizona Revised Statutes, is amended by adding chapter 9, to read:

CHAPTER 9

UNIFORM INTERSTATE FAMILY SUPPORT ACT

ARTICLE 1. GENERAL PROVISIONS

25-1201. Short title

THIS ACT MAY BE CITED AS THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

25-1202. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CHILD" MEANS AN INDIVIDUAL, WHETHER OVER OR UNDER THE AGE OF MAJORITY, WHO IS OR IS ALLEGED TO BE OWED A DUTY OF SUPPORT BY THE INDIVIDUAL'S PARENT OR WHO IS OR IS ALLEGED TO BE THE BENEFICIARY OF A SUPPORT ORDER DIRECTED TO THE PARENT.

2. "CHILD SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A CHILD, INCLUDING A CHILD WHO HAS ATTAINED THE AGE OF MAJORITY UNDER THE LAW OF THE ISSUING STATE.

3. "DUTY OF SUPPORT" MEANS AN OBLIGATION IMPOSED OR IMPOSABLE BY LAW TO PROVIDE SUPPORT FOR A CHILD, SPOUSE OR FORMER SPOUSE, INCLUDING AN UNSATISFIED OBLIGATION TO PROVIDE SUPPORT.

4. "HOME STATE" MEANS THE STATE IN WHICH A CHILD LIVED WITH A PARENT OR A PERSON ACTING AS PARENT FOR AT LEAST SIX CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE TIME OF FILING A PETITION OR A COMPARABLE PLEADING FOR SUPPORT AND, IF A CHILD IS LESS THAN SIX MONTHS OLD, THE STATE IN WHICH THE CHILD LIVED FROM BIRTH WITH ANY OF THEM. A PERIOD OF TEMPORARY ABSENCE OF ANY OF THEM IS COUNTED AS PART OF THE SIX MONTH OR OTHER PERIOD.

5. "INCOME" INCLUDES EARNINGS OR OTHER PERIODIC ENTITLEMENTS TO MONEY FROM ANY SOURCE AND ANY OTHER PROPERTY SUBJECT TO WITHHOLDING FOR SUPPORT UNDER THE LAWS OF THIS STATE.

6. "INCOME WITHHOLDING ORDER" MEANS AN ORDER OR OTHER LEGAL PROCESS DIRECTED TO AN OBLIGOR'S EMPLOYER OR OTHER DEBTOR TO WITHHOLD SUPPORT FROM THE INCOME OF THE OBLIGOR.

7. "INITIATING STATE" MEANS A STATE FROM WHICH A PROCEEDING IS FORWARDED OR IN WHICH A PROCEEDING IS FILED FOR FORWARDING TO A RESPONDING STATE UNDER THIS CHAPTER OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS CHAPTER.

8. "INITIATING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN AN INITIATING STATE.

9. "ISSUING STATE" MEANS THE STATE IN WHICH A TRIBUNAL ISSUES A SUPPORT ORDER OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

10. "ISSUING TRIBUNAL" MEANS THE TRIBUNAL THAT ISSUES A SUPPORT ORDER OR RENDERS A JUDGMENT DETERMINING PARENTAGE.

11. "LAW" INCLUDES DECISIONAL AND STATUTORY LAW AND RULES AND REGULATIONS HAVING THE FORCE OF LAW.

12. "OBLIGEE" MEANS ANY OF THE FOLLOWING:

(a) AN INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OR IS ALLEGED TO BE OWED OR IN WHOSE FAVOR A SUPPORT ORDER HAS BEEN ISSUED OR A JUDGMENT DETERMINING PARENTAGE HAS BEEN RENDERED.

(b) A STATE OR POLITICAL SUBDIVISION TO WHICH THE RIGHTS UNDER A DUTY OF SUPPORT OR SUPPORT ORDER HAVE BEEN ASSIGNED OR THAT HAS INDEPENDENT CLAIMS BASED ON FINANCIAL ASSISTANCE PROVIDED TO AN INDIVIDUAL OBLIGEE.

(c) AN INDIVIDUAL WHO SEEKS A JUDGMENT DETERMINING PARENTAGE OF THE INDIVIDUAL'S CHILD.

13. "OBLIGOR" MEANS AN INDIVIDUAL OR THE ESTATE OF A DECEDENT THAT MEETS ANY OF THE FOLLOWING CONDITIONS:

(a) OWES OR IS ALLEGED TO OWE A DUTY OF SUPPORT.

(b) IS ALLEGED BUT HAS NOT BEEN ADJUDICATED TO BE A PARENT OF A CHILD.

(c) IS LIABLE UNDER A SUPPORT ORDER.

14. "PERSON" HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.

15. "PETITION" INCLUDES A COMPLAINT.

16. "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND THAT IS RETRIEVABLE IN PERCEIVABLE FORM.

17. "REGISTER" MEANS TO FILE A SUPPORT ORDER OR JUDGMENT DETERMINING PARENTAGE IN SUPERIOR COURT.

18. "REGISTERING TRIBUNAL" MEANS A TRIBUNAL IN WHICH A SUPPORT ORDER IS REGISTERED.

19. "RESPONDING STATE" MEANS A STATE IN WHICH A PROCEEDING IS FILED OR TO WHICH A PROCEEDING IS FORWARDED FOR FILING FROM AN INITIATING STATE UNDER THIS CHAPTER OR A LAW SUBSTANTIALLY SIMILAR TO THIS CHAPTER.

20. "RESPONDING TRIBUNAL" MEANS THE AUTHORIZED TRIBUNAL IN A RESPONDING STATE.

21. "SPOUSAL SUPPORT ORDER" MEANS A SUPPORT ORDER FOR A SPOUSE OR FORMER SPOUSE OF THE OBLIGOR.

22. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES. STATE INCLUDES:

(a) AN INDIAN TRIBE.

(b) A FOREIGN COUNTRY OR POLITICAL SUBDIVISION THAT HAS:

(i) BEEN DECLARED TO BE A FOREIGN RECIPROCATING COUNTRY OR POLITICAL SUBDIVISION UNDER FEDERAL LAW.

(ii) ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD SUPPORT WITH THIS STATE PURSUANT TO SECTION 25-1248.

(iii) ENACTED A LAW OR ESTABLISHED PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF SUPPORT ORDERS THAT ARE SUBSTANTIALLY SIMILAR TO THE PROCEDURES UNDER THIS CHAPTER.

23. "SUPPORT ENFORCEMENT AGENCY" MEANS A PUBLIC OFFICIAL OR AGENCY AUTHORIZED TO SEEK:

(a) THE ENFORCEMENT OF SUPPORT ORDERS OR LAWS RELATING TO THE DUTY OF SUPPORT.

(b) THE ESTABLISHMENT OR MODIFICATION OF CHILD SUPPORT.

(c) THE DETERMINATION OF PARENTAGE.

(d) THE LOCATION OF OBLIGORS OR THEIR ASSETS.

(e) A DETERMINATION OF THE CONTROLLING CHILD SUPPORT ORDER.

24. "SUPPORT ORDER" MEANS A JUDGMENT, DECREE, ORDER OR DIRECTIVE, WHETHER TEMPORARY, FINAL OR SUBJECT TO MODIFICATION, FOR THE BENEFIT OF A CHILD, A SPOUSE OR A FORMER SPOUSE, THAT PROVIDES FOR MONETARY SUPPORT, HEALTH CARE, ARREARAGES OR REIMBURSEMENT AND THAT MAY INCLUDE RELATED COSTS AND FEES, INTEREST, INCOME WITHHOLDING, ATTORNEY FEES AND OTHER RELIEF.

25. "TRIBUNAL" MEANS A COURT, ADMINISTRATIVE AGENCY OR QUASI-JUDICIAL ENTITY AUTHORIZED TO ESTABLISH, ENFORCE OR MODIFY SUPPORT ORDERS OR TO DETERMINE PARENTAGE.

25-1203. Blank

25-1204. Remedies cumulative

A. REMEDIES PROVIDED BY THIS CHAPTER ARE CUMULATIVE AND DO NOT AFFECT THE AVAILABILITY OF REMEDIES UNDER OTHER LAW, INCLUDING THE RECOGNITION OF A SUPPORT ORDER OF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION ON THE BASIS OF COMITY.

B. THIS CHAPTER DOES NOT:

1. PROVIDE THE EXCLUSIVE METHOD OF ESTABLISHING OR ENFORCING A SUPPORT ORDER UNDER THE LAWS OF THIS STATE.

2. GRANT A TRIBUNAL OF THIS STATE JURISDICTION TO RENDER JUDGMENT OR ISSUE AN ORDER RELATING TO ACCESS AND PARENTING TIMES IN A PROCEEDING UNDER THIS CHAPTER.

ARTICLE 2. JURISDICTION

25-1221. Bases for jurisdiction over nonresident

A. IN A PROCEEDING TO ESTABLISH OR ENFORCE A SUPPORT ORDER OR TO DETERMINE PARENTAGE, A TRIBUNAL OF THIS STATE MAY EXERCISE PERSONAL JURISDICTION OVER A NONRESIDENT INDIVIDUAL OR THE INDIVIDUAL'S GUARDIAN OR CONSERVATOR IF ANY OF THE FOLLOWING IS TRUE:

1. THE INDIVIDUAL IS PERSONALLY SERVED WITHIN THIS STATE.

2. THE INDIVIDUAL SUBMITS TO THE JURISDICTION OF THIS STATE BY CONSENT, BY ENTERING A GENERAL APPEARANCE OR BY FILING A RESPONSIVE DOCUMENT HAVING THE EFFECT OF WAIVING ANY CONTEST TO PERSONAL JURISDICTION.

3. THE INDIVIDUAL RESIDED WITH THE CHILD IN THIS STATE.

4. THE INDIVIDUAL RESIDED IN THIS STATE AND PROVIDED PRENATAL EXPENSES OR SUPPORT FOR THE CHILD.

5. THE CHILD RESIDES IN THIS STATE AS A RESULT OF THE ACTS OR DIRECTIVES OF THE INDIVIDUAL.

6. THE INDIVIDUAL ENGAGED IN SEXUAL INTERCOURSE IN THIS STATE AND THE CHILD MAY HAVE BEEN CONCEIVED BY THAT ACT OF INTERCOURSE.

7. THE INDIVIDUAL ASSERTED PARENTAGE ON A BIRTH CERTIFICATE FILED IN THIS STATE.

8. THERE IS ANY OTHER BASIS CONSISTENT WITH THE CONSTITUTIONS OF THIS STATE AND THE UNITED STATES FOR THE EXERCISE OF PERSONAL JURISDICTION.

B. THE BASES OF PERSONAL JURISDICTION PRESCRIBED IN SUBSECTION A OF THIS SECTION OR IN ANY OTHER LAW OF THIS STATE MAY NOT BE USED TO ACQUIRE PERSONAL JURISDICTION FOR A TRIBUNAL OF THIS STATE TO MODIFY A CHILD SUPPORT ORDER OF ANOTHER STATE UNLESS THE REQUIREMENTS OF SECTION 25-1311 OR 25-1315 ARE MET.

25-1222. Duration of personal jurisdiction

PERSONAL JURISDICTION ACQUIRED BY A TRIBUNAL OF THIS STATE IN A PROCEEDING UNDER THIS CHAPTER OR ANOTHER LAW OF THIS STATE RELATING TO A SUPPORT ORDER CONTINUES AS LONG AS THE TRIBUNAL OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY ITS ORDER OR CONTINUING JURISDICTION TO ENFORCE ITS ORDER PURSUANT TO SECTIONS 25-1225, 25-1226 AND 25-1231.

25-1223. Initiating and responding tribunal of state

UNDER THIS CHAPTER, A TRIBUNAL OF THIS STATE MAY SERVE AS AN INITIATING TRIBUNAL TO FORWARD PROCEEDINGS TO ANOTHER STATE AND AS A RESPONDING TRIBUNAL FOR PROCEEDINGS INITIATED IN ANOTHER STATE.

25-1224. Simultaneous proceedings

A. A TRIBUNAL OF THIS STATE MAY EXERCISE JURISDICTION TO ESTABLISH A SUPPORT ORDER IF THE PETITION OR COMPARABLE PLEADING IS FILED AFTER A PLEADING IS FILED IN ANOTHER STATE ONLY IF ALL OF THE FOLLOWING ARE TRUE:

1. THE PETITION OR COMPARABLE PLEADING IN THIS STATE IS FILED BEFORE THE EXPIRATION OF THE TIME ALLOWED IN THE OTHER STATE FOR FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF JURISDICTION BY THE OTHER STATE.

2. THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF JURISDICTION IN THE OTHER STATE.

3. IF RELEVANT, THIS STATE IS THE HOME STATE OF THE CHILD.

B. A TRIBUNAL OF THIS STATE MAY NOT EXERCISE JURISDICTION TO ESTABLISH A SUPPORT ORDER IF THE PETITION OR COMPARABLE PLEADING IS FILED BEFORE A PETITION OR COMPARABLE PLEADING IS FILED IN ANOTHER STATE IF ALL OF THE FOLLOWING ARE TRUE:

1. THE PETITION OR COMPARABLE PLEADING IN THE OTHER STATE IS FILED BEFORE THE EXPIRATION OF THE TIME ALLOWED IN THIS STATE FOR FILING A RESPONSIVE PLEADING CHALLENGING THE EXERCISE OF JURISDICTION BY THIS STATE.

2. THE CONTESTING PARTY TIMELY CHALLENGES THE EXERCISE OF JURISDICTION IN THIS STATE.

3. IF RELEVANT, THE OTHER STATE IS THE HOME STATE OF THE CHILD.

25-1225. Continuing, exclusive jurisdiction to modify child support order

A. A TRIBUNAL OF THIS STATE THAT HAS ISSUED A SUPPORT ORDER CONSISTENT WITH THE LAW OF THIS STATE HAS AND SHALL EXERCISE CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY ITS CHILD SUPPORT ORDER IF THE ORDER IS THE CONTROLLING ORDER AND EITHER:

1. AT THE TIME OF THE FILING OF A REQUEST FOR MODIFICATION THIS STATE IS THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL OBLIGEE OR THE CHILD FOR WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED.

2. IF THIS STATE IS NOT THE RESIDENCE OF THE OBLIGOR, THE INDIVIDUAL OBLIGEE OR THE CHILD FOR WHOSE BENEFIT THE SUPPORT ORDER IS ISSUED, THE PARTIES CONSENT IN A RECORD OR IN OPEN COURT THAT THE TRIBUNAL OF THIS STATE MAY CONTINUE TO EXERCISE JURISDICTION TO MODIFY ITS ORDER.

B. A TRIBUNAL OF THIS STATE THAT HAS ISSUED A CHILD SUPPORT ORDER CONSISTENT WITH THE LAW OF THIS STATE SHALL NOT EXERCISE CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY THE ORDER IF EITHER:

1. ALL OF THE PARTIES WHO ARE INDIVIDUALS FILE CONSENT IN A RECORD WITH THE TRIBUNAL OF THIS STATE THAT A TRIBUNAL OF ANOTHER STATE THAT HAS JURISDICTION OVER AT LEAST ONE OF THE PARTIES WHO IS AN INDIVIDUAL OR THAT IS LOCATED IN THE STATE OF RESIDENCE OF THE CHILD MAY MODIFY THE ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION.

2. ITS ORDER IS NOT THE CONTROLLING ORDER.

C. IF A TRIBUNAL OF ANOTHER STATE HAS ISSUED A CHILD SUPPORT ORDER PURSUANT TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT OR A LAW SUBSTANTIALLY SIMILAR TO THAT ACT AND THAT MODIFIES A CHILD SUPPORT ORDER OF A TRIBUNAL OF THIS STATE, TRIBUNALS OF THIS STATE SHALL RECOGNIZE THE CONTINUING, EXCLUSIVE JURISDICTION OF THE TRIBUNAL OF THE OTHER STATE.

D. A TRIBUNAL OF THIS STATE THAT LACKS CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY A CHILD SUPPORT ORDER MAY SERVE AS AN INITIATING TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO MODIFY A SUPPORT ORDER ISSUED IN THAT STATE.

E. A TEMPORARY SUPPORT ORDER ISSUED EX PARTE OR PENDING RESOLUTION OF A JURISDICTIONAL CONFLICT DOES NOT CREATE CONTINUING, EXCLUSIVE JURISDICTION IN THE ISSUING TRIBUNAL.

25-1226. Continuing jurisdiction to enforce child support order

A. A TRIBUNAL OF THIS STATE THAT HAS ISSUED A CHILD SUPPORT ORDER CONSISTENT WITH THE LAWS OF THIS STATE MAY SERVE AS AN INITIATING TRIBUNAL TO REQUEST A TRIBUNAL OF ANOTHER STATE TO ENFORCE:

1. THE ORDER IF THE ORDER IS THE CONTROLLING ORDER AND HAS NOT BEEN MODIFIED BY A TRIBUNAL OF ANOTHER STATE THAT ASSUMED JURISDICTION PURSUANT TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

2. A MONEY JUDGMENT FOR ARREARS OF SUPPORT AND INTEREST ON THE ORDER ACCRUED BEFORE A DETERMINATION THAT AN ORDER OF ANOTHER STATE IS THE CONTROLLING ORDER.

B. A TRIBUNAL OF THIS STATE HAVING CONTINUING JURISDICTION OVER A SUPPORT ORDER MAY ACT AS A RESPONDING TRIBUNAL TO ENFORCE THE ORDER.

25-1227. Determination of controlling child support order

A. IF A PROCEEDING IS BROUGHT UNDER THIS CHAPTER AND ONLY ONE TRIBUNAL HAS ISSUED A CHILD SUPPORT ORDER, THE ORDER OF THAT TRIBUNAL IS CONTROLLING AND SHALL BE RECOGNIZED.

B. IF A PROCEEDING IS BROUGHT UNDER THIS CHAPTER AND TWO OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED BY TRIBUNALS IN THIS STATE OR ANOTHER STATE WITH REGARD TO THE SAME OBLIGOR AND THE SAME CHILD, A TRIBUNAL OF THIS STATE HAVING PERSONAL JURISDICTION OVER BOTH THE OBLIGOR AND INDIVIDUAL OBLIGEE SHALL APPLY THE FOLLOWING RULES AND BY ORDER SHALL DETERMINE WHICH ORDER CONTROLS:

1. IF ONLY ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS CHAPTER, THE ORDER OF THAT TRIBUNAL IS CONTROLLING AND SHALL BE RECOGNIZED.

2. IF MORE THAN ONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS CHAPTER, AN ORDER ISSUED BY A TRIBUNAL IN THE CURRENT HOME STATE OF THE CHILD IS CONTROLLING. IF AN ORDER HAS NOT BEEN ISSUED IN THE CURRENT HOME STATE OF THE CHILD, THE ORDER MOST RECENTLY ISSUED IS CONTROLLING.

3. IF NONE OF THE TRIBUNALS WOULD HAVE CONTINUING EXCLUSIVE JURISDICTION UNDER THIS CHAPTER, THE TRIBUNAL OF THIS STATE SHALL ISSUE A CHILD SUPPORT ORDER THAT IS CONTROLLING.

C. IF TWO OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED FOR THE SAME OBLIGOR AND THE SAME CHILD, ON REQUEST OF A PARTY THAT IS AN INDIVIDUAL OR A SUPPORT ENFORCEMENT AGENCY, A TRIBUNAL OF THIS STATE HAVING PERSONAL JURISDICTION OVER BOTH THE OBLIGOR AND THE OBLIGEE WHO IS AN INDIVIDUAL SHALL DETERMINE WHICH ORDER CONTROLS UNDER SUBSECTION B OF THIS SECTION. THE REQUEST MAY BE FILED WITH A REGISTRATION FOR ENFORCEMENT OR REGISTRATION FOR MODIFICATION PURSUANT TO ARTICLE 6 OF THIS CHAPTER.

D. A REQUEST TO DETERMINE WHICH IS THE CONTROLLING ORDER MUST BE ACCOMPANIED BY A COPY OF EVERY CHILD SUPPORT ORDER IN EFFECT AND THE APPLICABLE RECORD OF PAYMENTS. THE REQUESTING PARTY SHALL GIVE NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE DETERMINATION.

E. THE TRIBUNAL THAT ISSUED THE ORDER THAT IS RECOGNIZED AS CONTROLLING UNDER SUBSECTION A, B OR C OF THIS SECTION HAS CONTINUING JURISDICTION TO THE EXTENT PROVIDED PURSUANT TO SECTION 25-1225 OR 25-1226.

F. A TRIBUNAL OF THIS STATE THAT DETERMINES THE ORDER THAT IS THE CONTROLLING CHILD SUPPORT ORDER UNDER SUBSECTION B, PARAGRAPH 1 OR 2 OF THIS SECTION OR SUBSECTION C OF THIS SECTION OR THAT ISSUES A NEW CONTROLLING CHILD SUPPORT ORDER UNDER SUBSECTION B, PARAGRAPH 3 OF THIS SECTION SHALL STATE IN THAT ORDER:

1. THE BASIS ON WHICH THE TRIBUNAL MADE ITS DETERMINATION.

2. THE AMOUNT OF PROSPECTIVE SUPPORT, IF ANY.

3. THE TOTAL AMOUNT OF CONSOLIDATED ARREARS AND ACCRUED INTEREST, IF ANY, UNDER ALL OF THE ORDERS AFTER ALL PAYMENTS MADE ARE CREDITED PURSUANT TO SECTION 25-1229.

G. WITHIN THIRTY DAYS AFTER ISSUANCE OF AN ORDER DETERMINING THE CONTROLLING ORDER, THE PARTY OBTAINING THE ORDER SHALL FILE A CERTIFIED COPY OF THE ORDER IN EACH TRIBUNAL THAT HAD ISSUED OR REGISTERED AN EARLIER ORDER OF CHILD SUPPORT. A PARTY OR SUPPORT ENFORCEMENT AGENCY THAT OBTAINS THE

CONTROLLING ORDER BUT FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE ARISES. THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE CONTROLLING ORDER.

H. AN ORDER THAT HAS BEEN DETERMINED TO BE THE CONTROLLING ORDER OR A JUDGMENT FOR CONSOLIDATED ARREARS OF SUPPORT AND INTEREST, IF ANY, MADE PURSUANT TO THIS SECTION MUST BE RECOGNIZED IN PROCEEDINGS UNDER THIS CHAPTER.

25-1228. Child support orders for two or more obligees

IN RESPONDING TO REGISTRATIONS OR PETITIONS FOR ENFORCEMENT OF TWO OR MORE CHILD SUPPORT ORDERS IN EFFECT AT THE SAME TIME WITH REGARD TO THE SAME OBLIGOR AND DIFFERENT INDIVIDUAL OBLIGEES, AT LEAST ONE OF WHICH WAS ISSUED BY A TRIBUNAL OF ANOTHER STATE, A TRIBUNAL OF THIS STATE SHALL ENFORCE THOSE ORDERS IN THE SAME MANNER AS IF THE ORDERS HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE.

25-1229. Credit for payments

A TRIBUNAL OF THIS STATE SHALL CREDIT AMOUNTS COLLECTED FOR A PARTICULAR PERIOD PURSUANT TO ANY CHILD SUPPORT ORDER AGAINST THE AMOUNTS OWED FOR THE SAME PERIOD UNDER ANY OTHER CHILD SUPPORT ORDER FOR SUPPORT OF THE SAME CHILD ISSUED BY A TRIBUNAL OF THIS STATE OR ANY OTHER STATE.

25-1230. Application of chapter to nonresident subject to personal jurisdiction

A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER A NONRESIDENT IN A PROCEEDING UNDER THIS CHAPTER OR OTHER LAWS OF THIS STATE RELATING TO A SUPPORT ORDER, OR RECOGNIZING A SUPPORT ORDER OF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION ON THE BASIS OF COMITY, MAY RECEIVE EVIDENCE FROM ANOTHER STATE PURSUANT TO SECTION 25-1256, COMMUNICATE WITH A TRIBUNAL OF ANOTHER STATE PURSUANT TO SECTION 25-1257 AND OBTAIN DISCOVERY THROUGH A TRIBUNAL OF ANOTHER STATE PURSUANT TO SECTION 25-1258. IN ALL OTHER RESPECTS, ARTICLES 3 THROUGH 7 OF THIS CHAPTER DO NOT APPLY AND THE TRIBUNAL SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE.

25-1231. Continuing, exclusive jurisdiction to modify spousal support order

A. A TRIBUNAL OF THIS STATE ISSUING A SPOUSAL SUPPORT ORDER CONSISTENT WITH THE LAWS OF THIS STATE HAS CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY THE SPOUSAL SUPPORT ORDER THROUGHOUT THE EXISTENCE OF THE SUPPORT OBLIGATION.

B. A TRIBUNAL OF THIS STATE MAY NOT MODIFY A SPOUSAL SUPPORT ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE HAVING CONTINUING, EXCLUSIVE JURISDICTION OVER THAT ORDER UNDER THE LAWS OF THAT STATE.

C. A TRIBUNAL OF THIS STATE THAT HAS CONTINUING, EXCLUSIVE JURISDICTION OVER A SPOUSAL SUPPORT ORDER MAY SERVE AS EITHER:

1. AN INITIATING TRIBUNAL OF ANOTHER STATE TO ENFORCE THE SPOUSAL SUPPORT ORDER ISSUED IN THAT STATE.

2. A RESPONDING TRIBUNAL TO ENFORCE OR MODIFY ITS OWN SPOUSAL SUPPORT ORDER.

ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

25-1241. Proceedings under this chapter

A. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, THIS ARTICLE APPLIES TO ALL PROCEEDINGS UNDER THIS CHAPTER.

B. AN INDIVIDUAL PETITIONER OR A SUPPORT ENFORCEMENT AGENCY MAY INITIATE A PROCEEDING AUTHORIZED UNDER THIS CHAPTER BY FILING A PETITION IN AN INITIATING TRIBUNAL FOR FORWARDING TO A RESPONDING TRIBUNAL OR BY FILING A PETITION OR A COMPARABLE PLEADING DIRECTLY IN A TRIBUNAL OF ANOTHER STATE THAT HAS OR CAN OBTAIN PERSONAL JURISDICTION OVER THE RESPONDENT.

25-1242. Proceeding by minor parent

A MINOR PARENT OR A GUARDIAN OR OTHER LEGAL REPRESENTATIVE OF A MINOR PARENT MAY MAINTAIN A PROCEEDING ON BEHALF OF OR FOR THE BENEFIT OF THE MINOR'S CHILD.

25-1243. Application of law of state

EXCEPT AS OTHERWISE PROVIDED BY THIS CHAPTER, A RESPONDING TRIBUNAL OF THIS STATE SHALL:

1. APPLY THE PROCEDURAL AND SUBSTANTIVE LAW GENERALLY APPLICABLE TO SIMILAR PROCEEDINGS ORIGINATING IN THIS STATE AND MAY EXERCISE ALL POWERS AND PROVIDE ALL REMEDIES AVAILABLE IN THOSE PROCEEDINGS.

2. DETERMINE THE DUTY OF SUPPORT AND THE AMOUNT PAYABLE IN ACCORDANCE WITH THE LAW AND SUPPORT GUIDELINES OF THIS STATE.

25-1244. Duties of initiating tribunal

A. ON THE FILING OF A PETITION AUTHORIZED BY THIS CHAPTER, AN INITIATING TRIBUNAL OF THIS STATE SHALL FORWARD THE PETITION AND ITS ACCOMPANYING DOCUMENTS EITHER:

1. TO THE RESPONDING TRIBUNAL OR THE APPROPRIATE SUPPORT ENFORCEMENT AGENCY IN THE RESPONDING STATE.

2. IF THE IDENTITY OF THE RESPONDING TRIBUNAL IS UNKNOWN, TO THE STATE INFORMATION AGENCY OF THE RESPONDING STATE WITH A REQUEST THAT THE PETITION BE FORWARDED TO THE APPROPRIATE TRIBUNAL AND THAT RECEIPT BE ACKNOWLEDGED.

B. IF REQUESTED BY THE RESPONDING TRIBUNAL, A TRIBUNAL OF THIS STATE SHALL ISSUE ANY CERTIFICATE OR OTHER DOCUMENT AND MAY MAKE FINDINGS REQUIRED BY THE LAW OF THE RESPONDING STATE. IF THE RESPONDING STATE IS A FOREIGN COUNTRY OR POLITICAL SUBDIVISION, ON REQUEST THE TRIBUNAL SHALL SPECIFY THE AMOUNT OF SUPPORT SOUGHT, CONVERT THAT AMOUNT INTO THE EQUIVALENT AMOUNT IN THE FOREIGN CURRENCY UNDER APPLICABLE OFFICIAL OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED, AND PROVIDE ANY OTHER DOCUMENTS NECESSARY TO SATISFY THE REQUIREMENTS OF THE RESPONDING STATE.

25-1245. Duties and powers of responding tribunal

A. WHEN A RESPONDING TRIBUNAL OF THIS STATE RECEIVES A PETITION OR COMPARABLE PLEADING FROM AN INITIATING TRIBUNAL OR DIRECTLY PURSUANT TO SECTION 25-1241, SUBSECTION B, IT SHALL FILE THE PETITION OR PLEADING AND NOTIFY THE PETITIONER OF WHERE AND WHEN IT WAS FILED.

B. A RESPONDING TRIBUNAL OF THIS STATE, TO THE EXTENT NOT PROHIBITED BY OTHER LAW, MAY DO ONE OR MORE OF THE FOLLOWING:

1. ISSUE OR ENFORCE A SUPPORT ORDER, MODIFY A CHILD SUPPORT ORDER, DETERMINE THE CONTROLLING CHILD SUPPORT ORDER OR DETERMINE PARENTAGE.

2. ORDER AN OBLIGOR TO COMPLY WITH A SUPPORT ORDER, SPECIFYING THE AMOUNT AND THE MANNER OF COMPLIANCE.

3. ORDER INCOME WITHHOLDING.

4. DETERMINE THE AMOUNT OF ANY ARREARAGES AND SPECIFY A METHOD OF PAYMENT.

5. ENFORCE ORDERS BY CIVIL OR CRIMINAL CONTEMPT, OR BOTH.

6. SET ASIDE PROPERTY FOR SATISFACTION OF THE SUPPORT ORDER.

7. PLACE LIENS AND ORDER EXECUTION ON THE OBLIGOR'S PROPERTY.

8. ORDER AN OBLIGOR TO KEEP THE TRIBUNAL INFORMED OF THE OBLIGOR'S CURRENT RESIDENTIAL ADDRESS, TELEPHONE NUMBER, EMPLOYER, ADDRESS OF EMPLOYMENT AND TELEPHONE NUMBER AT THE PLACE OF EMPLOYMENT.

9. ISSUE A CIVIL ARREST WARRANT FOR AN OBLIGOR WHO HAS FAILED AFTER PROPER NOTICE TO APPEAR AT A HEARING ORDERED BY THE TRIBUNAL AND ENTER THE CIVIL ARREST WARRANT IN ANY LOCAL AND STATE COMPUTER SYSTEMS FOR CRIMINAL WARRANTS.

10. ORDER THE OBLIGOR TO SEEK APPROPRIATE EMPLOYMENT BY SPECIFIED METHODS.

11. AWARD REASONABLE ATTORNEY FEES AND OTHER FEES AND COSTS.

12. GRANT ANY OTHER AVAILABLE REMEDY.

C. A RESPONDING TRIBUNAL OF THIS STATE SHALL INCLUDE IN A SUPPORT ORDER ISSUED UNDER THIS CHAPTER OR IN THE DOCUMENTS ACCOMPANYING THE ORDER THE CALCULATIONS ON WHICH THE SUPPORT ORDER IS BASED.

D. A RESPONDING TRIBUNAL OF THIS STATE MAY NOT CONDITION THE PAYMENT OF A SUPPORT ORDER ISSUED UNDER THIS CHAPTER ON COMPLIANCE BY A PARTY WITH PROVISIONS FOR VISITATION.

E. IF A RESPONDING TRIBUNAL OF THIS STATE ISSUES AN ORDER UNDER THIS CHAPTER, THE TRIBUNAL SHALL SEND A COPY OF THE ORDER TO THE PETITIONER AND THE RESPONDENT AND TO THE INITIATING TRIBUNAL, IF ANY.

F. IF REQUESTED TO ENFORCE A SUPPORT ORDER, ARREARS OR JUDGMENT OR MODIFY A SUPPORT ORDER STATED IN A FOREIGN CURRENCY, A RESPONDING TRIBUNAL OF THIS STATE SHALL CONVERT THE AMOUNT STATED IN THE FOREIGN CURRENCY TO THE EQUIVALENT AMOUNT IN DOLLARS UNDER THE APPLICABLE OFFICIAL OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED.

25-1246. Inappropriate tribunal

IF A PETITION OR COMPARABLE PLEADING IS RECEIVED BY AN INAPPROPRIATE TRIBUNAL OF THIS STATE, THE TRIBUNAL SHALL FORWARD THE PLEADING AND ACCOMPANYING DOCUMENTS TO AN APPROPRIATE TRIBUNAL IN THIS STATE OR ANOTHER STATE AND NOTIFY THE PETITIONER WHERE AND WHEN THE PLEADING WAS SENT.

25-1247. Duties of support enforcement agency

A. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE, ON REQUEST, SHALL PROVIDE SERVICES TO A PETITIONER IN A PROCEEDING UNDER THIS CHAPTER.

B. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT IS PROVIDING SERVICES TO THE PETITIONER SHALL:

1. TAKE ALL STEPS NECESSARY TO ENABLE AN APPROPRIATE TRIBUNAL IN THIS STATE OR ANOTHER STATE TO OBTAIN JURISDICTION OVER THE RESPONDENT.

2. REQUEST AN APPROPRIATE TRIBUNAL TO SET A DATE, TIME AND PLACE FOR A HEARING.

3. MAKE A REASONABLE EFFORT TO OBTAIN ALL RELEVANT INFORMATION, INCLUDING INFORMATION AS TO INCOME AND PROPERTY OF THE PARTIES.

4. WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS, AFTER RECEIPT OF A WRITTEN NOTICE IN A RECORD FROM AN INITIATING, RESPONDING OR REGISTERING TRIBUNAL, SEND A COPY OF THE NOTICE BY FIRST CLASS MAIL TO THE PETITIONER.

5. WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS, AFTER RECEIPT OF A WRITTEN COMMUNICATION IN A RECORD FROM THE RESPONDENT OR THE RESPONDENT'S ATTORNEY, SEND A COPY OF THE COMMUNICATION BY FIRST CLASS MAIL TO THE PETITIONER.

6. NOTIFY THE PETITIONER IF JURISDICTION OVER THE RESPONDENT CANNOT BE OBTAINED.

C. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS REGISTRATION OF A CHILD SUPPORT ORDER IN THIS STATE FOR ENFORCEMENT OR FOR MODIFICATION SHALL MAKE REASONABLE EFFORTS TO EITHER:

1. ENSURE THAT THE ORDER TO BE REGISTERED IS THE CONTROLLING ORDER.

2. IF TWO OR MORE CHILD SUPPORT ORDERS EXIST AND THE IDENTITY OF THE CONTROLLING ORDER HAS NOT BEEN DETERMINED, ENSURE THAT A REQUEST FOR SUCH A DETERMINATION IS MADE IN A TRIBUNAL HAVING JURISDICTION TO DO SO.

D. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE THAT REQUESTS REGISTRATION AND ENFORCEMENT OF A SUPPORT ORDER, ARREARS OR JUDGMENT STATED IN A FOREIGN CURRENCY SHALL CONVERT THE AMOUNTS STATED IN THE FOREIGN CURRENCY INTO THE EQUIVALENT AMOUNTS IN DOLLARS UNDER THE APPLICABLE OFFICIAL OR MARKET EXCHANGE RATE AS PUBLICLY REPORTED.

E. A SUPPORT ENFORCEMENT AGENCY OF THIS STATE SHALL REQUEST A TRIBUNAL OF THIS STATE TO ISSUE A CHILD SUPPORT ORDER AND AN INCOME WITHHOLDING ORDER THAT REDIRECT PAYMENT OF CURRENT SUPPORT, ARREARS AND INTEREST IF REQUESTED TO DO SO BY A SUPPORT ENFORCEMENT AGENCY OF ANOTHER STATE PURSUANT TO SECTION 25-1259.

F. THIS CHAPTER DOES NOT CREATE OR NEGATE A RELATIONSHIP OF ATTORNEY AND CLIENT OR OTHER FIDUCIARY RELATIONSHIP BETWEEN A SUPPORT ENFORCEMENT AGENCY OR THE ATTORNEY FOR THE AGENCY AND THE INDIVIDUAL BEING ASSISTED BY THE AGENCY.

25-1248. Duty of the attorney general

A. IF THE ATTORNEY GENERAL DETERMINES THAT THE SUPPORT ENFORCEMENT AGENCY IS NEGLECTING OR REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL, THE ATTORNEY GENERAL MAY ORDER THE AGENCY TO PERFORM ITS DUTIES UNDER THIS CHAPTER OR MAY PROVIDE THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.

B. THE ATTORNEY GENERAL MAY DETERMINE THAT A FOREIGN COUNTRY OR POLITICAL SUBDIVISION HAS ESTABLISHED A RECIPROCAL ARRANGEMENT FOR CHILD

SUPPORT WITH THIS STATE AND TAKE APPROPRIATE ACTION FOR NOTIFICATION OF THE DETERMINATION.

25-1249. Private counsel

AN INDIVIDUAL MAY EMPLOY PRIVATE COUNSEL TO REPRESENT THE INDIVIDUAL IN PROCEEDINGS AUTHORIZED BY THIS CHAPTER.

25-1250. Duties of department of economic security

A. THE DEPARTMENT OF ECONOMIC SECURITY IS THE STATE INFORMATION AGENCY UNDER THIS CHAPTER.

B. THE DEPARTMENT SHALL:

1. COMPILE AND MAINTAIN A CURRENT LIST, INCLUDING ADDRESSES, OF THE TRIBUNALS IN THIS STATE THAT HAVE JURISDICTION UNDER THIS CHAPTER AND ANY SUPPORT ENFORCEMENT AGENCIES IN THIS STATE AND TRANSMIT A COPY TO THE STATE INFORMATION AGENCY OF EVERY OTHER STATE.

2. MAINTAIN A REGISTER OF TRIBUNALS AND SUPPORT ENFORCEMENT AGENCIES RECEIVED FROM OTHER STATES.

3. FORWARD TO THE APPROPRIATE TRIBUNAL IN THE COUNTY IN THIS STATE IN WHICH THE OBLIGEE OR THE OBLIGOR RESIDES OR IN WHICH THE OBLIGOR'S PROPERTY IS BELIEVED TO BE LOCATED ALL DOCUMENTS CONCERNING A PROCEEDING UNDER THIS CHAPTER RECEIVED FROM AN INITIATING TRIBUNAL OR THE STATE INFORMATION AGENCY OF THE INITIATING STATE.

4. OBTAIN INFORMATION CONCERNING THE LOCATION OF THE OBLIGOR AND THE OBLIGOR'S PROPERTY WITHIN THIS STATE NOT EXEMPT FROM EXECUTION, BY SUCH MEANS AS POSTAL VERIFICATION, FEDERAL OR STATE LOCATOR SERVICES, EXAMINATION OF TELEPHONE DIRECTORIES, REQUESTS FOR THE OBLIGOR'S ADDRESS FROM EMPLOYERS AND EXAMINATION OF GOVERNMENTAL RECORDS, INCLUDING TO THE EXTENT NOT PROHIBITED BY OTHER LAW THOSE RELATING TO REAL PROPERTY, VITAL STATISTICS, LAW ENFORCEMENT, TAXATION, MOTOR VEHICLES, DRIVER LICENSES AND SOCIAL SECURITY.

25-1251. Pleadings and accompanying documents

A. IN A PROCEEDING UNDER THIS CHAPTER, A PETITIONER SEEKING TO ESTABLISH A SUPPORT ORDER, DETERMINE PARENTAGE OR REGISTER AND MODIFY A SUPPORT ORDER OF ANOTHER STATE MUST FILE A PETITION. UNLESS OTHERWISE ORDERED UNDER SECTION 25-1252, THE PETITION OR ACCOMPANYING DOCUMENTS SHALL PROVIDE, AS FAR AS KNOWN, THE NAME, RESIDENTIAL ADDRESS AND SOCIAL SECURITY NUMBER OF THE OBLIGOR AND THE OBLIGEE AND THE NAME, SEX, RESIDENTIAL ADDRESS, SOCIAL SECURITY NUMBER AND DATE OF BIRTH OF EACH CHILD FOR WHOSE BENEFIT SUPPORT IS SOUGHT OR WHOSE PARENTAGE IS TO BE DETERMINED. UNLESS FILED AT THE TIME OF REGISTRATION, THE PETITION MUST BE ACCOMPANIED BY A COPY OF ANY SUPPORT ORDER KNOWN TO HAVE BEEN ISSUED BY ANOTHER TRIBUNAL. THE PETITION MAY INCLUDE ANY OTHER INFORMATION THAT MAY ASSIST IN LOCATING OR IDENTIFYING THE RESPONDENT.

B. THE PETITION SHALL SPECIFY THE RELIEF SOUGHT. THE PETITION AND ACCOMPANYING DOCUMENTS SHALL CONFORM SUBSTANTIALLY WITH THE REQUIREMENTS IMPOSED BY THE FORMS MANDATED BY FEDERAL LAW FOR USE IN CASES FILED BY A SUPPORT ENFORCEMENT AGENCY.

25-1252. Nondisclosure of information in exceptional circumstances

IF A PARTY ALLEGES IN AN AFFIDAVIT OR A PLEADING UNDER OATH THAT THE HEALTH, SAFETY OR LIBERTY OF A PARTY OR CHILD WOULD BE JEOPARDIZED BY DISCLOSURE OF SPECIFIC IDENTIFYING INFORMATION, THAT INFORMATION MUST BE SEALED AND SHALL NOT BE DISCLOSED TO THE OTHER PARTY OR TO THE PUBLIC. AFTER A HEARING IN WHICH A TRIBUNAL TAKES INTO CONSIDERATION THE HEALTH, SAFETY OR LIBERTY OF THE PARTY OR CHILD, THE TRIBUNAL MAY ORDER DISCLOSURE OF INFORMATION THAT THE TRIBUNAL DETERMINES TO BE IN THE INTEREST OF JUSTICE.

25-1253. Costs and fees

A. THE PETITIONER SHALL NOT PAY A FILING FEE OR OTHER COSTS.

B. IF AN OBLIGEE PREVAILS, A RESPONDING TRIBUNAL MAY ASSESS AGAINST AN OBLIGOR FILING FEES, REASONABLE ATTORNEY FEES, OTHER COSTS AND NECESSARY TRAVEL AND OTHER REASONABLE EXPENSES INCURRED BY THE OBLIGEE AND THE OBLIGEE'S WITNESSES. THE TRIBUNAL SHALL NOT ASSESS FEES, COSTS OR EXPENSES AGAINST THE OBLIGEE OR THE SUPPORT ENFORCEMENT AGENCY OF EITHER THE INITIATING OR THE RESPONDING STATE, EXCEPT AS PROVIDED BY OTHER LAW. ATTORNEY FEES MAY BE TAXED AS COSTS AND MAY BE ORDERED PAID DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER IN THE ATTORNEY'S OWN NAME. PAYMENT OF SUPPORT OWED TO THE OBLIGEE HAS PRIORITY OVER FEES, COSTS AND EXPENSES.

C. THE TRIBUNAL SHALL ORDER THE PAYMENT OF COSTS AND REASONABLE ATTORNEY FEES IF IT DETERMINES THAT A HEARING WAS REQUESTED PRIMARILY FOR DELAY. IN A PROCEEDING UNDER ARTICLE 6 OF THIS CHAPTER FOR THE ENFORCEMENT AND MODIFICATION OF A SUPPORT ORDER AFTER REGISTRATION, A HEARING IS PRESUMED TO HAVE BEEN REQUESTED PRIMARILY FOR DELAY IF A REGISTERED SUPPORT ORDER IS CONFIRMED OR ENFORCED WITHOUT CHANGE.

25-1254. Limited immunity of petitioner

A. PARTICIPATION BY A PETITIONER IN A PROCEEDING BEFORE A RESPONDING TRIBUNAL, WHETHER IN PERSON, BY PRIVATE ATTORNEY OR THROUGH SERVICES PROVIDED BY THE SUPPORT ENFORCEMENT AGENCY, DOES NOT CONFER PERSONAL JURISDICTION OVER THE PETITIONER IN ANOTHER PROCEEDING.

B. A PETITIONER IS NOT AMENABLE TO SERVICE OF CIVIL PROCESS WHILE PHYSICALLY PRESENT IN THIS STATE TO PARTICIPATE IN A PROCEEDING UNDER THIS CHAPTER.

C. THE IMMUNITY GRANTED BY THIS SECTION DOES NOT EXTEND TO CIVIL LITIGATION BASED ON ACTS UNRELATED TO A PROCEEDING UNDER THIS CHAPTER COMMITTED BY A PARTY WHILE PRESENT IN THIS STATE TO PARTICIPATE IN THE PROCEEDING.

25-1255. Nonparentage as defense

A PARTY WHOSE PARENTAGE OF A CHILD HAS BEEN PREVIOUSLY DETERMINED BY OR PURSUANT TO LAW SHALL NOT PLEAD NONPARENTAGE AS A DEFENSE TO A PROCEEDING UNDER THIS CHAPTER.

25-1256. Special evidence and procedure

A. THE PHYSICAL PRESENCE OF A NONRESIDENT PARTY WHO IS AN INDIVIDUAL IN A TRIBUNAL PROCEEDING OF THIS STATE IS NOT REQUIRED FOR THE ESTABLISHMENT, ENFORCEMENT OR MODIFICATION OF A SUPPORT ORDER OR THE RENDITION OF A JUDGMENT DETERMINING PARENTAGE.

B. AN AFFIDAVIT, A DOCUMENT SUBSTANTIALLY COMPLYING WITH FEDERALLY MANDATED FORMS OR A DOCUMENT INCORPORATED BY REFERENCE IN ANY AFFIDAVIT OR MANDATED FORM THAT WOULD NOT BE EXCLUDED UNDER THE HEARSAY RULE IF GIVEN IN PERSON IS ADMISSIBLE IN EVIDENCE IF GIVEN UNDER PENALTY OF PERJURY BY A PARTY OR WITNESS RESIDING IN ANOTHER STATE.

C. A COPY OF THE RECORD OF CHILD SUPPORT PAYMENTS CERTIFIED AS A TRUE COPY OF THE ORIGINAL BY THE CUSTODIAN OF THE RECORD MAY BE FORWARDED TO A RESPONDING TRIBUNAL. THE COPY IS EVIDENCE OF FACTS ASSERTED IN IT AND IS ADMISSIBLE TO SHOW WHETHER PAYMENTS WERE MADE.

D. COPIES OF BILLS FOR TESTING FOR PARENTAGE AND FOR PRENATAL AND POSTNATAL HEALTH CARE OF THE MOTHER AND CHILD FURNISHED TO THE ADVERSE PARTY AT LEAST TEN DAYS BEFORE TRIAL ARE ADMISSIBLE IN EVIDENCE TO PROVE THE AMOUNT OF THE CHARGES BILLED AND THAT THE CHARGES WERE REASONABLE, NECESSARY AND CUSTOMARY.

E. DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A TRIBUNAL OF THIS STATE BY TELEPHONE, FAX OR OTHER MEANS THAT DO NOT PROVIDE AN ORIGINAL RECORD SHALL NOT BE EXCLUDED FROM EVIDENCE ON AN OBJECTION BASED ON THE MEANS OF TRANSMISSION.

F. IN A PROCEEDING UNDER THIS CHAPTER, A TRIBUNAL OF THIS STATE SHALL PERMIT A PARTY OR WITNESS RESIDING IN ANOTHER STATE TO BE DEPOSED OR TO TESTIFY BY TELEPHONE, AUDIOVISUAL MEANS OR OTHER ELECTRONIC MEANS AT A DESIGNATED TRIBUNAL OR OTHER LOCATION IN THAT STATE. A TRIBUNAL OF THIS STATE SHALL COOPERATE WITH TRIBUNALS OF OTHER STATES IN DESIGNATING AN APPROPRIATE LOCATION FOR THE DEPOSITION OR TESTIMONY.

G. IF A PARTY CALLED TO TESTIFY AT A CIVIL HEARING REFUSES TO ANSWER ON THE GROUND THAT THE TESTIMONY MAY BE SELF-INCRIMINATING, THE TRIER OF FACT MAY DRAW AN ADVERSE INFERENCE FROM THE REFUSAL.

H. A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SPOUSES DOES NOT APPLY IN A PROCEEDING UNDER THIS CHAPTER.

I. THE DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF HUSBAND AND WIFE OR PARENT AND CHILD DOES NOT APPLY IN A PROCEEDING UNDER THIS CHAPTER.

J. A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY, CERTIFIED AS A TRUE COPY, IS ADMISSIBLE TO ESTABLISH PARENTAGE OF THE CHILD.

25-1257. Communications between tribunals

A TRIBUNAL OF THIS STATE MAY COMMUNICATE WITH A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY OR POLITICAL SUBDIVISION IN A RECORD OR BY TELEPHONE OR OTHER MEANS TO OBTAIN INFORMATION CONCERNING THE LAWS, THE LEGAL EFFECT OF A JUDGMENT, DECREE OR ORDER OF THAT TRIBUNAL AND THE STATUS OF A PROCEEDING IN THE OTHER STATE OR THE FOREIGN COUNTRY OR POLITICAL SUBDIVISION. A TRIBUNAL OF THIS STATE MAY FURNISH SIMILAR INFORMATION BY

SIMILAR MEANS TO A TRIBUNAL OF ANOTHER STATE OR A FOREIGN COUNTRY OR POLITICAL SUBDIVISION.

25-1258. Assistance with discovery

A TRIBUNAL OF THIS STATE MAY:

1. REQUEST A TRIBUNAL OF ANOTHER STATE TO ASSIST IN OBTAINING DISCOVERY.

2. ON REQUEST, COMPEL A PERSON OVER WHOM IT HAS JURISDICTION TO RESPOND TO A DISCOVERY ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE.

25-1259. Receipt and disbursement of payments

A. A SUPPORT ENFORCEMENT AGENCY OR TRIBUNAL OF THIS STATE SHALL DISBURSE PROMPTLY ANY AMOUNTS RECEIVED PURSUANT TO A SUPPORT ORDER, AS DIRECTED BY THE ORDER. THE AGENCY OR TRIBUNAL SHALL FURNISH TO A REQUESTING PARTY OR TRIBUNAL OF ANOTHER STATE A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORD OF THE AMOUNTS AND DATES OF ALL PAYMENTS RECEIVED.

B. IF NEITHER THE OBLIGOR, THE OBLIGEE WHO IS AN INDIVIDUAL NOR THE CHILD RESIDES IN THIS STATE, ON REQUEST FROM THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE OR ANOTHER STATE, A TRIBUNAL OF THIS STATE SHALL:

1. DIRECT THAT THE SUPPORT PAYMENT BE MADE TO THE SUPPORT ENFORCEMENT AGENCY IN THE STATE IN WHICH THE OBLIGEE IS RECEIVING SERVICES.

2. ISSUE AND SEND TO THE OBLIGOR'S EMPLOYER A CONFORMING INCOME WITHHOLDING ORDER OR AN ADMINISTRATIVE NOTICE OF CHANGE OF PAYEE, REFLECTING THE REDIRECTED PAYMENTS.

C. THE SUPPORT ENFORCEMENT AGENCY OF THIS STATE RECEIVING REDIRECTED PAYMENTS FROM ANOTHER STATE PURSUANT TO A LAW SIMILAR TO SUBSECTION B SHALL FURNISH TO A REQUESTING PARTY OR TRIBUNAL OF THE OTHER STATE A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORD OF THE AMOUNT AND DATES OF ALL PAYMENTS RECEIVED.

ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

25-1271. Petition to establish support order

A. IF A SUPPORT ORDER ENTITLED TO RECOGNITION UNDER THIS CHAPTER HAS NOT BEEN ISSUED, A RESPONDING TRIBUNAL OF THIS STATE MAY ISSUE A SUPPORT ORDER IF EITHER:

1. THE INDIVIDUAL SEEKING THE ORDER RESIDES IN ANOTHER STATE.

2. THE SUPPORT ENFORCEMENT AGENCY SEEKING THE ORDER IS LOCATED IN ANOTHER STATE.

B. THE TRIBUNAL MAY ISSUE A TEMPORARY CHILD SUPPORT ORDER IF THE TRIBUNAL DETERMINES THAT SUCH AN ORDER IS APPROPRIATE AND THE INDIVIDUAL ORDERED TO PAY IS:

1. A PRESUMED FATHER OF THE CHILD.

2. PETITIONING TO HAVE HIS PATERNITY ADJUDICATED.

3. IDENTIFIED AS THE FATHER OF THE CHILD THROUGH GENETIC TESTING.

4. AN ALLEGED FATHER WHO HAS DECLINED TO SUBMIT TO GENETIC TESTING.

5. SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE THE FATHER OF THE CHILD.

6. AN ACKNOWLEDGED FATHER AS PROVIDED PURSUANT TO SECTION 36-322.

7. THE MOTHER OF THE CHILD.

8. AN INDIVIDUAL WHO HAS BEEN ORDERED TO PAY CHILD SUPPORT IN A PREVIOUS PROCEEDING AND THE ORDER HAS NOT BEEN REVERSED OR VACATED.

C. ON FINDING, AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD, THAT AN OBLIGOR OWES A DUTY OF SUPPORT, THE TRIBUNAL SHALL ISSUE A SUPPORT ORDER DIRECTED TO THE OBLIGOR AND MAY ISSUE OTHER ORDERS PURSUANT TO SECTION 25-1245.

ARTICLE 5. ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

25-1281. Employer's receipt of income withholding order of another state

AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE MAY BE SENT BY OR ON BEHALF OF THE OBLIGEE OR BY THE SUPPORT ENFORCEMENT AGENCY TO THE PERSON DEFINED AS THE OBLIGOR'S EMPLOYER UNDER THE INCOME WITHHOLDING LAWS OF THIS STATE WITHOUT FIRST FILING A PETITION OR COMPARABLE PLEADING OR REGISTERING THE ORDER WITH A TRIBUNAL OF THIS STATE.

25-1282. Employer's compliance with income withholding order of another state

A. ON RECEIPT OF AN INCOME WITHHOLDING ORDER, THE OBLIGOR'S EMPLOYER SHALL IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE OBLIGOR.

B. THE EMPLOYER SHALL TREAT AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE THAT APPEARS REGULAR ON ITS FACE AS IF IT HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE.

C. EXCEPT AS PROVIDED BY SUBSECTION D OF THIS SECTION AND SECTION 25-1283, THE EMPLOYER SHALL WITHHOLD AND DISTRIBUTE THE FUNDS AS DIRECTED IN THE WITHHOLDING ORDER BY COMPLYING WITH THE TERMS OF THE ORDER THAT SPECIFY:

1. THE DURATION AND THE AMOUNT OF PERIODIC PAYMENTS OF CURRENT CHILD SUPPORT, STATED AS A SUM CERTAIN.

2. THE PERSON DESIGNATED TO RECEIVE PAYMENTS AND THE ADDRESS TO WHICH THE PAYMENTS ARE TO BE FORWARDED.

3. MEDICAL SUPPORT, WHETHER IN THE FORM OF PERIODIC CASH PAYMENT, STATED AS A SUM CERTAIN, OR ORDERING THE OBLIGOR TO PROVIDE HEALTH INSURANCE COVERAGE FOR THE CHILD UNDER A POLICY AVAILABLE THROUGH THE OBLIGOR'S EMPLOYMENT.

4. THE AMOUNT OF PERIODIC PAYMENTS OF FEES AND COSTS FOR A SUPPORT ENFORCEMENT AGENCY, THE ISSUING TRIBUNAL AND THE OBLIGEE'S ATTORNEY, STATED AS SUMS CERTAIN.

5. THE AMOUNT OF PERIODIC PAYMENTS OF ARREARS AND INTEREST ON ARREARS, STATED AS SUMS CERTAIN.

D. THE EMPLOYER SHALL COMPLY WITH THE LAW OF THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT FOR WITHHOLDING FROM INCOME WITH RESPECT TO:

1. THE EMPLOYER'S FEE FOR PROCESSING AN INCOME WITHHOLDING ORDER.

2. THE MAXIMUM AMOUNT PERMITTED TO BE WITHHELD FROM THE OBLIGOR'S INCOME.

3. THE TIME WITHIN WHICH THE EMPLOYER SHALL IMPLEMENT THE WITHHOLDING ORDER AND FORWARD THE CHILD SUPPORT PAYMENT.

25-1283. Employer's compliance with two or more income withholding orders

IF THE OBLIGOR'S EMPLOYER RECEIVES TWO OR MORE ORDERS TO WITHHOLD SUPPORT FROM THE EARNINGS, INCOME, ENTITLEMENTS OR OTHER MONIES OF THE SAME OBLIGOR, THE EMPLOYER IS DEEMED TO HAVE SATISFIED THE TERMS OF THE ORDERS IF THE EMPLOYER COMPLIES WITH THE LAW OF THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR TWO OR MORE CHILD SUPPORT OBLIGEES.

25-1284. Immunity from civil liability

AN EMPLOYER WHO COMPLIES WITH AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE IN ACCORDANCE WITH THIS ARTICLE IS NOT SUBJECT TO CIVIL LIABILITY TO AN INDIVIDUAL OR AGENCY WITH REGARD TO THE EMPLOYER'S WITHHOLDING OF CHILD SUPPORT FROM THE OBLIGOR'S INCOME.

25-1285. Penalties for noncompliance

AN EMPLOYER WHO WILLFULLY FAILS TO COMPLY WITH AN INCOME WITHHOLDING ORDER ISSUED BY ANOTHER STATE AND RECEIVED FOR ENFORCEMENT IS SUBJECT TO THE SAME PENALTIES THAT MAY BE IMPOSED FOR NONCOMPLIANCE WITH AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.

25-1286. Contest by obligor

A. AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCEMENT OF AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE AND RECEIVED DIRECTLY BY AN EMPLOYER IN THIS STATE BY REGISTERING THE ORDER IN A TRIBUNAL OF THIS STATE AND FILING A CONTEST TO THAT ORDER AS PROVIDED IN ARTICLE 6 OF THIS CHAPTER OR OTHERWISE CONTESTING THE ORDER IN THE SAME MANNER AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE.

B. THE OBLIGOR SHALL GIVE NOTICE OF THE CONTEST TO:

1. A SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO THE OBLIGEE.

2. EACH EMPLOYER THAT HAS DIRECTLY RECEIVED AN INCOME WITHHOLDING ORDER.

3. THE PERSON DESIGNATED IN THE INCOME WITHHOLDING ORDER TO RECEIVE PAYMENTS, OR IF NO PERSON IS DESIGNATED, TO THE OBLIGEE.

25-1287. Administrative enforcement of orders

A. A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO ENFORCE A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER, OR BOTH, ISSUED BY A TRIBUNAL OF ANOTHER STATE MAY SEND THE DOCUMENTS REQUIRED FOR REGISTERING THE ORDER TO A SUPPORT ENFORCEMENT AGENCY OF THIS STATE.

B. ON RECEIPT OF THE DOCUMENTS, THE SUPPORT ENFORCEMENT AGENCY, WITHOUT INITIALLY SEEKING TO REGISTER THE ORDER, SHALL CONSIDER AND, IF APPROPRIATE, USE ANY ADMINISTRATIVE PROCEDURE AUTHORIZED BY THE LAWS OF THIS STATE TO ENFORCE A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER, OR BOTH. IF THE OBLIGOR DOES NOT CONTEST ADMINISTRATIVE ENFORCEMENT, THE ORDER NEED NOT BE REGISTERED. IF THE OBLIGOR CONTESTS THE VALIDITY OR ADMINISTRATIVE

ENFORCEMENT OF THE ORDER, THE SUPPORT ENFORCEMENT AGENCY SHALL REGISTER THE ORDER PURSUANT TO THIS CHAPTER.

ARTICLE 6. REGISTRATION, ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER

25-1301. Registration of order for enforcement

A SUPPORT ORDER OR AN INCOME WITHHOLDING ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE MAY BE REGISTERED IN THIS STATE FOR ENFORCEMENT.

25-1302 Procedure to register order for enforcement

A. A SUPPORT ORDER OR INCOME WITHHOLDING ORDER OF ANOTHER STATE MAY BE REGISTERED IN THIS STATE BY SENDING THE FOLLOWING DOCUMENTS AND INFORMATION TO THE APPROPRIATE TRIBUNAL IN THIS STATE:

1. A LETTER OF TRANSMITTAL TO THE TRIBUNAL REQUESTING REGISTRATION AND ENFORCEMENT.

2. TWO COPIES, INCLUDING ONE CERTIFIED COPY, OF THE ORDER TO BE REGISTERED, INCLUDING ANY MODIFICATION OF THE ORDER.

3. A SWORN STATEMENT BY THE PERSON REQUESTING REGISTRATION OR A CERTIFIED STATEMENT BY THE CUSTODIAN OF THE RECORDS SHOWING THE AMOUNT OF ANY ARREARAGE.

4. THE NAME OF THE OBLIGOR AND, IF KNOWN:

(a) THE OBLIGOR'S ADDRESS AND SOCIAL SECURITY NUMBER.

(b) THE NAME AND ADDRESS OF THE OBLIGOR'S EMPLOYER AND ANY OTHER SOURCE OF INCOME OF THE OBLIGOR.

(c) A DESCRIPTION AND THE LOCATION OF PROPERTY OF THE OBLIGOR IN THIS STATE NOT EXEMPT FROM EXECUTION.

5. EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-1252, THE NAME AND ADDRESS OF THE OBLIGEE AND, IF APPLICABLE, THE PERSON TO WHOM SUPPORT PAYMENTS ARE TO BE REMITTED.

B. ON RECEIPT OF A REQUEST FOR REGISTRATION, THE REGISTERING TRIBUNAL SHALL CAUSE THE ORDER TO BE FILED AS A FOREIGN JUDGMENT, TOGETHER WITH ONE COPY OF THE DOCUMENTS AND INFORMATION, REGARDLESS OF THEIR FORM.

C. IF TWO OR MORE ORDERS ARE IN EFFECT, THE PERSON REQUESTING REGISTRATION SHALL:

1. FURNISH TO THE TRIBUNAL A COPY OF EVERY SUPPORT ORDER ASSERTED TO BE IN EFFECT IN ADDITION TO THE DOCUMENTS SPECIFIED IN THIS SECTION.

2. SPECIFY THE ORDER ALLEGED TO BE THE CONTROLLING ORDER, IF ANY.

3. SPECIFY THE AMOUNT OF CONSOLIDATED ARREARS, IF ANY.

D. A REQUEST FOR A DETERMINATION OF WHICH IS THE CONTROLLING ORDER MAY BE FILED SEPARATELY OR WITH A REQUEST FOR REGISTRATION AND ENFORCEMENT OR FOR REGISTRATION AND MODIFICATION. THE PERSON REQUESTING REGISTRATION SHALL GIVE NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE DETERMINATION.

25-1303. Effect of registration for enforcement

A. A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE IS REGISTERED WHEN THE ORDER IS FILED IN THE REGISTERING TRIBUNAL OF THIS STATE.

B. A REGISTERED ORDER ISSUED IN ANOTHER STATE IS ENFORCEABLE IN THE SAME MANNER AND IS SUBJECT TO THE SAME PROCEDURES AS AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.

C. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A TRIBUNAL OF THIS STATE SHALL RECOGNIZE AND ENFORCE, BUT MAY NOT MODIFY, A REGISTERED ORDER IF THE ISSUING TRIBUNAL HAD JURISDICTION.

25-1304. Choice of law

A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION D, THE LAW OF THE ISSUING STATE GOVERNS:

1. THE NATURE, EXTENT, AMOUNT AND DURATION OF CURRENT PAYMENTS UNDER A REGISTERED SUPPORT ORDER.

2. THE COMPUTATION AND PAYMENT OF ARREARAGES AND ACCRUAL OF INTEREST ON THE ARREARAGES UNDER THE ORDER.

3. THE EXISTENCE AND SATISFACTION OF OTHER OBLIGATIONS UNDER THE SUPPORT ORDER.

B. IN A PROCEEDING FOR ARREARS UNDER A REGISTERED SUPPORT ORDER, THE STATUTE OF LIMITATION OF THIS STATE OR OF THE ISSUING STATE, WHICHEVER IS LONGER, APPLIES.

C. A RESPONDING TRIBUNAL OF THIS STATE SHALL APPLY THE PROCEDURES AND REMEDIES OF THIS STATE TO ENFORCE CURRENT SUPPORT AND COLLECT ARREARS AND INTEREST DUE ON A SUPPORT ORDER OF ANOTHER STATE REGISTERED IN THIS STATE.

D. AFTER A TRIBUNAL OF THIS OR ANOTHER STATE DETERMINES WHICH IS THE CONTROLLING ORDER AND ISSUES AN ORDER CONSOLIDATING ARREARS, IF ANY, A TRIBUNAL OF THIS STATE SHALL PROSPECTIVELY APPLY THE LAW OF THE STATE ISSUING THE CONTROLLING ORDER, INCLUDING ITS LAW ON INTEREST ON ARREARS, ON CURRENT AND FUTURE SUPPORT AND ON CONSOLIDATED ARREARS.

25-1305. Notice of registration of order

A. WHEN A SUPPORT ORDER OR INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE IS REGISTERED, THE REGISTERING TRIBUNAL SHALL NOTIFY THE NONREGISTERING PARTY. NOTICE SHALL BE GIVEN BY FIRST CLASS OR REGISTERED MAIL OR BY ANY MEANS OF PERSONAL SERVICE AUTHORIZED BY THE LAW OF THIS STATE. THE NOTICE SHALL BE ACCOMPANIED BY A COPY OF THE REGISTERED ORDER AND THE DOCUMENTS AND RELEVANT INFORMATION ACCOMPANYING THE ORDER.

B. A NOTICE SHALL INFORM THE NONREGISTERING PARTY:

1. THAT A REGISTERED ORDER IS ENFORCEABLE AS OF THE DATE OF REGISTRATION IN THE SAME MANNER AS AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.

2. THAT A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER MUST BE REQUESTED WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF THE NOTICE.

3. THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER IN A TIMELY MANNER WILL RESULT IN CONFIRMATION OF THE ORDER AND ENFORCEMENT OF THE ORDER AND THE ALLEGED ARREARAGES AND PRECLUDES FURTHER CONTEST OF THAT ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED.

4. OF THE AMOUNT OF ANY ALLEGED ARREARAGES.

C. IF THE REGISTERING PARTY ASSERTS THAT TWO OR MORE ORDERS ARE IN EFFECT, A NOTICE MUST ALSO:

1. IDENTIFY THE TWO OR MORE ORDERS AND THE ORDER ALLEGED BY THE REGISTERING PERSON TO BE THE CONTROLLING ORDER AND THE CONSOLIDATED ARREARS, IF ANY.

2. NOTIFY THE NONREGISTERING PARTY OF THE RIGHT TO A DETERMINATION OF WHICH IS THE CONTROLLING ORDER.

3. STATE THAT THE PROCEDURES PROVIDED IN SUBSECTION B OF THIS SECTION APPLY TO THE DETERMINATION OF WHICH IS THE CONTROLLING ORDER.

4. STATE THAT FAILURE TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE ORDER ALLEGED TO BE THE CONTROLLING ORDER IN A TIMELY MANNER MAY RESULT IN CONFIRMATION THAT THE ORDER IS THE CONTROLLING ORDER.

D. ON REGISTRATION OF AN INCOME WITHHOLDING ORDER FOR ENFORCEMENT, THE REGISTERING TRIBUNAL SHALL SERVE THE OBLIGOR'S EMPLOYER WITH A WAGE ASSIGNMENT SUBJECT TO THE PROVISIONS OF SECTION 25-504 OR 25-506.

25-1306. Procedure to contest validity or enforcement of registered order

A. A NONREGISTERING PARTY SEEKING TO CONTEST THE VALIDITY OR ENFORCEMENT OF A REGISTERED ORDER IN THIS STATE SHALL REQUEST A HEARING WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OR PERSONAL SERVICE OF NOTICE OF THE REGISTRATION. THE NONREGISTERING PARTY MAY SEEK TO VACATE THE REGISTRATION, TO ASSERT ANY DEFENSE TO AN ALLEGATION OF NONCOMPLIANCE WITH THE REGISTERED ORDER OR TO CONTEST THE REMEDIES BEING SOUGHT OR THE AMOUNT OF ANY ALLEGED ARREARAGES PURSUANT TO SECTION 25-1307.

B. IF THE NONREGISTERING PARTY FAILS TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER IN A TIMELY MANNER, THE ORDER IS CONFIRMED BY OPERATION OF LAW.

C. IF A NONREGISTERING PARTY REQUESTS A HEARING TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER, THE REGISTERING TRIBUNAL SHALL SCHEDULE THE MATTER FOR A HEARING AND GIVE NOTICE TO THE PARTIES BY FIRST CLASS MAIL OF THE DATE, TIME AND PLACE OF THE HEARING.

25-1307. Contest of registration or enforcement

A. A PARTY CONTESTING THE VALIDITY OR ENFORCEMENT OF A REGISTERED ORDER OR SEEKING TO VACATE THE REGISTRATION HAS THE BURDEN OF PROVING ONE OR MORE OF THE FOLLOWING DEFENSES:

1. THE ISSUING TRIBUNAL LACKED PERSONAL JURISDICTION OVER THE CONTESTING PARTY.

2. THE ORDER WAS OBTAINED BY FRAUD.

3. THE ORDER HAS BEEN VACATED, SUSPENDED OR MODIFIED BY A LATER ORDER.

4. THE ISSUING TRIBUNAL HAS STAYED THE ORDER PENDING APPEAL.

5. THERE IS A DEFENSE UNDER THE LAW OF THIS STATE TO THE REMEDY SOUGHT.

6. FULL OR PARTIAL PAYMENT HAS BEEN MADE.

7. THE STATUTE OF LIMITATION APPLICABLE UNDER SECTION 25-1304 PRECLUDES ENFORCEMENT OF SOME OR ALL OF THE ARREARAGES.

8. THE ALLEGED CONTROLLING ORDER IS NOT THE CONTROLLING ORDER.

B. IF A PARTY PRESENTS EVIDENCE ESTABLISHING A FULL OR PARTIAL DEFENSE UNDER SUBSECTION A OF THIS SECTION, A TRIBUNAL MAY STAY ENFORCEMENT OF THE REGISTERED ORDER, CONTINUE THE PROCEEDING TO PERMIT PRODUCTION OF ADDITIONAL RELEVANT EVIDENCE AND ISSUE OTHER APPROPRIATE ORDERS. AN UNCONTESTED PORTION OF THE REGISTERED ORDER MAY BE ENFORCED BY ALL REMEDIES AVAILABLE UNDER THE LAWS OF THIS STATE.

C. IF THE CONTESTING PARTY DOES NOT ESTABLISH A DEFENSE UNDER SUBSECTION A OF THIS SECTION TO THE VALIDITY OR ENFORCEMENT OF THE ORDER, THE REGISTERING TRIBUNAL SHALL ISSUE AN ORDER CONFIRMING THE ORDER.

25-1308. Confirmed order

CONFIRMATION OF A REGISTERED ORDER, WHETHER BY OPERATION OF LAW OR AFTER NOTICE AND A HEARING, PRECLUDES FURTHER CONTEST OF THE ORDER WITH RESPECT TO ANY MATTER THAT COULD HAVE BEEN ASSERTED AT THE TIME OF REGISTRATION.

25-1309. Procedure to register child support order of another state for modification

A PARTY OR SUPPORT ENFORCEMENT AGENCY SEEKING TO MODIFY, OR TO MODIFY AND ENFORCE, A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE SHALL REGISTER THAT ORDER IN THIS STATE IN THE SAME MANNER AS PROVIDED IN THIS ARTICLE IF THE ORDER HAS NOT BEEN REGISTERED. A PETITION FOR MODIFICATION MAY BE FILED AT THE SAME TIME AS A REQUEST FOR REGISTRATION OR LATER. THE PLEADING SHALL SPECIFY THE GROUNDS FOR MODIFICATION.

25-1310. Effect of registration for modification

A TRIBUNAL OF THIS STATE MAY ENFORCE A CHILD SUPPORT ORDER OF ANOTHER STATE REGISTERED FOR PURPOSES OF MODIFICATION IN THE SAME MANNER AS IF THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE, BUT THE REGISTERED ORDER MAY BE MODIFIED ONLY IF THE REQUIREMENTS OF SECTION 25-1311, 25-1313 OR 25-1315 OF THIS SECTION HAVE BEEN MET.

25-1311. Modification of child support order of another state

A. IF SECTION 25-1313 DOES NOT APPLY AND EXCEPT AS PROVIDED IN SECTION 25-1315, ON PETITION, A TRIBUNAL OF THIS STATE MAY MODIFY A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE THAT IS REGISTERED IN THIS STATE IF, AFTER NOTICE AND A HEARING, IT FINDS THAT ANY OF THE FOLLOWING IS TRUE:

1. THE FOLLOWING REQUIREMENTS ARE MET:

(a) NEITHER THE CHILD, THE OBLIGEE WHO IS AN INDIVIDUAL NOR THE OBLIGOR RESIDES IN THE ISSUING STATE.

(b) A PETITIONER WHO IS A NONRESIDENT OF THIS STATE SEEKS MODIFICATION.

(c) THE RESPONDENT IS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL OF THIS STATE.

2. THIS STATE IS THE STATE OF RESIDENCE OF THE CHILD, OR A PARTY WHO IS AN INDIVIDUAL IS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL OF

THIS STATE, AND ALL OF THE PARTIES WHO ARE INDIVIDUALS HAVE FILED CONSENTS IN THE RECORD IN THE ISSUING TRIBUNAL FOR A TRIBUNAL OF THIS STATE TO MODIFY THE SUPPORT ORDER AND ASSUME CONTINUING, EXCLUSIVE JURISDICTION.

B. MODIFICATION OF A REGISTERED CHILD SUPPORT ORDER IS SUBJECT TO THE SAME REQUIREMENTS, PROCEDURES AND DEFENSES THAT APPLY TO THE MODIFICATION OF AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE, AND THE ORDER MAY BE ENFORCED AND SATISFIED IN THE SAME MANNER.

C. EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-1315, A TRIBUNAL OF THIS STATE MAY NOT MODIFY ANY ASPECT OF A CHILD SUPPORT ORDER THAT MAY NOT BE MODIFIED UNDER THE LAWS OF THE ISSUING STATE, INCLUDING THE DURATION OF THE OBLIGATION OF SUPPORT. IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT ORDERS FOR THE SAME OBLIGOR AND CHILD, THE ORDER THAT IS CONTROLLING AND RECOGNIZED UNDER SECTION 25-1227 ESTABLISHES THE ASPECTS OF THE SUPPORT ORDER THAT ARE NONMODIFIABLE.

D. IN A PROCEEDING TO MODIFY A CHILD SUPPORT ORDER, THE LAW OF THE STATE THAT IS DETERMINED TO HAVE ISSUED THE INITIAL CONTROLLING ORDER GOVERNS THE DURATION OF THE OBLIGATION OF SUPPORT. THE OBLIGOR'S FULFILLMENT OF THE DUTY OF SUPPORT ESTABLISHED BY THAT ORDER PRECLUDES IMPOSITION OF A FURTHER OBLIGATION OF SUPPORT BY A TRIBUNAL OF THIS STATE.

E. ON ISSUANCE OF AN ORDER BY A TRIBUNAL OF THIS STATE MODIFYING A CHILD SUPPORT ORDER ISSUED IN ANOTHER STATE, THE TRIBUNAL OF THIS STATE BECOMES THE TRIBUNAL HAVING CONTINUING, EXCLUSIVE JURISDICTION.

25-1312. Recognition of order modified in another state

IF A CHILD SUPPORT ORDER ISSUED BY A TRIBUNAL OF THIS STATE IS MODIFIED BY A TRIBUNAL OF ANOTHER STATE THAT ASSUMED JURISDICTION PURSUANT TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, A TRIBUNAL OF THIS STATE:

1. MAY ENFORCE THE ORDER THAT WAS MODIFIED ONLY AS TO ARREARS AND INTEREST ACCRUING BEFORE THE MODIFICATION.

2. MAY PROVIDE APPROPRIATE RELIEF FOR VIOLATIONS OF ITS ORDER THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THE MODIFICATION.

3. SHALL RECOGNIZE THE MODIFYING ORDER OF THE OTHER STATE, ON REGISTRATION, FOR THE PURPOSE OF ENFORCEMENT.

25-1313. Jurisdiction to modify child support order of another state if individual parties reside in this state

A. IF ALL OF THE INDIVIDUAL PARTIES RESIDE IN THIS STATE AND THE CHILD DOES NOT RESIDE IN THE ISSUING STATE, A TRIBUNAL OF THIS STATE HAS JURISDICTION TO ENFORCE AND MODIFY THE ISSUING STATE'S CHILD SUPPORT ORDER IN A PROCEEDING TO REGISTER THAT ORDER.

B. A TRIBUNAL OF THIS STATE EXERCISING JURISDICTION AS PROVIDED IN THIS SECTION SHALL APPLY THE PROVISIONS OF THIS ARTICLE AND ARTICLES 1 AND 2 OF THIS CHAPTER TO THE ENFORCEMENT OR MODIFICATION PROCEEDING. ARTICLES 3, 4, 5, 7 AND 8 OF THIS CHAPTER DO NOT APPLY, AND THE TRIBUNAL SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAWS OF THIS STATE.

25-1314. Notice to issuing tribunal of modification

WITHIN THIRTY DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT ORDER, THE PARTY OBTAINING THE MODIFICATION SHALL FILE A CERTIFIED COPY OF THE ORDER WITH THE ISSUING TRIBUNAL THAT HAD CONTINUING, EXCLUSIVE JURISDICTION OVER THE EARLIER ORDER AND IN EACH TRIBUNAL IN WHICH THE PARTY KNOWS THE EARLIER ORDER HAS BEEN REGISTERED. A PARTY THAT OBTAINS THE ORDER AND FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE ARISES. THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE MODIFIED ORDER OF THE NEW TRIBUNAL OF CONTINUING, EXCLUSIVE JURISDICTION.

25-1315. Jurisdiction to modify child support order of foreign country or political subdivision

A. IF A FOREIGN COUNTRY OR POLITICAL SUBDIVISION THAT IS A STATE WILL NOT OR MAY NOT MODIFY ITS ORDER PURSUANT TO ITS LAWS, A TRIBUNAL OF THIS STATE MAY ASSUME JURISDICTION TO MODIFY THE CHILD SUPPORT ORDER AND BIND ALL INDIVIDUALS SUBJECT TO THE PERSONAL JURISDICTION OF THE TRIBUNAL WHETHER OR NOT THE CONSENT TO MODIFICATION OF A CHILD SUPPORT ORDER OTHERWISE REQUIRED OF THE INDIVIDUAL PURSUANT TO SECTION 25-1311 HAS BEEN GIVEN OR WHETHER THE INDIVIDUAL SEEKING MODIFICATION IS A RESIDENT OF THIS STATE OR OF THE FOREIGN COUNTRY OR POLITICAL SUBDIVISION.

B. AN ORDER ISSUED PURSUANT TO THIS SECTION IS THE CONTROLLING ORDER.

ARTICLE 7. DETERMINATION OF PARENTAGE

25-1331. Proceeding to determine parentage

A COURT OF THIS STATE AUTHORIZED TO DETERMINE PARENTAGE OF A CHILD MAY SERVE AS A RESPONDING TRIBUNAL IN A PROCEEDING TO DETERMINE PARENTAGE.

ARTICLE 8. INTERSTATE RENDITION

25-1341. Grounds for rendition

A. THE GOVERNOR OF THIS STATE MAY:

1. DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER AN INDIVIDUAL FOUND IN THE OTHER STATE WHO IS CHARGED CRIMINALLY IN THIS STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE.

2. ON THE DEMAND OF THE GOVERNOR OF ANOTHER STATE, SURRENDER AN INDIVIDUAL FOUND IN THIS STATE WHO IS CHARGED CRIMINALLY IN THE OTHER STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF AN OBLIGEE.

B. A PROVISION FOR EXTRADITION OF INDIVIDUALS NOT INCONSISTENT WITH THIS CHAPTER APPLIES TO THE DEMAND EVEN IF THE INDIVIDUAL WHOSE SURRENDER IS DEMANDED WAS NOT IN THE DEMANDING STATE WHEN THE CRIME WAS ALLEGEDLY COMMITTED AND HAS NOT FLED FROM THAT STATE.

25-1342. Conditions of rendition

A. BEFORE MAKING A DEMAND THAT THE GOVERNOR OF ANOTHER STATE SURRENDER AN INDIVIDUAL, THE GOVERNOR OF THIS STATE MAY REQUIRE A PROSECUTOR OF THIS STATE TO DEMONSTRATE THAT AT LEAST SIXTY DAYS PREVIOUSLY THE OBLIGEE HAD INITIATED PROCEEDINGS FOR SUPPORT PURSUANT TO THIS CHAPTER OR THAT THE PROCEEDING WOULD BE OF NO AVAIL.

B. IF UNDER THIS CHAPTER OR A LAW SUBSTANTIALLY SIMILAR TO THIS CHAPTER, THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT, THE GOVERNOR OF ANOTHER STATE MAKES A DEMAND THAT THE GOVERNOR OF THIS STATE SURRENDER AN INDIVIDUAL CHARGED CRIMINALLY IN THAT STATE WITH HAVING FAILED TO PROVIDE FOR THE SUPPORT OF A CHILD OR OTHER INDIVIDUAL TO WHOM A DUTY OF SUPPORT IS OWED, THE GOVERNOR MAY REQUIRE A PROSECUTOR TO INVESTIGATE THE DEMAND AND REPORT WHETHER A PROCEEDING FOR SUPPORT HAS BEEN INITIATED OR WOULD BE EFFECTIVE. IF IT APPEARS THAT A PROCEEDING WOULD BE EFFECTIVE BUT HAS NOT BEEN INITIATED, THE GOVERNOR MAY DELAY HONORING THE DEMAND FOR A REASONABLE TIME TO PERMIT THE INITIATION OF A PROCEEDING.

C. IF A PROCEEDING FOR SUPPORT HAS BEEN INITIATED AND THE INDIVIDUAL WHOSE RENDITION IS DEMANDED PREVAILS, THE GOVERNOR MAY DECLINE TO HONOR THE DEMAND. IF THE PETITIONER PREVAILS AND THE INDIVIDUAL WHOSE RENDITION IS DEMANDED IS SUBJECT TO A SUPPORT ORDER, THE GOVERNOR MAY DECLINE TO HONOR THE DEMAND IF THE INDIVIDUAL IS COMPLYING WITH THE SUPPORT ORDER.

Sec. 3. Conditional enactment

A. This act is not effective unless the department of economic security applies for and receives, on or before April 15, 2005, an exemption from the mandatory law and procedure in section 466(f) of the social security act regarding the uniform interstate family support act of 1996.

B. The director of the department shall notify the director of legislative council, in writing, on receipt of the exemption or if the department is denied an exemption or fails to be granted an exemption on or before the date specified in subsection A.

APPROVED BY THE GOVERNOR MAY 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2004.