

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2189

By: Williams

AS INTRODUCED

An Act relating to family support; creating the Uniform Interstate Family Support Act and providing short title; defining terms; specifying tribunal; making remedies cumulative; stating basis for jurisdiction and providing procedures; providing for proceedings in this state; providing for proceedings in another state; providing for continuing and exclusive jurisdiction; providing for enforcement and modification of support order; requiring recognition of child support orders; providing for multiple child support orders; requiring credit for certain payments; stating proceedings to which applicable; authorizing actions by minor parents; declaring application of law; stating duties of tribunals; providing procedures in case of inappropriate tribunal; stating duties of support enforcement agency; stating duties of the Attorney General; authorizing employment of private counsel; specifying duties of certain agencies; providing for certain pleadings and specifying contents; providing for confidentiality under certain circumstances; providing for payment of costs and fees; providing for limited immunity; stating defenses;

establishing special rules of evidence and procedure; providing for communications between tribunals; authorizing assistance with discovery; providing for receipt and disbursement of payments; providing procedures to establish support order; authorizing recognition of certain orders; providing for administrative enforcement of orders; providing for registration and enforcement of support orders; stating effect of registration of certain orders; providing choice of laws; requiring certain notices; providing procedures to test validity of certain orders and registrations; providing for confirmation of certain orders; establishing procedures for registering certain orders of another state and providing for modification; stating effect of registration; providing for recognition of modified orders; providing for proceedings to determine parentage; stating grounds for rendition of certain orders and stating conditions; requiring uniform construction; repealing 43 O.S. 1991, Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343 and 344, which relate to the Uniform Reciprocal Enforcement of Support Act; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601 of Title 43, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Uniform Interstate Family Support Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 602 of Title 43, unless there is created a duplication in numbering, reads as follows:

As used in the Uniform Interstate Family Support Act:

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. "Governor" includes an individual performing the functions of governor;

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

6. "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;

7. "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the income-withholding law of this state, to withhold support from the income of the obligor;

8. "Initiating state" means a state in which a proceeding under this act or a law substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state;

9. "Initiating tribunal" means the authorized tribunal in an initiating state;

10. "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage;

11. "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage;

12. "Law" includes decisional and statutory law and rules having the force of law;

13. "Obligee" means:

- a. an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order 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 which has independent claims based on financial assistance provided to an individual obligee, or
- c. an individual seeking a judgment determining parentage of the individual's child;

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

- a. who owes or is alleged to owe a duty of support,

b. who is alleged but has not been adjudicated to be a parent of a child, or

c. who is liable under a support order;

15. "Register" means to record or file a support order or judgment determining parentage in the appropriate location for the recording or filing of foreign judgments generally or foreign support orders specifically;

16. "Registering tribunal" means a tribunal in which a support order is registered;

17. "Responding state" means a state to which a proceeding is forwarded under this act or a law substantially similar to this act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act;

18. "Responding tribunal" means the authorized tribunal in a responding state;

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

20. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this act;

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

a. enforcement of support orders or laws relating to the duty of support,

b. establishment or modification of child support,

c. determination of parentage, or

d. the location of obligors or their assets;

22. "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, spouse, or former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief; and

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 603 of Title 43, unless there is created a duplication in numbering, reads as follows:

The district court and the Department of Human Services are the tribunals of this state.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 604 of Title 43, unless there is created a duplication in numbering, reads as follows:

Remedies provided by the Uniform Interstate Family Support Act are cumulative and do not affect the availability of remedies under other law.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 605 of Title 43, unless there is created a duplication in numbering, reads as follows:

In a proceeding to establish, enforce, or modify 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:

1. The individual is personally served with summons 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 in the putative father registry maintained in this state by the appropriate agency; or

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 606 of Title 43, unless there is created a duplication in numbering, reads as follows:

A tribunal of this state exercising personal jurisdiction over a nonresident under Section 5 of this act may apply the provisions of Section 29 of this act to receive evidence from another state, and the provisions of Section 31 of this act to obtain discovery through a tribunal of another state. In all other respects Sections 14 through 48 of this act do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by the Uniform Interstate Family Support Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 607 of Title 43, unless there is created a duplication in numbering, reads as follows:

Under this act, 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.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 608 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

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; and

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:

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; and

3. If relevant, the other state is the home state of the child.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 609 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A tribunal of this state issuing a support order consistent with the law of this state has continuing, exclusive jurisdiction over a child support order:

1. As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

2. Until each individual party has filed written consent with the tribunal of this state for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

B. A tribunal of this state issuing a child support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this act.

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

1. Enforce the order that was modified as to amounts accruing before the modification;

2. Enforce nonmodifiable aspects of that order; and

3. Provide other appropriate relief for violations of that order which occurred before the effective date of the modification;

D. A tribunal of this state shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this act.

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.

F. A tribunal of this state issuing a support order consistent with the laws of this state has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. 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.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 610 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

B. A tribunal of this state having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply the provisions of Section 29 of this act to receive evidence from another state and the provisions of Section 31 of this act to obtain discovery through a tribunal of another state.

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

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 611 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. If a proceeding is brought under the Uniform Interstate Family Support Act, and one or more child support orders have been issued in this or another state with regard to an obligor and a child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

1. If only one tribunal has issued a child support order, the order of that tribunal must be recognized;

2. If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal must be recognized;

3. If two or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction pursuant to the Uniform Interstate Family Support Act, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized; and

4. If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction pursuant to the Uniform Interstate Family Support Act, the tribunal of this state may issue a child support order which must be recognized.

B. The tribunal that has issued an order recognized under subsection A of this section is the tribunal having continuing, exclusive jurisdiction.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 612 of Title 43, unless there is created a duplication in numbering, reads as follows:

In responding to multiple 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 multiple orders had been issued by a tribunal of this state.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 613 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 614 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this act, this section applies to all proceedings pursuant to the Uniform Interstate Family Support Act.

B. This act provides for the following proceedings:

1. Establishment of an order for spousal support or child support pursuant to Section 33 of this act;

2. Enforcement of a support order and income-withholding order of another state without registration pursuant to Sections 34 and 35 of this act;

3. Registration of an order for spousal support or child support of another state for enforcement pursuant to Sections 36 through 47 of this act;

4. Modification of an order for child support or spousal support issued by a tribunal of this state pursuant to Sections 7 through 10 of this act;

5. Registration of an order for child support of another state for modification pursuant to Sections 36 through 47 of this act;

6. Determination of parentage; and

7. Assertion of jurisdiction over nonresidents pursuant to Sections 5 and 6 of this act.

C. An individual petitioner or a support enforcement agency may commence a proceeding authorized under this act 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 which has or can obtain personal jurisdiction over the respondent.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 615 of Title 43, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 616 of Title 43, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided by this act, a responding tribunal of this state:

1. Shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

2. Shall determine the duty of support and the amount payable in accordance with the laws and support guidelines of this state.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 617 of Title 43, unless there is created a duplication in numbering, reads as follows:

Upon the filing of a petition authorized by the Uniform Interstate Family Support Act, an initiating tribunal of this state shall forward three copies of the petition and its accompanying documents:

1. To the responding tribunal or appropriate support enforcement agency in the responding state; or

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

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 618 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection C of Section 14 of this act, it shall cause the petition or pleading to be filed and notify the petitioner by first-class mail where and when it was filed.

B. A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

1. Issue or enforce a support order, modify a child support order, or render a judgment to 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 bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench 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's fees and other fees and costs;
- and

12. Grant any other available remedy.

C. A responding tribunal of this state shall include in a support order issued under this act, 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 pursuant to the Uniform Interstate Family Support Act upon compliance by a party with provisions for visitation.

E. If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order by first-class mail to the petitioner and the respondent and to the initiating tribunal, if any.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 619 of Title 43, unless there is created a duplication in numbering, reads as follows:

If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner by first-class mail where and when the pleading was sent.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 620 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding pursuant to the Uniform Interstate Family Support Act.

B. A support enforcement agency that is providing services to the petitioner as appropriate 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 (2) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first-class mail to the petitioner;

5. Within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first-class mail to the petitioner; and

6. Notify the petitioner if jurisdiction over the respondent cannot be obtained.

C. This act 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.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 621 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 act or may provide those services directly to the individual.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 622 of Title 43, unless there is created a duplication in numbering, reads as follows:

An individual may employ private counsel to represent the individual in proceedings authorized by the Uniform Interstate Family Support Act.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 623 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. The Attorney General's Office is the state information agency pursuant to the Uniform Interstate Family Support Act.

B. The state information agency shall:

1. Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this act 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 place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from an initiating tribunal or the state information agency of the initiating state; and

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 and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver licenses and social security.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 624 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this act must verify

the petition. Unless otherwise ordered under Section 25 of this act, the petition or accompanying documents must provide, so far as known, the name, residential address and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

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

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 625 of Title 43, unless there is created a duplication in numbering, reads as follows:

Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding pursuant to the Uniform Interstate Family Support Act.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 626 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

B. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not

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

C. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Sections 36 through 47 of this act, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 627 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 pursuant to the Uniform Interstate Family Support Act.

C. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding pursuant to the Uniform Interstate Family Support Act committed by a party while present in this state to participate in the proceeding.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 628 of Title 43, unless there is created a duplication in numbering, reads as follows:

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a

defense to a proceeding pursuant to the Uniform Interstate Family Support Act.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 629 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. The physical presence of the petitioner in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

B. A verified petition, affidavit, or document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath 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 (10) days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

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

F. In a proceeding pursuant to the Uniform Interstate Family Support Act, a tribunal of this state may 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 grounds 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 pursuant to the Uniform Interstate Family Support Act.

I. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding pursuant to the Uniform Interstate Family Support Act.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 630 of Title 43, unless there is created a duplication in numbering, reads as follows:

A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 631 of Title 43, unless there is created a duplication in numbering, reads as follows:

A tribunal of this state may:

1. Request a tribunal of another state to assist in obtaining discovery; and

2. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 632 of Title 43, unless there is created a duplication in numbering, reads as follows:

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.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 633 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. If a support order entitled to recognition under this act has not been issued, a responding tribunal of this state may issue a support order if:

1. The individual seeking the order resides in another state;
or

2. The support enforcement agency seeking the order is located in another state.

B. The tribunal may issue a temporary child support order if:

1. The respondent has signed a verified statement acknowledging parentage;

2. The respondent has been determined by or pursuant to law to be the parent; or

3. There is other clear and convincing evidence that the respondent is the child's parent;

C. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 18 of this act.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 634 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. An income-withholding order issued in another state may be sent by first-class mail to the person or entity defined as the

obligor's employer under the income-withholding law of this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state. Upon receipt of the order, the employer shall:

1. Treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this state;

2. Immediately provide a copy of the order to the obligor; and

3. Distribute the funds as directed in the withholding order.

B. An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this state. The provisions of Section 40 of this act apply to the contest. The obligor shall give notice of the contest to any support enforcement agency providing services to the obligee and to:

1. The person or agency designated to receive payments in the income-withholding order; or

2. If no person or agency is designated, the obligee.

SECTION 35. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 635 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A party 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. Upon 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 the Uniform Interstate Family Support Act.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 636 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 637 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 all orders to be registered, including any modification of an order;
3. A sworn statement by the party seeking 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, and
 - c. a description and the location of property of the obligor in this state not exempt from execution; and
5. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

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.

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

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 638 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 act, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 639 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. The laws of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

B. In a proceeding for arrearages, the statute of limitations under the laws of this state or of the issuing state, whichever is longer, applies.

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 640 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify

the nonregistering party. Notice must be given by first-class, certified, or registered mail or by any means of personal service authorized by the laws of this state. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

B. The notice must 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 (20) 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; and

4. Of the amount of any alleged arrearages.

C. Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the income-withholding laws of this state.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 641 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within twenty (20) 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 42 of this act.

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 hearing and give notice to the parties by first-class mail of the date, time, and place of the hearing.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 642 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 laws of this state to the remedy sought;

6. Full or partial payment has been made; or

7. The statute of limitations under Section 39 of this act precludes enforcement of some or all of the arrearages.

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.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 643 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 644 of Title 43, unless there is created a duplication in numbering, reads as follows:

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in this act if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 645 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 46 of this act have been met.

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 646 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. After a child support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if, after notice and hearing, it finds that:

1. The following requirements are met:

- a. the child, the individual obligee, and the obligor do not reside in the issuing state,
- b. a petitioner who is a nonresident of this state seeks modification, and
- c. the respondent is subject to the personal jurisdiction of the tribunal of this state; or

2. An individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of this state may modify the support order and assume continuing, exclusive jurisdiction over the order.

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. 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.

D. On issuance of an order modifying a child support order issued in another state, a tribunal of this state becomes the tribunal of continuing, exclusive jurisdiction.

E. Within thirty (30) days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 647 of Title 43, unless there is created a duplication in numbering, reads as follows:

A tribunal of this state shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction pursuant to a law substantially similar to this act and, upon request, except as otherwise provided in the Uniform Interstate Family Support Act, shall:

1. Enforce the order that was modified only as to amounts accruing before the modification;
2. Enforce only nonmodifiable aspects of that order;
3. Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
4. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 648 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought pursuant to the Uniform Interstate Family Support Act or a law substantially similar to the Uniform Interstate Family Support Act, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

B. In a proceeding to determine parentage, a responding tribunal of this state shall apply the Uniform Parentage Act, procedural and substantive laws of this state, and the rules of this state on choice of law.

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 649 of Title 43, unless there is created a duplication in numbering, reads as follows:

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; or

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

B. A provision for extradition of individuals not inconsistent with this act 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 therefrom.

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 650 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Before making demand that the Governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the Governor of this state may require a prosecutor of this state to demonstrate that at least sixty (60) days previously the obligee had initiated proceedings for support pursuant to the Uniform Interstate Family Support Act or that the proceeding would be of no avail.

B. If, pursuant to the Uniform Interstate Family Support Act or a law substantially similar to this act, 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.

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 651 of Title 43, unless there is created a duplication in numbering, reads as follows:

The Uniform Interstate Family Support Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

SECTION 52. REPEALER 43 O.S. 1991, Sections 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343 and 344, are hereby repealed.

SECTION 53. This act shall become effective September 1, 1994.

44-2-7808

KSM