ENROLLED SENATE
BILL NO. 1600

By: Cain of the Senate

and

Vaughn of the House

An Act relating to marriage and family; amending 43 O.S. 2001, Sections 601-101, 601-103, 601-201, 601-202, 601-203, 601-204, 601-205, 601-206, 601-207, 601-208, 601-209, 601-301, 601-302, 601-303, 601-304, 601-305, 601-306, 601-307, 601-308, 601-309, 601-310, 601-311, 601-312, 601-313, 601-314, 601-315, 601-316, 601-317, 601-318, 601-319, 601-401, 601-501, 601-502, 601-503, 601-504, 601-505, 601-506, 601-507, 601-601, 601-602, 601-603, 601-604, 601-605, 601-607, 601-610, 601-611, 601-612, 601-613, 601-701, 601-802 and 601-901, which relate to the Uniform Interstate Family Support Act; modifying definitions; clarifying applicability of act; clarifying jurisdiction for certain child support order; establishing jurisdiction for modification of certain child support order; authorizing certain tribunal to request enforcement of certain order; modifying procedures for enforcement of certain multiple orders; requiring certain notice; requiring certain order to contain specified information; stating effect of certain order; clarifying language; modifying certain credit; stating evidentiary procedures for certain proceedings; establishing jurisdiction for certain order; clarifying applicability of act to certain proceedings; reducing number of copies of certain petition; requiring certain conversion upon request; updating statutory reference; modifying duties of certain tribunal; stating duties and responsibilities of certain agency under specified circumstances; allowing Attorney General to make certain determination; modifying certain filing requirements; modifying requirements for sealing certain information; authorizing disclosure of certain information; conforming language; modifying persons required to appear in person; modifying documents admissible by nonresident party; requiring tribunal to permit certain deposition of nonresident party or witness; authorizing admissibility of certain document; adding entities who may communicate with state tribunal for specified purpose; providing procedures for redirecting support payments; modifying circumstances for issuing certain order; updating reference; providing procedure for registering certain order for determination of controlling order; stating governing

law under particular circumstances; adding defense for particular purpose; prohibiting imposition of certain obligation by specified tribunal; modifying requirement of tribunal to enforce certain order; clarifying certain amounts; authorizing tribunal to assume jurisdiction in certain cases under specified circumstances; stating effect of certain order; allowing certain court to conduct specified proceeding; construing provision; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2001, Section 601-101, is amended to read as follows:

Section 601-101. In ~~this act~~ 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. "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 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 law of this state;

6. "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;

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 act or a law or procedure 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~~ this act;

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:

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;

13. "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;

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

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

16. "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;

~~15.~~ 17. "Registering tribunal" means a tribunal in which a support order is registered;

~~16.~~ 18. "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state pursuant to the Uniform Interstate Family Support Act or a law or procedure 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;

~~17.~~ 19. "Responding tribunal" means the authorized tribunal in a responding state;

~~18.~~ 20. "Spousal support order" means a support order for a spouse or former spouse of the obligor;

~~19.~~ 21. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

a. an Indian tribe, and

b. a foreign ~~jurisdiction~~ country or political subdivision that:

(1) has been declared to be a foreign reciprocating country or political subdivision under federal law,

(2) has established a reciprocal arrangement for child support with this state pursuant to the Uniform Interstate Family Support Act, or

(3) has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures pursuant to the Uniform Interstate Family Support Act~~, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act~~;

~~20.~~ 22. "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. ~~to locate~~ location of obligors or their assets, or

e. determination of the controlling child support order;

~~21.~~ 23. "Support order" means a judgment, decree, ~~or~~ order or directive, whether temporary, final, or subject to modification,

issued by a tribunal for the benefit of a child, a spouse, or a 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

~~22.~~ 24. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

SECTION 2. AMENDATORY 43 O.S. 2001, Section 601-103, is amended to read as follows:

Section 601-103. A. Remedies provided by this act 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 act does not:

1. Provide the exclusive method of establishing or enforcing a support order under the laws of this state; or

2. Grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this act.

SECTION 3. AMENDATORY 43 O.S. 2001, Section 601-201, is amended to read as follows:

Section 601-201. A. In a proceeding to establish~~,~~ or 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.

B. The bases of personal jurisdiction set forth 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 the state to modify a child support order of another state unless the requirements of Section 601-611 of this title or Section 51 of this act are met.

SECTION 4. AMENDATORY 43 O.S. 2001, Section 601-202, is amended to read as follows:

Section 601-202. ~~A~~ Personal jurisdiction acquired by a tribunal of this state ~~exercising personal jurisdiction over a nonresident under Section 5 of this act may apply Section 29 of this act to receive evidence from another state, and 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 this act~~ in a proceeding under this act or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by Sections 601-205, 601-206 and 601-211 of this title.

SECTION 5. AMENDATORY 43 O.S. 2001, Section 601-203, is amended to read as follows:

Section 601-203. 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 6. AMENDATORY 43 O.S. 2001, Section 601-204, is amended to read as follows:

Section 601-204. 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 7. AMENDATORY 43 O.S. 2001, Section 601-205, is amended to read as follows:

Section 601-205. A. A tribunal of this state ~~issuing~~ that has issued a support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction ~~over a~~ to modify its child support order if the order is the controlling order and:

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

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

B. A tribunal of this state issuing a child support order consistent with the law of this state may not exercise ~~its~~ continuing, exclusive 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~~:

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; or

2. Its order is not the controlling order.

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~~ If a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this act which 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.

~~F. A tribunal of this state issuing a support order consistent with the law 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 pursuant to the law of that state.~~

SECTION 8. AMENDATORY 43 O.S. 2001, Section 601-206, is amended to read as follows:

Section 601-206. A. A tribunal of this state that has issued a child-support order consistent with the law 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~~:

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 this act; or

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~~, 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 Section 601-316 of this title to receive evidence from another state and Section 601-318 of this title 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 9. AMENDATORY 43 O.S. 2001, Section 601-207, is amended to read as follows:

Section 601-207. A. If a proceeding is brought pursuant to the Uniform Interstate Family Support Act and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

B. If a proceeding is brought pursuant to the Uniform Interstate Family Support Act, and two or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and same child, a tribunal of this state having personal jurisdiction over both the obligor and individual obligee shall apply the following rules ~~in determining~~ and by order shall determine which order ~~to recognize for purposes of continuing, exclusive jurisdiction~~ controls:

1. If only one of the tribunals would have continuing, exclusive jurisdiction pursuant to the Uniform Interstate Family Support Act, the order of that tribunal controls and must be so recognized;

2. If more than one of the tribunals would have continuing, exclusive jurisdiction pursuant to the Uniform Interstate Family Support Act~~,~~:

a. an order issued by a tribunal in the current home state of the child controls ~~and must be so recognized~~, but

b. if an order has not been issued in the current home state of the child, the order most recently issued controls ~~and must be so recognized~~; and

3. If none of the tribunals would have continuing, exclusive jurisdiction pursuant to the Uniform Interstate Family Support Act, the tribunal of this state ~~having jurisdiction over the parties~~ shall issue a child support order, which controls ~~and must be so recognized~~.

C. If two or more child support orders have been issued for the same obligor and same child ~~and if the obligor or the individual obligee resides in this state, a party may request~~, upon request of a party who is an individual or a support enforcement agency, a tribunal of this state ~~to~~ having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls ~~and must be so recognized~~ under subsection B of this section. The request ~~must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination~~ may be filed with a registration for enforcement or registration for modification pursuant to Article 6, or may be filed as a separate proceeding.

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 controlling order under subsection A, B, or C of this section ~~is the tribunal that~~ has continuing~~, exclusive~~ jurisdiction ~~under~~ to the extent provided in Section 601-205 or 601-206 of this title.

~~E.~~ F. A tribunal of this state ~~which~~ that determines by order ~~the identity of~~ which is the controlling order under paragraph 1 or 2 of subsection B or subsection C of this section, or ~~which~~ that issues a new controlling order under paragraph 3 of subsection B of this section, shall state in that order ~~the~~:

1. The basis upon which the tribunal made its determination;

2. The amount of prospective support, if any; and

3. The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by Section 601-209 of this title.

~~F.~~ G. Within thirty (30) days after issuance of an order determining ~~the identity of~~ which is the controlling order, the party obtaining the order shall file a certified copy of it ~~with~~ in each tribunal that issued or registered an earlier order of child support. A party ~~who obtains~~ or support enforcement agency obtaining the order ~~and~~ that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

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 act.

SECTION 10. AMENDATORY 43 O.S. 2001, Section 601-208, is amended to read as follows:

Section 601-208. 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 11. AMENDATORY 43 O.S. 2001, Section 601-209, is amended to read as follows:

Section 601-209. ~~Amounts~~ A tribunal of this state shall credit amounts collected ~~and credited~~ for a particular period pursuant to ~~a support order~~ 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 or 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 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-210 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 in a proceeding under this act, under other law 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 601-316 of this title, communicate with a tribunal of another state pursuant to Section 601-317 of this title, and obtain discovery through a tribunal of another state pursuant to Section 601-318 of this title. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this state.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-211 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

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 law of that state.

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

1. An initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in this state; or

2. A responding tribunal to enforce or modify its own spousal-support order.

SECTION 14. AMENDATORY 43 O.S. 2001, Section 601-301, is amended to read as follows:

Section 601-301. A. Except as otherwise provided in this act, this article applies to all proceedings under this 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 pursuant to Section 701 of this act; 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~~ initiate 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. AMENDATORY 43 O.S. 2001, Section 601-302, is amended to read as follows:

Section 601-302. 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. AMENDATORY 43 O.S. 2001, Section 601-303, is amended to read as follows:

Section 601-303. Except as otherwise provided ~~by~~ in this act, a responding tribunal of this state shall:

1. ~~Shall apply~~ 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~~ Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

SECTION 17. AMENDATORY 43 O.S. 2001, Section 601-304, is amended to read as follows:

Section 601-304. A. 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.

B. If ~~a responding state has not enacted the provisions of the Uniform Interstate Family Support Act or a law or procedure substantially similar to the provisions of the Uniform Interstate Family Support Act~~ requested by the responding tribunal, a tribunal of this state ~~may~~ shall issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign ~~jurisdiction~~ country or political subdivision, upon request the tribunal ~~may~~ shall specify the amount of support sought ~~and~~, 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.

SECTION 18. AMENDATORY 43 O.S. 2001, Section 601-305, is amended to read as follows:

Section 601-305. A. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection ~~C~~ B of Section 601-301 of this title, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

B. A responding tribunal of this state, to the extent ~~otherwise authorized~~ 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 ~~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 pursuant to the Uniform Interstate Family Support 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 pursuant to the Uniform Interstate Family Support Act, 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.

SECTION 19. AMENDATORY 43 O.S. 2001, Section 601-306, is amended to read as follows:

Section 601-306. If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~it~~ 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.

SECTION 20. AMENDATORY 43 O.S. 2001, Section 601-307, is amended to read as follows:

Section 601-307. 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 of this state 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 in a record from an initiating, responding, or registering tribunal, send a copy of the notice 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 to the petitioner; and

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:

1. To ensure that the order to be registered is the controlling order; or

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

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 [issue or] request a tribunal of this state to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to Section 601-319 of this title.

F. The Uniform Interstate Family Support 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. AMENDATORY 43 O.S. 2001, Section 601-308, is amended to read as follows:

Section 601-308. 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 act 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.

SECTION 22. AMENDATORY 43 O.S. 2001, Section 601-309, is amended to read as follows:

Section 601-309. An individual may employ private counsel to represent the individual in proceedings authorized by this act.

SECTION 23. AMENDATORY 43 O.S. 2001, Section 601-310, is amended to read as follows:

Section 601-310. A. The Child Support Enforcement Division of the Department of Human Services is the state information agency under this 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 names and addresses of tribunals and support enforcement agencies received from other states;

3. Forward to the appropriate tribunal in the ~~place~~ county in this state in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this 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's licenses, and social security.

SECTION 24. AMENDATORY 43 O.S. 2001, Section 601-311, is amended to read as follows:

Section 601-311. A. ~~A~~ In a proceeding under this act, a petitioner seeking to establish ~~or modify~~ a support order ~~or~~, to determine parentage ~~in a proceeding under this act~~, or to register and modify a support order of another state must ~~verify the~~ file a petition. Unless otherwise ordered under Section ~~25 of this act~~ 601-312 of this title, 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 or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for ~~whom~~ whose benefit support is sought or whose parentage is to be determined. ~~The~~ Unless filed at the time of registration, the petition must be accompanied by a ~~certified~~ copy of any support order ~~in effect~~ 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 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. AMENDATORY 43 O.S. 2001, Section 601-312, is amended to read as follows:

Section 601-312. ~~Upon a finding, which may be made ex parte,~~ 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 ~~unreasonably put at risk~~ jeopardized by the disclosure of specific 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 must be sealed and may not be disclosed ~~in a pleading or other document filed in a proceeding under this act~~ to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

SECTION 26. AMENDATORY 43 O.S. 2001, Section 601-313, is amended to read as follows:

Section 601-313. 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~~ 601-601 through 601-612 of this title, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

SECTION 27. AMENDATORY 43 O.S. 2001, Section 601-314, is amended to read as follows:

Section 601-314. A. Participation by a petitioner in a proceeding under this act 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 act.

C. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while present in this state to participate in the proceeding.

SECTION 28. AMENDATORY 43 O.S. 2001, Section 601-315, is amended to read as follows:

Section 601-315. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this act.

SECTION 29. AMENDATORY 43 O.S. 2001, Section 601-316, is amended to read as follows:

Section 601-316. A. The physical presence of ~~the petitioner~~ a nonresident party who is an individual 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,~~ An affidavit, ~~or~~ a document substantially complying with federally mandated forms, ~~and~~ or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under ~~oath~~ 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 (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~~ record may not be excluded from evidence on an objection based on the means of transmission.

F. In a proceeding under this act, a tribunal of this state ~~may~~ 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 act.

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 act.

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

SECTION 30. AMENDATORY 43 O.S. 2001, Section 601-317, is amended to read as follows:

Section 601-317. A tribunal of this state may communicate with a tribunal of another state or foreign country or political subdivision in ~~writing~~ a record, 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 or foreign country or political subdivision. A tribunal of this state may furnish similar information by similar means to a tribunal of another state or foreign country or political subdivision.

SECTION 31. AMENDATORY 43 O.S. 2001, Section 601-318, is amended to read as follows:

Section 601-318. 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. AMENDATORY 43 O.S. 2001, Section 601-319, is amended to read as follows:

Section 601-319. 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, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency of this state or 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; and

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 of this section 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.

SECTION 33. AMENDATORY 43 O.S. 2001, Section 601-401, is amended to read as follows:

Section 601-401. 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~~ 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 by [applicable state law];

7. The mother of the child; or

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. 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~~ 601-301 of this title.

SECTION 34. AMENDATORY 43 O.S. 2001, Section 601-501, is amended to read as follows:

Section 601-501. 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 ~~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.

SECTION 35. AMENDATORY 43 O.S. 2001, Section 601-502, is amended to read as follows:

Section 601-502. A. Upon 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 which appears regular on its face as if it had been issued by a tribunal of this state.

C. Except as otherwise provided in subsection D of this section and Section ~~11 of this act~~ 601-503 of this title, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify:

1. The duration and amount of periodic payments of current child support, stated as a sum certain;

2. The person ~~or agency~~ 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 sum certain; and

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

D. An 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; and

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

SECTION 36. AMENDATORY 43 O.S. 2001, Section 601-503, is amended to read as follows:

Section 601-503. If an obligor's employer receives ~~multiple~~ two or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ 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 ~~multiple~~ two or more child support obligees.

SECTION 37. AMENDATORY 43 O.S. 2001, Section 601-504, is amended to read as follows:

Section 601-504. 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.

SECTION 38. AMENDATORY 43 O.S. 2001, Section 601-505, is amended to read as follows:

Section 601-505. 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.

SECTION 39. AMENDATORY 43 O.S. 2001, Section 601-506, is amended to read as follows:

Section 601-506. 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, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state. ~~Section 601-604 of this title applies to the contest.~~

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 relating to the obligor; and

3. The person ~~or agency~~ designated to receive payments in the income-withholding order or if no person ~~or agency~~ is designated, to the obligee.

SECTION 40. AMENDATORY 43 O.S. 2001, Section 601-507, is amended to read as follows:

Section 601-507. 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. 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 law of this state to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to the Uniform Interstate Family Support Act.

SECTION 41. AMENDATORY 43 O.S. 2001, Section 601-601, is amended to read as follows:

Section 601-601. A support order or ~~an~~ income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

SECTION 42. AMENDATORY 43 O.S. 2001, Section 601-602, is amended to read as follows:

Section 601-602. A. A support order or income-withholding order of another state may be registered in this state by sending the following ~~documents~~ records 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~~ the order to be registered, including any modification of ~~an~~ the order;

3. A sworn statement by the ~~party seeking~~ 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, and

c. a description and the location of property of the obligor in this state not exempt from execution;

5. ~~The~~ Except as otherwise provided in Section 601-312 of this title, the name and address of the obligee and, if applicable, the ~~agency or~~ person to whom support payments are to be remitted~~:~~.

~~a. on~~

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~~,~~.

~~b. a~~

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

D. 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; and

3. Specify the amount of consolidated arrears, if any.

E. 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.

SECTION 43. AMENDATORY 43 O.S. 2001, Section 601-603, is amended to read as follows:

Section 601-603. 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.

SECTION 44. AMENDATORY 43 O.S. 2001, Section 601-604, is amended to read as follows:

Section 601-604. A. ~~The~~ Except as otherwise provided in subsection B of this section, the law of the issuing state governs ~~the~~:

1. The nature, extent, amount, and duration of current payments ~~and other obligations of support and the~~ under a registered support order;

2. The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

3. The existence and satisfaction of other obligations under the support order.

B. In a proceeding for ~~arrearages~~ arrears under a registered support, the statute of limitation ~~under the laws~~ 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.

SECTION 45. AMENDATORY 43 O.S. 2001, Section 601-605, is amended to read as follows:

Section 601-605. A. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

B. ~~The~~ A 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. If the registering party asserts that two or more orders are in effect, a notice shall 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; and

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

SECTION 46. AMENDATORY 43 O.S. 2001, Section 601-607, is amended to read as follows:

Section 601-607. 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; ~~or~~

7. The statute of limitation under Section ~~39 of this act~~ 601-604 of this title precludes enforcement of some or all of the alleged arrearages; or

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 law 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 47. AMENDATORY 43 O.S. 2001, Section 601-610, is amended to read as follows:

Section 601-610. 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~~ 601-611, 601-613 or 601-615 of this title have been met.

SECTION 48. AMENDATORY 43 O.S. 2001, Section 601-611, is amended to read as follows:

Section 601-611. A. ~~After~~ If Section 601-613 of this title does not apply, except as otherwise provided in Section 601-615 of this title, upon petition a tribunal of this state may modify a child support order issued in another state ~~has been~~ which is registered in this state~~, the responding tribunal of this state may modify that order only if Section 601-613 of this title does not apply and~~ if, after notice and hearing ~~it~~, the tribunal finds that:

1. The following requirements are met:

a. neither the child, nor the ~~individual~~ obligee who is an individual, ~~and~~ nor the obligor ~~do not reside~~ resides 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. ~~The~~ 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 ~~written~~ consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction ~~over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures pursuant to the Uniform Interstate Family Support Act, the consent otherwise required of an individual residing in this~~

~~state is not required for the tribunal to assume jurisdiction to modify the child support 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~~ Except as otherwise provided in Section 601-615 of this title, a tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under Section 601-207 of this title establishes the aspects of the support order which 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 the 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, ~~a~~ the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

SECTION 49. AMENDATORY 43 O.S. 2001, Section 601-612, is amended to read as follows:

Section 601-612. ~~A~~ If a child support order issued by a tribunal of this state ~~shall recognize a modification of its earlier child support order~~ is modified 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 this act, shall~~ the Uniform Interstate Family Support Act, a tribunal of this state:

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

2. ~~Enforce only nonmodifiable aspects of that order;~~

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

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

SECTION 50. AMENDATORY 43 O.S. 2001, Section 601-613, is amended to read as follows:

Section 601-613. A. If all of the parties who are individuals reside in this state and the child does not reside in the issuing

state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

B. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Sections 601-101 through 601-209 of ~~Title 43 of the Oklahoma Statutes~~ this title, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Sections 601-301 through 601-507 and 601-701 through 601-802 of ~~Title 43 of the Oklahoma Statutes~~ this title do not apply.

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-615 of Title 43, unless there is created a duplication in numbering, reads as follows:

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 601-611 of this title 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.

SECTION 52. AMENDATORY 43 O.S. 2001, Section 601-701, is amended to read as follows:

Section 601-701. ~~A.~~ A ~~tribunal~~ court of this state authorized to determine parentage of a child may serve as ~~an initiating or~~ a responding tribunal in a proceeding to determine parentage brought under ~~the Uniform Interstate Family Support Act, the Uniform Reciprocal Enforcement of Support Act, the Revised Uniform Reciprocal Enforcement of Support Act,~~ this act or a law or procedure substantially similar ~~law 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 procedural and substantive law of this state and the rules of this state on choice of law~~ to this act.

SECTION 53. AMENDATORY 43 O.S. 2001, Section 601-802, is amended to read as follows:

Section 601-802. A. Before making a 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 this act or that the proceeding would be of no avail.

B. If, 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,~~ 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 54. AMENDATORY 43 O.S. 2001, Section 601-901, is amended to read as follows:

Section 601-901. ~~This act shall be applied and construed to effectuate its general purpose to make uniform~~ In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to ~~the~~ its subject ~~of this act~~ matter among states ~~enacting~~ that enact it.

SECTION 55. This act shall become effective November 1, 2004.

Passed the Senate the 3rd day of March, 2004.

_____
Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2004.

_____
Presiding Officer of the House
of Representatives