

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2520

By: Grau

AS INTRODUCED

An Act relating to child support; amending 43 O.S. 2011, Sections 601-101 and 601-102, as amended by Sections 1 and 2, Chapter 104, O.S.L. 2015, Section 5, Chapter 104, O.S.L. 2015, Sections 601-201, 601-204, 601-205, 601-206, 601-207, 601-209, 601-210, 601-304, 601-307, 601-311 and 601-313, as amended by Sections 6, 9, 10, 11, 12, 14, 15, 18, 20, 23 and 25, Chapter 104, O.S.L. 2015, Section 601-314, Sections 601-316 and 601-317, as amended by Sections 26 and 27, Chapter 104, O.S.L. 2015, Section 601-505, Sections 601-602, 601-604, 601-605, 601-606, 601-607, 601-611, 601-613, 601-615 and 601-701, as amended by Sections 38, 40, 41, 42, 43, 47, 48, 50 and 52, Chapter 104, O.S.L. 2015 and Sections 53, 54, 55, 56, 57, 58, 59, 60 and 62, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Sections 601-101, 601-102, 601-105, 601-201, 601-204, 601-205, 601-206, 601-207, 601-209, 601-210, 601-304, 601-307, 601-311, 601-313, 601-316, 601-317, 601-602, 601-604, 601-605, 601-606, 601-607, 601-611, 601-613, 601-615, 601-701, 601-702, 601-703, 601-704, 601-705, 601-706, 601-707, 601-708, 601-709 and 601-711), which relate to the Uniform Interstate Family Support Act; deleting quotation marks; modifying terms; updating references; requiring record of consent; identifying Department of Human Services to maintain registry; updating language; specifying type of support order; clarifying terms; updating named act; deleting written notice requirement; modifying type of communication; authorizing agency to issue a support order; changing statutory citation; specifying physical presence for immunity exception; describing process for person residing out of state to testify; providing penalty of perjury for telephone testimony; updating language; fixing statutory citation; deleting

1 preclusion to contest order in certain cases;
2 clarifying type of order; modifying applicability;
3 updating numbering; fixing capitalization; modifying
4 statutory citations; barring assistance from
5 Department for direct requests; directing Department
6 to take measures to request order; repealing Section
7 65, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
8 Section 601-714), which relates to applicability of
9 act; declaring applicability of act; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. AMENDATORY 43 O.S. 2011, Section 601-101, as
13 amended by Section 1, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
14 Section 601-101), is amended to read as follows:

15 Section 601-101. This act may be cited as the "Uniform
16 Interstate Family Support Act".

17 SECTION 2. AMENDATORY 43 O.S. 2011, Section 601-102, as
18 amended by Section 2, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
19 Section 601-102), is amended to read as follows:

20 Section 601-102. ~~As used in this act~~ In the Uniform Interstate
21 Family Support Act:

22 1. "Child" means an individual, whether over or under the age
23 of majority, who is or is alleged to be owed a duty of support by
24 the individual's parent or who is or is alleged to be the
beneficiary of a support order directed to the parent;

1 2. "Child support order" means a support order for a child,
2 including a child who has attained the age of majority under the law
3 of the issuing state or foreign country;

4 3. "Convention" means the Convention on the International
5 Recovery of Child Support and Other Forms of Family Maintenance,
6 concluded at The Hague on November 23, 2007;

7 4. "Duty of support" means an obligation imposed or imposable
8 by law to provide support for a child, spouse or former spouse,
9 including an unsatisfied obligation to provide support;

10 5. "Foreign country" means a country, including a political
11 subdivision thereof, other than the United States, that authorizes
12 the issuance of support orders and:

13 a. which has been declared under the law of the United
14 States to be a foreign reciprocating country,

15 b. which has established a reciprocal arrangement for
16 child support with this state as provided in Section
17 601-308 of this title,

18 c. which has enacted a law or established procedures for
19 the issuance and enforcement of support orders which
20 are substantially similar to the procedures under this
21 act, or

22 d. in which the Convention is in force with respect to
23 the United States;

1 6. "Foreign support order" means a support order of a foreign
2 tribunal;

3 7. "Foreign tribunal" means a court, administrative agency or
4 quasi-judicial entity of a foreign country which is authorized to
5 establish, enforce or modify support orders or to determine
6 parentage of a child. The term includes a competent authority under
7 the Convention;

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

16 9. "Income" includes earnings or other periodic entitlements to
17 money from any source and any other property subject to withholding
18 for support under the law of this state;

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

23 11. "Initiating tribunal" means the tribunal of a state or
24 foreign country from which a petition or comparable pleading is

1 forwarded or in which a petition or comparable pleading is filed for
2 forwarding to another state or foreign country;

3 12. "Issuing foreign country" means the foreign country in
4 which a tribunal issues a support order or a judgment determining
5 parentage of a child;

6 13. "Issuing state" means the state in which a tribunal issues
7 a support order or a judgment determining parentage of a child;

8 14. "Issuing tribunal" means the tribunal that issues a support
9 order or a judgment determining parentage of a child;

10 15. "Law" includes decisional and statutory law and rules and
11 regulations having the force of law;

12 16. "Obligee" means:

- 13 a. an individual to whom a duty of support is or is
14 alleged to be owed or in whose favor a support order
15 or a judgment determining parentage of a child has
16 been issued,
- 17 b. a foreign country, state or political subdivision of a
18 state to which the rights under a duty of support or
19 support order have been assigned or which has
20 independent claims based on financial assistance
21 provided to an individual obligee in place of child
22 support,
- 23 c. an individual seeking a judgment determining parentage
24 of the individual's child, or

1 d. a person that is a creditor in a proceeding under
2 Article 7 of this act;

3 17. "Obligor" means an individual or the estate of a decedent
4 that:

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

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

8 c. is liable under a support order, or

9 d. ~~a person that~~ is a ~~creditor~~ debtor in a proceeding
10 under Article 7 of this act;

11 18. "Outside this state" means a location in another state or a
12 country other than the United States, whether or not the country is
13 a foreign country;

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

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

22 21. "Register" means to record or file in a tribunal of this
23 state a support order or judgment determining parentage of a child
24 issued in another state or a foreign country;

1 22. "Registering tribunal" means a tribunal in which a support
2 order or judgment determining parentage of a child is registered;

3 23. "Responding state" means a state in which a petition or
4 comparable pleading for support or to determine parentage of a child
5 is filed or to which a petition or comparable pleading is forwarded
6 for filing from another state or a foreign country;

7 24. "Responding tribunal" means the authorized tribunal in a
8 responding state or foreign country;

9 25. "Spousal support order" means a support order for a spouse
10 or former spouse of the obligor;

11 26. "State" means a state of the United States, the District of
12 Columbia, Puerto Rico, the United States Virgin Islands or any
13 territory or insular possession under the jurisdiction of the United
14 States. The term includes an Indian nation or tribe;

15 27. "Support enforcement agency" means a public official,
16 governmental entity, or private agency authorized to:

- 17 a. seek enforcement of support orders or laws relating to
18 the duty of support,
19 b. seek establishment or modification of child support,
20 c. request determination of parentage of a child,
21 d. attempt to locate obligors or their assets, or
22 e. request determination of the controlling child support
23 order;

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

10 29. "Tribunal" means a court, administrative agency, or quasi-
11 judicial entity authorized to establish, enforce or modify support
12 orders or to determine parentage of a child.

13 SECTION 3. AMENDATORY Section 5, Chapter 104, O.S.L.
14 2015 (43 O.S. Supp. 2015, Section 601-105), is amended to read as
15 follows:

16 Section 601-105. A. A tribunal of this state shall apply
17 Articles 1 through 6 of ~~this title~~ the Uniform Interstate Family
18 Support Act and, as applicable, Article 7 of this ~~title~~ act, to a
19 support proceeding involving:

- 20 1. A foreign support order;
- 21 2. A foreign tribunal; or
- 22 3. An obligee, obligor or child residing in a foreign country.

23 B. A tribunal of this state that is requested to recognize and
24 enforce a support order on the basis of comity may apply the

1 procedural and substantive provisions of Articles 1 through 6 of
2 this ~~title~~ act.

3 C. Article 7 of this ~~title~~ act applies only to a support
4 proceeding under the Convention. In such a proceeding, if a
5 provision of Article 7 is inconsistent with Articles 1 through 6,
6 Article 7 controls.

7 SECTION 4. AMENDATORY 43 O.S. 2011, Section 601-201, as
8 amended by Section 6, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
9 Section 601-201), is amended to read as follows:

10 Section 601-201. A. In a proceeding to establish or enforce a
11 support order or to determine parentage of a child, a tribunal of
12 this state may exercise personal jurisdiction over a nonresident
13 individual or the individual's guardian or conservator if:

14 1. The individual is personally served with summons within this
15 state;

16 2. The individual submits to the jurisdiction of this state by
17 consent in a record, by entering a general appearance, or by filing
18 a responsive document having the effect of waiving any contest to
19 personal jurisdiction;

20 3. The individual resided with the child in this state;

21 4. The individual resided in this state and provided prenatal
22 expenses or support for the child;

23 5. The child resides in this state as a result of the acts or
24 directives of the individual;

1 6. The individual engaged in sexual intercourse in this state
2 and the child may have been conceived by that act of intercourse;

3 7. The individual asserted parentage of a child in the putative
4 father registry maintained in this state by the ~~appropriate agency~~
5 Department of Human Services; or

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

9 B. The bases of personal jurisdiction set forth in subsection A
10 of this section or in any other law of this state may not be used to
11 acquire personal jurisdiction for a tribunal of this state to modify
12 a child support order of another state unless the requirements of
13 Section 601-611 of this title are met, or, in the case of a foreign
14 support order, unless the requirements of Section 601-615 of this
15 title are met.

16 SECTION 5. AMENDATORY 43 O.S. 2011, Section 601-204, as
17 amended by Section 9, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
18 Section 601-204), is amended to read as follows:

19 Section 601-204. A. A tribunal of this state may exercise
20 jurisdiction to establish a support order if the petition or
21 comparable pleading is filed after a ~~petition or comparable~~ pleading
22 is filed in another state or a foreign country only if:

23 1. The petition or comparable pleading in this state is filed
24 before the expiration of the time allowed in the other state or a

1 the foreign country for filing a responsive pleading challenging the
2 exercise of jurisdiction by the other state or the foreign country;

3 2. The contesting party timely challenges the exercise of
4 jurisdiction in the other state or ~~a~~ the foreign country; and

5 3. If relevant, this state is the home state of the child.

6 B. A tribunal of this state may not exercise jurisdiction to
7 establish a support order if the petition or comparable pleading is
8 filed before a petition or comparable pleading is filed in another
9 state or a foreign country if:

10 1. The petition or comparable pleading in the other state or a
11 foreign country is filed before the expiration of the time allowed
12 in this state for filing a responsive pleading challenging the
13 exercise of jurisdiction by this state;

14 2. The contesting party timely challenges the exercise of
15 jurisdiction in this state; and

16 3. If relevant, the other state or a foreign country is the
17 home state of the child.

18 SECTION 6. AMENDATORY 43 O.S. 2011, Section 601-205, as
19 amended by Section 10, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
20 Section 601-205), is amended to read as follows:

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

1 1. At the time of the filing of a request for modification,
2 this state is the residence of the obligor, the individual obligee,
3 or the child for whose benefit the support order is issued; or

4 2. Even if this state is not the residence of the obligor, the
5 individual obligee, or the child for whose benefit the support order
6 is issued, the parties consent in a record or in open court that the
7 tribunal of this state may continue to exercise jurisdiction to
8 modify its order.

9 B. A tribunal of this state ~~issuing~~ that has issued a child
10 support order consistent with the law of this state may not exercise
11 continuing, exclusive jurisdiction to modify the order if:

12 1. All of the parties who are individuals file consent in a
13 record with the tribunal of this state that a tribunal of another
14 state that has jurisdiction over at least one of the parties who is
15 an individual or that is located in the state of residence of the
16 child may modify the order and assume continuing, exclusive
17 jurisdiction; or

18 2. Its order is not the controlling order.

19 C. If a tribunal of another state ~~which~~ has issued a child
20 support order pursuant to the Uniform Interstate Family Support Act
21 or a law substantially similar to ~~this~~ that act which modifies a
22 child support order of a tribunal of this state, tribunals of this
23 state shall recognize the continuing, exclusive jurisdiction of the
24 tribunal of the other state.

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

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

8 SECTION 7. AMENDATORY 43 O.S. 2011, Section 601-206, as
9 amended by Section 11, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
10 Section 601-206), is amended to read as follows:

11 Section 601-206. A. A tribunal of this state that has issued a
12 child support order consistent with the law of this state may serve
13 as an initiating tribunal to request a tribunal of another state to
14 enforce:

15 1. The order if the order is the controlling order and has not
16 been modified by a tribunal of another state that assumed
17 jurisdiction pursuant to ~~this act~~ the Uniform Interstate Family
18 Support Act; or

19 2. A money judgment for arrears of support and interest on the
20 order accrued before a determination that an order of a tribunal of
21 another state is the controlling order.

22 B. A tribunal of this state having continuing jurisdiction over
23 a support order may act as a responding tribunal to enforce the
24 order.

1 SECTION 8. AMENDATORY 43 O.S. 2011, Section 601-207, as
2 amended by Section 12, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
3 Section 601-207), is amended to read as follows:

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

8 B. If a proceeding is brought ~~pursuant to~~ under the Uniform
9 Interstate Family Support Act, and two or more child support orders
10 have been issued by tribunals of this state or another state or a
11 foreign country with regard to the same obligor and same child, a
12 tribunal of this state having personal jurisdiction over both the
13 obligor and individual obligee shall apply the following rules and
14 by order shall determine which order controls and must be
15 recognized:

16 1. If only one of the tribunals would have continuing,
17 exclusive jurisdiction ~~pursuant to~~ under the Uniform Interstate
18 Family Support Act, the order of that tribunal control;

19 2. If more than one of the tribunals would have continuing,
20 exclusive jurisdiction under this act:

21 a. an order issued by a tribunal in the current home
22 state of the child controls, or
23
24

1 b. if an order has not been issued in the current home
2 state of the child, the order most recently issued
3 controls; and

4 3. If none of the tribunals would have continuing, exclusive
5 jurisdiction ~~pursuant to~~ under the Uniform Interstate Family Support
6 Act, the tribunal of this state shall issue a child support order,
7 which controls.

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

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

22 E. The tribunal that issued the controlling order under
23 subsection A, B, or C of this section has continuing jurisdiction to
24 the extent provided in Section 601-205 or 601-206 of this title.

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

- 6 1. The basis upon which the tribunal made its determination;
- 7 2. The amount of prospective support, if any; and
- 8 3. The total amount of consolidated arrears and accrued
9 interest, if any, under all of the orders after all payments made
10 are credited as provided by Section 601-209 of this title.

11 G. Within thirty (30) days after issuance of an order
12 determining which is the controlling order, the party obtaining the
13 order shall file a certified copy of it in each tribunal that issued
14 or registered an earlier order of child support. A party or support
15 enforcement agency obtaining the order that fails to file a
16 certified copy is subject to appropriate sanctions by a tribunal in
17 which the issue of failure to file arises. The failure to file does
18 not affect the validity or enforceability of the controlling order.

19 H. An order that has been determined to be the controlling
20 order, or a judgment for consolidated arrears of support and
21 interest, if any, made pursuant to this section must be recognized
22 in proceedings under this act.

1 SECTION 9. AMENDATORY 43 O.S. 2011, Section 601-209, as
2 amended by Section 14, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
3 Section 601-209), is amended to read as follows:

4 Section 601-209. A tribunal of this state shall credit amounts
5 collected for a particular period pursuant to any child support
6 order against the amounts owed for the same period under any other
7 child support order for support of the same child issued by a
8 tribunal of this ~~or~~ state, another state or a foreign country.

9 SECTION 10. AMENDATORY 43 O.S. 2011, Section 601-210, as
10 amended by Section 15, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
11 Section 601-210), is amended to read as follows:

12 Section 601-210. A tribunal of this state exercising personal
13 jurisdiction over a nonresident in a proceeding under ~~this act~~ the
14 Uniform Interstate Family Support Act, under other law of this state
15 relating to a support order or recognizing a foreign support order
16 may receive evidence from outside this state pursuant to Section
17 601-316 of ~~Title 43 of the Oklahoma Statutes~~ this title, communicate
18 with a tribunal outside this state pursuant to Section 601-317 of
19 ~~Title 43 of the Oklahoma Statutes~~ this title, and obtain discovery
20 through a tribunal ~~of another~~ outside this state pursuant to Section
21 601-318 of ~~Title 43 of the Oklahoma Statutes~~ this title. In all
22 other respects, Articles 3 through 7 6 of this ~~title~~ act shall
23 not apply, and the tribunal shall apply the procedural and
24 substantive law of this state.

1 SECTION 11. AMENDATORY 43 O.S. 2011, Section 601-304, as
2 amended by Section 18, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
3 Section 601-304), is amended to read as follows:

4 Section 601-304. A. Upon the filing of a petition authorized
5 ~~under this act~~ by the Uniform Interstate Family Support Act, an
6 initiating tribunal of this state shall forward the petition and its
7 accompanying documents:

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

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

14 B. If requested by the responding tribunal, a tribunal of this
15 state shall issue a certificate or other document and make findings
16 required by the law of the responding state. If the responding
17 tribunal is in a foreign country ~~or political subdivision~~, upon
18 request the tribunal of this state shall specify the amount of
19 support sought, convert that amount into the equivalent amount in
20 the foreign currency under applicable official or market exchange
21 rate as publicly reported, and provide any other documents necessary
22 to satisfy the requirements of the responding foreign tribunal.

1 SECTION 12. AMENDATORY 43 O.S. 2011, Section 601-307, as
2 amended by Section 20, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
3 Section 601-307), is amended to read as follows:

4 Section 601-307. A. A support enforcement agency of this
5 state, upon request, shall provide services to a petitioner in a
6 proceeding under ~~this act~~ the Uniform Interstate Family Support Act.

7 B. A support enforcement agency of this state that is providing
8 services to the petitioner shall:

9 1. Take all steps necessary to enable an appropriate tribunal
10 of this state, another state or a foreign country to obtain
11 jurisdiction over the respondent;

12 2. Request an appropriate tribunal to set a date, time, and
13 place for a hearing;

14 3. Make a reasonable effort to obtain all relevant information,
15 including information as to income and property of the parties;

16 4. Within two (2) days, exclusive of Saturdays, Sundays, and
17 legal holidays, after receipt of ~~a written~~ notice in a record from
18 an initiating, responding, or registering tribunal, send a copy of
19 the notice to the petitioner;

20 5. Within two (2) days, exclusive of Saturdays, Sundays, and
21 legal holidays, after receipt of ~~a written~~ communication in a record
22 from the respondent or the respondent's attorney, send a copy of the
23 communication to the petitioner; and
24

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

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

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

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

12 D. A support enforcement agency of this state that requests
13 registration and enforcement of a support order, arrears, or
14 judgment stated in a foreign currency shall convert the amounts
15 stated in the foreign currency into the equivalent amounts in
16 dollars under the applicable official or market exchange rate as
17 publicly reported.

18 E. A support enforcement agency of this state shall issue or
19 request a tribunal of this state to issue a child support order and
20 an income-withholding order that redirect payment of current
21 support, arrears, and interest if requested to do so by a support
22 enforcement agency of another state pursuant to Section 601-319 of
23 this title.
24

1 F. The Uniform Interstate Family Support Act does not create or
2 negate a relationship of attorney and client or other fiduciary
3 relationship between a support enforcement agency or the attorney
4 for the agency and the individual being assisted by the agency.

5 SECTION 13. AMENDATORY 43 O.S. 2011, Section 601-311, as
6 amended by Section 23, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
7 Section 601-311), is amended to read as follows:

8 Section 601-311. A. In a proceeding under ~~this act~~ the Uniform
9 Interstate Family Support Act, a petitioner seeking to establish a
10 support order, to determine parentage of a child, or to register and
11 modify a support order of a tribunal of another state or a foreign
12 country must file a petition. Unless otherwise ordered under
13 Section 601-312 of this title, the petition or accompanying
14 documents must provide, so far as known, the name, residential
15 address, and Social Security numbers of the obligor and the obligee
16 or the parent and alleged parent, and the name, sex, residential
17 address, Social Security number, and date of birth of each child for
18 whose benefit support is sought or whose parentage is to be
19 determined. Unless filed at the time of registration, the petition
20 must be accompanied by a copy of any support order known to have
21 been issued by another tribunal. The petition may include any other
22 information that may assist in locating or identifying the
23 respondent.
24

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

5 SECTION 14. AMENDATORY 43 O.S. 2011, Section 601-313, as
6 amended by Section 25, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
7 Section 601-313), is amended to read as follows:

8 Section 601-313. A. The petitioner ~~may~~ shall not be required
9 to pay a filing fee or other costs.

10 B. If an obligee prevails, a responding tribunal of this state
11 may assess against an obligor filing fees, reasonable attorney's
12 fees, other costs, and necessary travel and other reasonable
13 expenses incurred by the obligee and the obligee's witnesses. The
14 tribunal may not assess fees, costs, or expenses against the obligee
15 or the support enforcement agency of either the initiating or the
16 responding state or foreign country, except as provided by other
17 law. Attorney's fees may be taxed as costs, and may be ordered paid
18 directly to the attorney, who may enforce the order in the
19 attorney's own name. Payment of support owed to the obligee has
20 priority over fees, costs and expenses.

21 C. The tribunal shall order the payment of costs and reasonable
22 attorney's fees if it determines that a hearing was requested
23 primarily for delay. In a proceeding under ~~Sections 601-601 through~~
24 ~~601-612~~ Article 6 of ~~this title~~ the Uniform Interstate Family

1 Support Act, a hearing is presumed to have been requested primarily
2 for delay if a registered support order is confirmed or enforced
3 without change.

4 SECTION 15. AMENDATORY 43 O.S. 2011, Section 601-314, is
5 amended to read as follows:

6 Section 601-314. A. Participation by a petitioner in a
7 proceeding under ~~this act~~ the Uniform Interstate Family Support Act
8 before a responding tribunal, whether in person, by private
9 attorney, or through services provided by the support enforcement
10 agency, does not confer personal jurisdiction over the petitioner in
11 another proceeding.

12 B. A petitioner is not amenable to service of civil process
13 while physically present in this state to participate in a
14 proceeding under this act.

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

19 SECTION 16. AMENDATORY 43 O.S. 2011, Section 601-316, as
20 amended by Section 26, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
21 Section 601-316), is amended to read as follows:

22 Section 601-316. A. The physical presence of a nonresident
23 party who is an individual in a tribunal of this state is not
24 required for the establishment, enforcement, or modification of a

1 support order or the rendition of a judgment determining parentage
2 of a child.

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

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

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

18 E. Documentary evidence transmitted from outside this state to
19 a tribunal of this state by telephone, telecopier, or other
20 electronic means that do not provide an original record may not be
21 excluded from evidence on an objection based on the means of
22 transmission.

23 F. In a proceeding under this act, a tribunal of this state
24 shall permit a party or witness residing outside this state to be

1 deposed or to testify under penalty of perjury by telephone,
2 audiovisual means, or other electronic means at a designated
3 tribunal or other location. A tribunal of this state shall
4 cooperate with other tribunals in designating an appropriate
5 location for the deposition or testimony.

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

9 H. A privilege against disclosure of communications between
10 spouses does not apply in a proceeding under this act.

11 I. The defense of immunity based on the relationship of husband
12 and wife or parent and child does not apply in a proceeding under
13 this act.

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

16 SECTION 17. AMENDATORY 43 O.S. 2011, Section 601-317, as
17 amended by Section 27, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
18 Section 601-317), is amended to read as follows:

19 Section 601-317. A tribunal of this state may communicate with
20 a tribunal outside this state in a record or by telephone,
21 electronic mail or other means, to obtain information concerning the
22 laws, the legal effect of a judgment, decree or order of that
23 tribunal, and the status of a proceeding ~~in the other state or~~
24 ~~foreign country or political subdivision.~~ A tribunal of this state

1 may furnish similar information by similar means to a tribunal
2 outside this state.

3 SECTION 18. AMENDATORY 43 O.S. 2011, Section 601-505, is
4 amended to read as follows:

5 Section 601-505. An employer ~~who~~ that willfully fails to comply
6 with an income-withholding order issued ~~by~~ in another state and
7 received for enforcement is subject to the same penalties that may
8 be imposed for noncompliance with an order issued by a tribunal of
9 this state.

10 SECTION 19. AMENDATORY 43 O.S. 2011, Section 601-602, as
11 amended by Section 38, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
12 Section 601-602), is amended to read as follows:

13 Section 601-602. A. Except as otherwise provided in Section
14 ~~706~~ 601-706 of this title, a support order or income-withholding
15 order of another state or a foreign support order may be registered
16 in this state by sending the following records to the appropriate
17 tribunal in this state:

18 1. A letter of transmittal to the tribunal requesting
19 registration and enforcement;

20 2. Two copies, including one certified copy, of the order to be
21 registered, including any modification of the order;

22 3. A sworn statement by the person requesting registration or a
23 certified statement by the custodian of the records showing the
24 amount of any arrearage;

1 4. The name of the obligor and, if known:

2 a. the obligor's address and Social Security number,

3 b. the name and address of the obligor's employer and any
4 other source of income of the obligor, and

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

7 5. Except as otherwise provided in Section 601-312 of this
8 title, the name and address of the obligee and, if applicable, the
9 person to whom support payments are to be remitted.

10 B. On receipt of a request for registration, the registering
11 tribunal shall cause the order to be filed as an order of a tribunal
12 of another state or a foreign support order, together with one copy
13 of the documents and information, regardless of their form.

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

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

20 1. Furnish to the tribunal a copy of every support order
21 asserted to be in effect in addition to the documents specified in
22 this section;

23 2. Specify the order alleged to be the controlling order, if
24 any; and

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

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

7 SECTION 20. AMENDATORY 43 O.S. 2011, Section 601-604, as
8 amended by Section 40, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
9 Section 601-604), is amended to read as follows:

10 Section 601-604. A. Except as otherwise provided in subsection
11 D of this section, the law of the issuing state or a foreign country
12 governs:

13 1. The nature, extent, amount, and duration of current payments
14 under a registered support order;

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

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

19 B. In a proceeding for arrears under a registered support
20 order, the statute of limitation of this state or of the issuing
21 state or foreign country, whichever is longer, applies.

22 C. A responding tribunal of this state shall apply the
23 procedures and remedies of this state to enforce current support and
24

1 collect arrears and interest due on a support order of another state
2 or foreign country registered in this state.

3 D. After a tribunal of this state or another state determines
4 which is the controlling order and issues an order consolidating
5 arrears, if any, a tribunal of this state shall prospectively apply
6 the law of the state or foreign country issuing the controlling
7 order, including its law on interest on arrears, on current and
8 future support, and on consolidated arrears.

9 SECTION 21. AMENDATORY 43 O.S. 2011, Section 601-605, as
10 amended by Section 41, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
11 Section 601-605), is amended to read as follows:

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

18 B. A notice must inform the nonregistering party:

19 1. That a registered order is enforceable as of the date of
20 registration in the same manner as an order issued by a tribunal of
21 this state;

22 2. That a hearing to contest the validity or enforcement of the
23 registered order must be requested within twenty (20) days after ~~the~~
24

1 ~~date of mailing or personal service of the~~ notice unless the
2 registered order is under Section 601-707 of this title;

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

8 4. Of the amount of any alleged arrearages.

9 C. If the registering party asserts that two or more orders are
10 in effect, a notice shall also:

11 1. Identify the two or more orders and the order alleged by the
12 registering party to be the controlling order and the consolidated
13 arrears, if any;

14 2. Notify the nonregistering party of the right to a
15 determination of which is the controlling order;

16 3. State that the procedures provided in subsection B of this
17 section apply to the determination of which is the controlling
18 order; and

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

22 D. Upon registration of an income-withholding order for
23 enforcement, the support enforcement agency or the registering
24

1 tribunal shall notify the obligor's employer pursuant to the income-
2 withholding law of this state.

3 SECTION 22. AMENDATORY 43 O.S. 2011, Section 601-606, as
4 amended by Section 42, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
5 Section 601-606), is amended to read as follows:

6 Section 601-606. A. A nonregistering party seeking to contest
7 the validity or enforcement of a registered support order in this
8 state shall request a hearing within the time required by Section
9 601-605 of this title. The nonregistering party may seek to vacate
10 the registration, to assert any defense to an allegation of
11 noncompliance with the registered order, or to contest the remedies
12 being sought or the amount of any alleged arrearages pursuant to
13 Section 601-607 of this title.

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

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

21 SECTION 23. AMENDATORY 43 O.S. 2011, Section 601-607, as
22 amended by Section 43, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
23 Section 601-607), is amended to read as follows:
24

1 Section 601-607. A. A party contesting the validity or
2 enforcement of a registered support order or seeking to vacate the
3 registration has the burden of proving one or more of the following
4 defenses:

5 1. The issuing tribunal lacked personal jurisdiction over the
6 contesting party;

7 2. The order was obtained by fraud;

8 3. The order has been vacated, suspended, or modified by a
9 later order;

10 4. The issuing tribunal has stayed the order pending appeal;

11 5. There is a defense under the law of this state to the remedy
12 sought;

13 6. Full or partial payment has been made;

14 7. The statute of limitation under Section 601-604 of this
15 title precludes enforcement of some or all of the alleged
16 arrearages; or

17 8. The alleged controlling order is not the controlling order.

18 B. If a party presents evidence establishing a full or partial
19 defense under subsection A of this section, a tribunal may stay
20 enforcement of a registered support order, continue the proceeding
21 to permit production of additional relevant evidence, and issue
22 other appropriate orders. An uncontested portion of the registered
23 support order may be enforced by all remedies available under the
24 law of this state.

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

5 SECTION 24. AMENDATORY 43 O.S. 2011, Section 601-611, as
6 amended by Section 47, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
7 Section 601-611), is amended to read as follows:

8 Section 601-611. A. If Section 601-613 of this title does not
9 apply, upon petition a tribunal of this state may modify a child
10 support order issued in another state which is registered in this
11 state if, after notice and hearing, the tribunal finds that:

12 1. The following requirements are met:

- 13 a. neither the child, nor the obligee who is an
14 individual, nor the obligor resides in the issuing
15 state,
16 b. a petitioner who is a nonresident of this state seeks
17 modification, and
18 c. the respondent is subject to the personal jurisdiction
19 of the tribunal of this state; or

20 2. This state is the ~~state of~~ residence of the child, or a
21 party who is an individual, is subject to the personal jurisdiction
22 of the tribunal of this state, and all of the parties who are
23 individuals have filed consents in a record in the issuing tribunal
24

1 for a tribunal of this state to modify the support order and assume
2 continuing, exclusive jurisdiction.

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

7 C. A tribunal of this state may not modify any aspect of a
8 child support order that may not be modified under the law of the
9 issuing state, including the duration of the obligation of support.
10 If two or more tribunals have issued child support orders for the
11 same obligor and same child, the order that controls and must be so
12 recognized under Section 601-207 of this title establishes the
13 aspects of the support order which are nonmodifiable.

14 D. In a proceeding to modify a child support order, the law of
15 the state that is determined to have issued the initial controlling
16 order governs the duration of the obligation of support. The
17 obligor's fulfillment of the duty of support established by ~~the~~ that
18 order precludes imposition of a further obligation of support by a
19 tribunal of this state.

20 E. On issuance of an order by a tribunal of this state
21 modifying a child support order issued in another state, the
22 tribunal of this state becomes the tribunal having continuing,
23 exclusive jurisdiction.
24

1 F. Notwithstanding subsections ~~(a)~~ A through ~~(e)~~ E of this
2 section and subsection B of Section 601-201 of this title, a
3 tribunal of this state retains jurisdiction to modify an order
4 issued by a tribunal of this state if:

- 5 1. One party resides in another state; and
- 6 2. The other party resides outside the United States.

7 SECTION 25. AMENDATORY 43 O.S. 2011, Section 601-613, as
8 amended by Section 48, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
9 Section 601-613), is amended to read as follows:

10 Section 601-613. A. If all of the parties who are individuals
11 reside in this state and the child does not reside in the issuing
12 state, a tribunal of this state has jurisdiction to enforce and to
13 modify the issuing state's child support order in a proceeding to
14 register that order.

15 B. A tribunal of this state exercising jurisdiction under this
16 section shall apply the provisions of Articles 1 and 2 of the
17 Uniform Interstate Family Support Act, this article, and the
18 procedural and substantive law of this state to the proceeding for
19 enforcement or modification. Articles 3, 4, 5, 7, and 8 do not
20 apply.

21 SECTION 26. AMENDATORY 43 O.S. 2011, Section 601-615, as
22 amended by Section 50, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
23 Section 601-615), is amended to read as follows:
24

1 Section 601-615. A. Except as otherwise provided in Section
2 601-711 of this title, if a foreign country lacks or refuses to
3 exercise jurisdiction to modify its child support order pursuant to
4 its laws, a tribunal of this state may assume jurisdiction to modify
5 the child support order and bind all individuals subject to the
6 personal jurisdiction of the tribunal whether ~~or not~~ the consent to
7 modification of a child support order otherwise required of the
8 individual pursuant to Section 601-611 of ~~Title 43 of the Oklahoma~~
9 ~~Statutes~~ this title has been given or whether the individual seeking
10 modification is a resident of this state or of the foreign country.

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

14 SECTION 27. AMENDATORY 43 O.S. 2011, Section 601-701, as
15 amended by Section 52, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015,
16 Section 601-701), is amended to read as follows:

17 Section 601-701. In this article:

18 1. "Application" means a request under the Convention by an
19 obligee or obligor or on behalf of a child made through a central
20 authority for assistance from another central authority;

21 2. "Central authority" means the entity designated by the
22 United States or a foreign country described in paragraph d of
23 subsection 5 of Section 601-102 of this title to perform the
24 functions specified in the Convention;

1 3. "Convention support order" means a support order of a
2 tribunal of a foreign country described in paragraph d of subsection
3 5 of Section 601-102 of this title;

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

7 5. "Foreign central authority" means the entity designated by a
8 foreign country described in paragraph d of subsection 5 of Section
9 601-102 of this title to perform the functions specified in the
10 Convention;

11 6. "Foreign support agreement":

12 a. means an agreement for support in a record that:

13 ~~a.~~ (1) is enforceable as a support order in the country
14 of origin,

15 ~~b.~~ (2) has been:

16 ~~(1)~~ (a) formally drawn up or registered as an
17 authentic instrument by a foreign tribunal,
18 or

19 ~~(2)~~ (b) authenticated by or concluded, registered or
20 filed with a foreign tribunal, and

21 ~~c.~~ (3) may be reviewed and modified by a foreign
22 tribunal, and

23 ~~d.~~ b. includes a maintenance arrangement or authentic
24 instrument under the ~~convention~~ Convention; and

1 7. "United States central authority" means the Secretary of the
2 United States Department of Health and Human Services.

3 SECTION 28. AMENDATORY Section 53, Chapter 104, O.S.L.
4 2015 (43 O.S. Supp. 2015, Section 601-702), is amended to read as
5 follows:

6 Section 601-702. This article applies only to a support
7 proceeding under the ~~convention~~ Convention. In such a proceeding,
8 if a provision of this article is inconsistent with Articles 1
9 through 6 of the Uniform Interstate Family Support Act, this article
10 controls.

11 SECTION 29. AMENDATORY Section 54, Chapter 104, O.S.L.
12 2015 (43 O.S. Supp. 2015, Section 601-703), is amended to read as
13 follows:

14 Section 601-703. The Department of Human Services of this state
15 is recognized as the agency designated by the United States central
16 authority to perform specific functions under the ~~convention~~
17 Convention.

18 SECTION 30. AMENDATORY Section 55, Chapter 104, O.S.L.
19 2015 (43 O.S. Supp. 2015, Section 601-704), is amended to read as
20 follows:

21 Section 601-704. A. In a support proceeding under this
22 article, the Oklahoma Department of Human Services of this state
23 shall:

- 24 1. Transmit and receive applications; and

1 2. Initiate or facilitate the institution of a proceeding
2 regarding an application in a tribunal of this state.

3 B. The following support proceedings are available to an
4 obligee under the Convention:

5 1. Recognition or recognition and enforcement of a foreign
6 support order;

7 2. Enforcement of a support order issued or recognized in this
8 state;

9 3. Establishment of a support order if there is no existing
10 order, including, if necessary, determination of parentage of a
11 child;

12 4. Establishment of a support order if recognition of a foreign
13 support order is refused under ~~subparagraph b of paragraph 2 of~~
14 ~~Section 601-708 of Title 43 of the Oklahoma Statutes or paragraph 2,~~
15 4 or 9 of subsection B of Section 601-708 of ~~Title 43 of the~~
16 ~~Oklahoma Statutes~~ this title;

17 5. Modification of a support order of a tribunal of this state;
18 and

19 6. Modification of a support order of a tribunal of another
20 state or a foreign country.

21 C. The following support proceedings are available under the
22 ~~convention~~ Convention to an obligor against which there is an
23 existing support order:
24

1 1. Recognition of an order suspending or limiting enforcement
2 of an existing support order of a tribunal of this state;

3 2. Modification of a support order of a tribunal of this state;
4 and

5 3. Modification of a support order of a tribunal of another
6 state or a foreign country.

7 D. A tribunal of this state may not require security, bond or
8 deposit, however described, to guarantee the payment of costs and
9 expenses in proceedings under the ~~convention~~ Convention.

10 SECTION 31. AMENDATORY Section 56, Chapter 104, O.S.L.
11 2015 (43 O.S. Supp. 2015, Section 601-705), is amended to read as
12 follows:

13 Section 601-705. A. A petitioner may file a direct request
14 seeking establishment or modification of a support order or
15 determination of parentage of a child. In the proceeding, the law
16 of this state applies.

17 B. A petitioner may file a direct request seeking recognition
18 and enforcement of a support order or support agreement. In the
19 proceeding, Sections 601-706 through 601-713 of ~~Title 43 of the~~
20 ~~Oklahoma Statutes~~ this title apply.

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

23 1. A security, bond or deposit is not required to guarantee the
24 payment of costs and expenses; and

1 2. An obligee or obligor that in the issuing country has
2 benefited from free legal assistance is entitled to benefit, at
3 least to the same extent, from any free legal assistance provided
4 for by the law of this state under the same circumstances.

5 D. A petitioner filing a direct request is not entitled to
6 assistance from the ~~governmental entity~~ Department of Human
7 Services.

8 E. This article does not prevent the application of laws of
9 this state that provide simplified, more expeditious rules regarding
10 a direct request for recognition and enforcement of a foreign
11 support order or foreign support agreement.

12 SECTION 32. AMENDATORY Section 57, Chapter 104, O.S.L.
13 2015 (43 O.S. Supp. 2015, Section 601-706), is amended to read as
14 follows:

15 Section 601-706. A. Except as otherwise provided in this
16 article, a party who is an individual or a support enforcement
17 agency seeking recognition of a ~~convention~~ Convention support order
18 shall register the order in this state as provided in Article 6.

19 B. Notwithstanding Sections 601-311 and ~~subparagraph a~~
20 subsection A of Section 601-602 of ~~Title 43 of the Oklahoma Statutes~~
21 this title, a request for registration of a Convention support order
22 must be accompanied by:

23 1. A complete text of the support order or an abstract or
24 extract of the support order drawn up by the issuing foreign

1 tribunal, which may be in the form recommended by the Hague
2 Conference on Private International Law;

3 2. A record stating that the support order is enforceable in
4 the issuing country;

5 3. If the respondent did not appear and was not represented in
6 the proceedings in the issuing country, a record attesting, as
7 appropriate, either that the respondent had proper notice of the
8 proceedings and an opportunity to be heard or that the respondent
9 had proper notice of the support order and an opportunity to be
10 heard in a challenge or appeal on fact or law before a tribunal;

11 4. A record showing the amount of arrears, if any, and the date
12 the amount was calculated;

13 5. A record showing a requirement for automatic adjustment of
14 the amount of support, if any, and the information necessary to make
15 the appropriate calculations; and

16 6. If necessary, a record showing the extent to which the
17 applicant received free legal assistance in the issuing country.

18 C. A request for registration of a ~~convention~~ Convention
19 support order may seek recognition and partial enforcement of the
20 order.

21 D. A tribunal of this state may vacate the registration of a
22 Convention support order without the filing of a contest under
23 Section 601-707 of ~~Title 43 of the Oklahoma Statutes~~ this title only
24 if, acting on its own motion, the tribunal finds that recognition

1 and enforcement of the order would be manifestly incompatible with
2 public policy.

3 E. The tribunal shall promptly notify the parties of the
4 registration or the order vacating the registration of a ~~convention~~
5 Convention support order.

6 SECTION 33. AMENDATORY Section 58, Chapter 104, O.S.L.
7 2015 (43 O.S. Supp. 2015, Section 601-707), is amended to read as
8 follows:

9 Section 601-707. A. Except as otherwise provided in this
10 article, Sections 601-605 through 601-608 of ~~Title 43 of the~~
11 ~~Oklahoma Statutes~~ this title apply to a contest of a registered
12 ~~convention~~ Convention support order.

13 B. A party contesting a registered ~~convention~~ Convention
14 support order shall file a contest not later than thirty (30) days
15 after notice of the registration, but if the contesting party does
16 not reside in the United States, the contest must be filed not later
17 than sixty (60) days after notice of the registration.

18 C. If the nonregistering party fails to contest the registered
19 ~~convention~~ Convention support order by the time specified in
20 subsection B of this section, the order is enforceable.

21 D. A contest of a registered ~~convention~~ Convention support
22 order may be based only on grounds set forth in Section 601-708 of
23 ~~Title 43 of the Oklahoma Statutes~~ this title. The contesting party
24 bears the burden of proof.

1 E. In a contest of a registered ~~convention~~ Convention support
2 order, a tribunal of this state:

3 1. Is bound by the findings of fact on which the foreign
4 tribunal based its jurisdiction; and

5 2. May not review the merits of the order.

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

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

12 SECTION 34. AMENDATORY Section 59, Chapter 104, O.S.L.
13 2015 (43 O.S. Supp. 2015, Section 601-708), is amended to read as
14 follows:

15 Section 601-708. A. Except as otherwise provided in subsection
16 B of this section, a tribunal of this state shall recognize and
17 enforce a registered ~~convention~~ Convention support order.

18 B. The following grounds are the only grounds on which a
19 tribunal of this state may refuse recognition and enforcement of a
20 registered ~~convention~~ Convention support order:

21 1. Recognition and enforcement of the order is manifestly
22 incompatible with public policy, including the failure of the
23 issuing tribunal to observe minimum standards of due process, which
24 include notice and an opportunity to be heard;

1 2. The issuing tribunal lacked personal jurisdiction consistent
2 with Section 601-201 of ~~Title 43 of the Oklahoma Statutes~~ this
3 title;

4 3. The order is not enforceable in the issuing country;

5 4. The order was obtained by fraud in connection with a matter
6 of procedure;

7 5. A record transmitted in accordance with Section 601-706 of
8 this title lacks authenticity or integrity;

9 6. A proceeding between the same parties and having the same
10 purpose is pending before a tribunal of this state and that
11 proceeding was the first to be filed;

12 7. The order is incompatible with a more recent support order
13 involving the same parties and having the same purpose if the more
14 recent support order is entitled to recognition and enforcement
15 under this act in this state;

16 8. Payment, to the extent alleged arrears have been paid in
17 whole or in part;

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

- 20 a. if the law of that country provides for prior notice
21 of proceedings, the respondent did not have proper
22 notice of the proceedings and an opportunity to be
23 heard, or
24

1 b. if the law of that country does not provide for prior
2 notice of the proceedings, the respondent did not have
3 proper notice of the order and an opportunity to be
4 heard in a challenge or appeal on fact or law before a
5 tribunal, or

6 10. The order was made in violation of Section 601-711 of ~~Title~~
7 ~~43 of the Oklahoma Statutes~~ this title.

8 C. If a tribunal of this state does not recognize a ~~convention~~
9 Convention support order under paragraphs 2, 4 or 9 of subsection B
10 of this section:

11 1. The tribunal may not dismiss the proceeding without allowing
12 a reasonable time for a party to request the establishment of a new
13 ~~convention~~ Convention support order; and

14 2. The ~~appropriate governmental entity~~ Department of Human
15 Services shall take all appropriate measures to request a child
16 support order for the obligee if the application for recognition and
17 enforcement was received under Section 601-704 of ~~Title 43 of the~~
18 ~~Oklahoma Statutes~~ this title.

19 SECTION 35. AMENDATORY Section 60, Chapter 104, O.S.L.
20 2015 (43 O.S. Supp. 2015, Section 601-709), is amended to read as
21 follows:

22 Section 601-709. If a tribunal of this state does not recognize
23 and enforce a ~~convention~~ Convention support order in its entirety,
24 it shall enforce any severable part of the order. An application or

1 direct request may seek recognition and partial enforcement of a
2 ~~convention~~ Convention support order.

3 SECTION 36. AMENDATORY Section 62, Chapter 104, O.S.L.
4 2015 (43 O.S. Supp. 2015, Section 601-711), is amended to read as
5 follows:

6 Section 601-711. A. A tribunal of this state may not modify a
7 ~~convention~~ Convention child support order if the obligee remains a
8 resident of the foreign country where the support order was issued
9 unless:

10 1. The obligee submits to the jurisdiction of a tribunal of
11 this state, either expressly or by defending on the merits of the
12 case without objecting to the jurisdiction at the first available
13 opportunity; or

14 2. The foreign tribunal lacks or refuses to exercise
15 jurisdiction to modify its support order or issue a new support
16 order.

17 B. If a tribunal of this state does not modify a ~~convention~~
18 Convention child support order because the order is not recognized
19 in this state, subsection C of Section 601-708 of ~~Title 43 of the~~
20 ~~Oklahoma Statutes~~ this title applies.

21 SECTION 37. REPEALER Section 65, Chapter 104, O.S.L.
22 2015 (43 O.S. Supp. 2015, Section 601-714), is hereby repealed.
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1 SECTION 38. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 601-902 of Title 43, unless
3 there is created a duplication in numbering, reads as follows:

4 This act applies to proceedings beginning on or after November
5 1, 2015, to establish a support order or determine parentage of a
6 child or to register, recognize, enforce, or modify a prior support
7 order, determination, or agreement, whenever issued or entered.

8 SECTION 39. This act shall become effective November 1, 2016.

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