STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 486 By: Holt

AS INTRODUCED

An Act relating to marriage and family; amending 43 O.S. 2011, Sections 601-101, 601-102, 601-103, 601-201, 601-202, 601-203, 601-204, 601-205, 601-206, 601-207, 601-208, 601-209, 601-210, 601-211, 601-301, 601-304, 601-305, 601-307, 601-308, 601-310, 601-311, 601-312, 601-313, 601-316, 601-317, 601-318, 601-319, 601-401, 601-501, 601-503, 601-504, 601-506, 601-507, 601-601, 601-602, 601-603, 601-604, 601-605, 601-606, 601-607, 601-608, 601-609, 601-610, 601-611, 601-613, 601-614, 601-615, 601-701, which relate to the Uniform Interstate Family Support Act; providing short title; modifying definitions; clarifying eligible tribunals; clarifying support enforcement agencies; stating that remedies are cumulative; stating prohibitions of the act; providing applicability of act to certain actions; clarifying when an enforcement of support orders are proper; modifying certain statutory reference; authorizing proceedings of foreign countries; authorizing jurisdiction for certain actions executed by foreign countries; clarifying determination of certain orders; expanding recognition of child support orders to include foreign countries; expanding personal jurisdiction for certain proceedings; limiting modification of certain orders; providing procedures for recognition of foreign tribunals; clarifying certain duties and powers of responding tribunals; modifying duties of support enforcement agencies; modifying certain duty of child support enforcement services of the Department of Human Services; expanding eligible orders subject to modification; clarifying when certain fees may be assessed; clarifying application of certain rules; adding method of communication; clarifying who is subject to certain discovery; adding foreign countries as

recipient of certain certified statements; clarifying who may issue certain support orders; authorizing tribunals to serve as responding tribunals for certain proceedings; clarifying certain references to sections; adding foreign support orders to those subject to certain enforcement; allowing certain orders for registration in the state; modifying method of registration for certain orders; providing application of certain laws under certain conditions; modifying method of notification for certain orders; modifying time component for contesting certain action; clarifying reference to certain term; clarifying certain statutory references; stating authorization for jurisdiction and modification of certain orders; citing reference to certain exception for child support modifications; providing procedure for registering certain orders for modification; defining terms; stating applicability of certain provisions; stating the Department of Human Services as authorized for certain functions; providing procedures of the Oklahoma Department of Human Services for certain proceedings; providing method for petitioners to seek certain modifications; providing items required for certain requests for certain support orders; providing method of contesting certain support orders; stating recognition and enforcement procedures for certain orders; allowing refusal for recognition and enforcement under certain grounds; allowing for severability; allowing for recognition of certain registered foreign support agreements; providing certain items required for recognition; disallowing modification of certain orders under certain circumstances; limiting use of personal information; providing for language of records; stating effect upon certain proceedings; repealing 43 O.S. 2011, Section 601-100, which relates to the Uniform Interstate Family Support Act; 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. 2011, Section 601-101, is amended to read as follows:

Section 601-101. ~~In the Uniform Interstate Family Support Act:~~

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

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

~~3. "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support;~~

~~4. "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 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;~~

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

~~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;~~

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

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

~~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 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;~~

~~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,~~

~~d. location of obligors or their assets, or~~

~~e. determination of the controlling child support order;~~

~~23. "Support order" means a judgment, decree, 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~~

~~24. "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage~~ This act may be cited as the "Uniform Interstate Family Support Act".

SECTION 2. AMENDATORY 43 O.S. 2011, Section 601-102, is amended to read as follows:

Section 601-102. ~~The district court and the Department of Human Services are the tribunals of this state~~ As used in this 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 or foreign country;

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

4. "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;

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

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

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

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

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

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

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

8. "Home state" means the state or foreign country 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 or foreign country 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;

9. "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;

10. "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;

11. "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country;

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

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

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

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

16. "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 or a judgment determining parentage of a child has been issued,

b. a foreign country, state or political subdivision of a state 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 in place of child support,

c. an individual seeking a judgment determining parentage of the individual's child, or

d. a person that is a creditor in a proceeding under Article 7;

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

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

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

c. is liable under a support order, or

d. a person that is a creditor in a proceeding under Article 7;

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

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

20. "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;

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

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

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

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

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

26. "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 under the jurisdiction of the United States. The term includes an Indian nation or tribe;

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

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

b. seek establishment or modification of child support,

c. request determination of parentage of a child,

d. attempt to locate obligors or their assets, or

e. request determination of the controlling child support order;

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

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

SECTION 3. AMENDATORY 43 O.S. 2011, 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~~ The district

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

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~~ The Department of Human Services, Child Support Services, is the support enforcement agency of this state.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-104 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Remedies provided by this act are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order 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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-105 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. A tribunal of this state shall apply Articles 1 through 6 of this title and, as applicable, Article 7 of this title, to a support proceeding involving:

1. A foreign support order;

2. A foreign tribunal; or

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

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

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

SECTION 6. AMENDATORY 43 O.S. 2011, Section 601-201, is amended to read as follows:

Section 601-201. A. In a proceeding to establish or enforce a support order or to determine parentage <u>of a child</u>, 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 of a child 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~~ this state to modify a child support order of another state unless the requirements of Section 601-611 of this title ~~or Section 41 of this~~

~~act~~ are met, or, in the case of a foreign support order, unless the requirements of Section 601-615 are met.

SECTION 7. AMENDATORY 43 O.S. 2011, Section 601-202, is amended to read as follows:

Section 601-202. Personal jurisdiction acquired by a tribunal of this state 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 ~~and~~, 601-206, and 601-211 of this title ~~and Section 11 of this act~~.

SECTION 8. AMENDATORY 43 O.S. 2011, 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 a tribunal of another state and as a responding tribunal for proceedings initiated in another state or foreign country.

SECTION 9. AMENDATORY 43 O.S. 2011, 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 or a foreign country only if:

1. The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state or a foreign country 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 or a foreign country; 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 or foreign country if:

1. The petition or comparable pleading in the other state or a foreign country 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 or a foreign country is the home state of the child.

SECTION 10. AMENDATORY 43 O.S. 2011, Section 601-205, is amended to read as follows:

Section 601-205. A. A tribunal of this state that has issued a support order consistent with the law of this state has and shall

exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order and:

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

2. 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 continuing, exclusive jurisdiction to modify the order if:

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 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.

SECTION 11. AMENDATORY 43 O.S. 2011, 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:

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 <u>of a tribunal</u> of another state is the controlling order.

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

SECTION 12. AMENDATORY 43 O.S. 2011, 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 or a foreign country 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 and by order shall determine which order controls and must be recognized:

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~~ under this act:

a. an order issued by a tribunal in the current home state of the child controls, ~~but~~ or

b. if an order has not been issued in the current home state of the child, the order most recently issued controls; 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 shall issue a child support order, which controls.

C. If two or more child support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection B of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6 of this title, 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 has continuing jurisdiction to the extent provided in Section 601-205 or 601-206 of this title.

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

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.

G. Within thirty (30) days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order 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 13. AMENDATORY 43 O.S. 2011, Section 601-208, is amended to read as follows:

Section 601-208. In responding to registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of this state shall enforce those orders in the same manner as if the orders had been issued by a tribunal of this state.

SECTION 14. AMENDATORY 43 O.S. 2011, Section 601-209, is amended to read as follows:

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

SECTION 15. AMENDATORY 43 O.S. 2011, Section 601-210, is amended to read as follows:

Section 601-210. 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 foreign support order ~~of a foreign country or political subdivision on the basis of comity~~ may receive evidence from ~~another~~ outside this state pursuant to Section 601-316 of Title 43 of the Oklahoma Statutes, communicate with a tribunal ~~of another~~ outside this state pursuant to Section 601-317 of Title 43 of the

Oklahoma Statutes, and obtain discovery through a tribunal of another state pursuant to Section 601-318 of Title 43 of the Oklahoma Statutes. In all other respects, Articles 3 through 7 of this title do not apply and the tribunal shall apply the procedural and substantive law of this state.

SECTION 16. AMENDATORY 43 O.S. 2011, Section 601-211, is amended to read as follows:

Section 601-211. 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 <u>or a foreign country</u> having continuing, exclusive jurisdiction over that order under the law of that state <u>or a foreign country</u>.

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 17. AMENDATORY 43 O.S. 2011, 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. An individual petitioner or a support enforcement agency may 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 or a foreign country which has or can obtain personal jurisdiction over the respondent.

SECTION 18. AMENDATORY 43 O.S. 2011, 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~~ under this act, an initiating tribunal of this state shall forward 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 requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding ~~state~~ tribunal is in a foreign country or political subdivision,

upon request the tribunal of this state shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding ~~state~~ foreign tribunal.

SECTION 19. AMENDATORY 43 O.S. 2011, 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 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 not prohibited by other law, may do one or more of the following:

1. ~~Issue~~ Establish or enforce a support order, modify a child support order, determine the controlling child support order~~,~~ or determine parentage of a child;

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, electronic mail 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~~ under this 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~~ under this 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 20. AMENDATORY 43 O.S. 2011, 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~~ under this act.

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

1. Take all steps necessary to enable an appropriate tribunal ~~in~~ of this state ~~or~~, another state or a foreign country 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 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. 2011, 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. 2011, 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 county in this state in which the 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~~ another state or a foreign country; 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 23. AMENDATORY 43 O.S. 2011, Section 601-311, is amended to read as follows:

Section 601-311. A. In a proceeding under this act, a petitioner seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of another state or a foreign country must file a petition. Unless otherwise ordered under Section 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 whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

B. The petition 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 24. AMENDATORY 43 O.S. 2011, Section 601-312, is amended to read as follows:

Section 601-312. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by the disclosure of specific identifying information, that information must be sealed and may not be disclosed 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 25. AMENDATORY 43 O.S. 2011, 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 <u>of this state</u> 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 <u>or foreign country</u>, 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 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 26. AMENDATORY 43 O.S. 2011, Section 601-316, is amended to read as follows:

Section 601-316. A. The physical presence of a nonresident party who is an individual in a 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 of a child.

B. An affidavit, a document substantially complying with federally mandated forms, 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 penalty of perjury by a party or witness residing ~~in another~~ outside this 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 of a child, 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~~ outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original 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 shall permit a party or witness ~~residing in another~~ outside this 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 other 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 27. AMENDATORY 43 O.S. 2011, Section 601-317, is amended to read as follows:

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

SECTION 28. AMENDATORY 43 O.S. 2011, Section 601-318, is amended to read as follows:

Section 601-318. A tribunal of this state may:

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

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

SECTION 29. AMENDATORY 43 O.S. 2011, 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 <u>or a foreign country</u> 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 30. AMENDATORY 43 O.S. 2011, 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, with personal jurisdiction over the parties, may issue a support order if:

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

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

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

1. A presumed father of the child;

2. Petitioning to have his paternity adjudicated;

3. Identified as the father of the child through genetic testing;

4. An alleged father who has declined to submit to genetic testing;

5. Shown by clear and convincing evidence to be the father of the child;

6. An acknowledged father as provided by Section 1-311.3 of Title 63 of the Oklahoma Statutes;

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 601-305 of this title.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-402 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 32. AMENDATORY 43 O.S. 2011, 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 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 33. AMENDATORY 43 O.S. 2011, Section 601-503, is amended to read as follows:

Section 601-503. If an obligor's employer receives two or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child support obligees.

SECTION 34. AMENDATORY 43 O.S. 2011, Section 601-504, is amended to read as follows:

Section 601-504. An employer ~~who~~ that 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 35. AMENDATORY 43 O.S. 2011, 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 of this title, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state.

B. The obligor shall give notice of the contest to:

1. A support enforcement agency providing services to the obligee;

2. Each employer that has directly received an income-withholding order relating to the obligor; and

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

SECTION 36. AMENDATORY 43 O.S. 2011, 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~~ in another state or a foreign support order 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~~ this act.

SECTION 37. AMENDATORY 43 O.S. 2011, 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~~ in another state or a foreign support order may be registered in this state for enforcement.

SECTION 38. AMENDATORY 43 O.S. 2011, Section 601-602, is amended to read as follows:

Section 601-602. A. ~~A~~ Except as otherwise provided in Section 706, a support order or income-withholding order of another state or a foreign support order may be registered in this state by sending the following 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 the order to be registered, including any modification of the order;

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

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

a. the obligor's address and social security number,

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

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

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

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

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 39. AMENDATORY 43 O.S. 2011, Section 601-603, is amended to read as follows:

Section 601-603. A. A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this state.

B. A registered support order issued in another state or foreign country 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~~ act, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

SECTION 40. AMENDATORY 43 O.S. 2011, Section 601-604, is amended to read as follows:

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

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

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

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

B. In a proceeding for arrears under a registered support, the statute of limitation of this state or of the issuing state or foreign country, 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 or foreign country 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 or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

SECTION 41. AMENDATORY 43 O.S. 2011, 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 or a foreign support order is registered, the registering tribunal of this state 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. 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 unless the registered order is under Section 601-707;

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~~ party 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 support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to the income-withholding law of this state.

SECTION 42. AMENDATORY 43 O.S. 2011, Section 601-606, is amended to read as follows:

Section 601-606. A. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within ~~twenty (20) days after the date of mailing or personal service of notice of the registration~~ the time required by Section 601-605. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Section 601-607 of this title.

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

C. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering

tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

SECTION 43. AMENDATORY 43 O.S. 2011, 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;

7. The statute of limitation under Section 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~~ a registered support 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~~ a registered support order, the registering tribunal shall issue an order confirming the order.

SECTION 44. AMENDATORY 43 O.S. 2011, Section 601-608, is amended to read as follows:

Section 601-608. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

SECTION 45. AMENDATORY 43 O.S. 2011, Section 601-609, is amended to read as follows:

Section 601-609. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in ~~Part A~~ Sections 601-601 through 601-608 of this article if the order has not been registered. A petition for modification may be filed at the same time as a request for registration~~,~~ or later. The pleading must specify the grounds for modification.

SECTION 46. AMENDATORY 43 O.S. 2011, 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 support order may be modified only if the requirements of Section 601-611 or 601-613 ~~of this title or Section 41 of this act~~ have been met.

SECTION 47. AMENDATORY 43 O.S. 2011, Section 601-611, is amended to read as follows:

Section 601-611. A. If Section 601-613 of this title does not apply, ~~except as otherwise provided in Section 41 of this act,~~ upon petition a tribunal of this state may modify a child support order issued in another state which is registered in this state if, after notice and hearing, the tribunal finds that:

1. The following requirements are met:

a. neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state,

b. a petitioner who is a nonresident of this state seeks modification, and

c. the respondent is subject to the personal jurisdiction of the tribunal of this state; or

2. This state is the state of residence of the child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

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

C. ~~Except as otherwise provided in Section 41 of this act, a~~ 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, the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

F. Notwithstanding subsections (a) through (e) and subsection B of Section 601- 201, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if:

1. One party resides in another state; and

2. The other party resides outside the United States.

SECTION 48. AMENDATORY 43 O.S. 2011, 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 this ~~title~~ article, 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 this title~~ Articles 3, 4, 5, 7, and 8 do not apply.

SECTION 49. AMENDATORY 43 O.S. 2011, Section 601-614, is amended to read as follows:

Section 601-614. Within thirty (30) days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

SECTION 50. AMENDATORY 43 O.S. 2011, Section 601-615, is amended to read as follows:

Section 601-615. A. ~~If~~ Except as otherwise provided in Section 601-711, if a foreign country ~~or political subdivision that is a state will not or may not modify its order~~ lacks or refuses to exercise jurisdiction to modify its child support 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 Title 43 of the Oklahoma Statutes 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 by a tribunal of this state modifying a foreign child support order pursuant to this section is the controlling order.

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-616 of Title 43, unless there is created a duplication in numbering, reads as follows:

A party or support enforcement agency seeking to modify or to modify and enforce a foreign child support order not under the Convention may register that order in this state under Sections 601-601 through 601-608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or at another time. The petition must specify the grounds for modification.

SECTION 52. AMENDATORY 43 O.S. 2011, Section 601-701, is amended to read as follows:

Section 601-701. ~~A court of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage brought under this act or a law or procedure substantially similar to this act.~~

In this article:

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

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

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

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

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

6. "Foreign support agreement" means an agreement for support in a record that:

a. is enforceable as a support order in the country of origin,

b. has been:

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

(2) authenticated by or concluded, registered or filed with a foreign tribunal,

c. may be reviewed and modified by a foreign tribunal, and

d. includes a maintenance arrangement or authentic instrument under the convention; and

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

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-702 of Title 43, unless there is created a duplication in numbering, reads as follows:

This article applies only to a support proceeding under the convention. In such a proceeding, if a provision of this article is inconsistent with Articles 1 through 6, this article controls.

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-703 of Title 43, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services of this state is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-704 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. In a support proceeding under this article, the Oklahoma Department of Human Services of this state shall:

1. Transmit and receive applications; and

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

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

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

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

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

4. Establishment of a support order if recognition of a foreign support order is refused under subparagraph b of paragraph 2 of Section 601-708 of Title 43 of the Oklahoma Statutes or paragraph 4 or 9 of Section 601-708 of Title 43 of the Oklahoma Statutes;

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

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

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

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

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

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

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

SECTION 56. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-705 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

D. A petitioner filing a direct request is not entitled to assistance from the governmental entity.

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

SECTION 57. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-706 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this article, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in Article 6.

B. Notwithstanding Sections 601-311 and subparagraph a of Section 601-602 of Title 43 of the Oklahoma Statutes, a request for registration of a Convention support order must be accompanied by:

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

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

3. If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as

appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

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

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

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

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

D. A tribunal of this state may vacate the registration of a Convention support order without the filing of a contest under Section 601-707 of Title 43 of the Oklahoma Statutes only if, acting on its own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

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

SECTION 58. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-707 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this article, Sections 601-605 through 601-608 of Title 43 of the Oklahoma Statutes apply to a contest of a registered convention support order.

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

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

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

E. In a contest of a registered convention support order, a tribunal of this state:

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

2. May not review the merits of the order.

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

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

SECTION 59. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-708 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsection B of this section, a tribunal of this state shall recognize and enforce a registered convention support order.

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

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

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

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

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

5. A record transmitted in accordance with Section 601-706 lacks authenticity or integrity;

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

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

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

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

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

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

10. The order was made in violation of Section 601-711 of Title 43 of the Oklahoma Statutes.

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

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

2. The appropriate governmental entity shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under Section 601-704 of Title 43 of the Oklahoma Statutes.

SECTION 60. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-709 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 61. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-710 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in subsections C and D of this section, a tribunal of this state shall recognize and enforce a foreign support agreement registered in this state.

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

1. A complete text of the foreign support agreement; and

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

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

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

1. Recognition and enforcement of the agreement is manifestly incompatible with public policy;

2. The agreement was obtained by fraud or falsification;

3. The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state or a foreign country if the support order is entitled to recognition and enforcement under this act in this state; or

4. The record submitted under subsection B of this section lacks authenticity or integrity.

E. A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a

challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-711 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-712 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-713 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 65. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-714 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 66. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 601-903 of Title 43, unless there is created a duplication in numbering, reads as follows:

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

SECTION 67. REPEALER 43 O.S. 2011, Section 601-100, is hereby repealed.

SECTION 68. This act shall become effective November 1, 2015.

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