

SUBSTITUTE HOUSE BILL 2347

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Darneille, Delvin and Dickerson; by request of Uniform Legislation Commission)

Read first time 01/30/2002. Referred to Committee on .

1 AN ACT Relating to the uniform interstate family support act;
2 adding new sections to chapter 26.21 RCW; repealing RCW 26.21.005,
3 26.21.015, 26.21.025, 26.21.075, 26.21.085, 26.21.095, 26.21.105,
4 26.21.115, 26.21.127, 26.21.135, 26.21.145, 26.21.155, 26.21.205,
5 26.21.215, 26.21.225, 26.21.235, 26.21.245, 26.21.255, 26.21.265,
6 26.21.275, 26.21.285, 26.21.295, 26.21.305, 26.21.315, 26.21.325,
7 26.21.335, 26.21.345, 26.21.355, 26.21.365, 26.21.375, 26.21.385,
8 26.21.420, 26.21.450, 26.21.452, 26.21.453, 26.21.455, 26.21.456,
9 26.21.458, 26.21.460, 26.21.480, 26.21.490, 26.21.500, 26.21.510,
10 26.21.520, 26.21.530, 26.21.540, 26.21.550, 26.21.560, 26.21.570,
11 26.21.580, 26.21.590, 26.21.595, 26.21.600, 26.21.620, 26.21.640,
12 26.21.650, 26.21.912, 26.21.913, 26.21.914, 26.21.915, and 26.21.916;
13 and providing a contingent effective date.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

15 **ARTICLE 1**
16 **GENERAL PROVISIONS**

17 NEW SECTION. **Sec. 101.** SHORT TITLE. This chapter may be cited as
18 the uniform interstate family support act.

1 NEW SECTION. **Sec. 102.** DEFINITIONS. In this chapter:

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

6 (2) "Child support order" means a support order for a child,
7 including a child who has attained the age of majority under the law of
8 the issuing state.

9 (3) "Duty of support" means an obligation imposed or imposable by
10 law to provide support for a child, spouse, or former spouse, including
11 an unsatisfied obligation to provide support.

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

19 (5) "Income" includes earnings or other periodic entitlements to
20 money from any source and any other property subject to withholding for
21 support under the law of this state.

22 (6) "Income-withholding order" means an order or other legal
23 process directed to an obligor's employer or other debtor, as defined
24 by RCW 50.04.080, to withhold support from the income of the obligor.

25 (7) "Initiating state" means a state from which a proceeding is
26 forwarded or in which a proceeding is filed for forwarding to a
27 responding state under this chapter or a law or procedure substantially
28 similar to this chapter.

29 (8) "Initiating tribunal" means the authorized tribunal in an
30 initiating state.

31 (9) "Issuing state" means the state in which a tribunal issues a
32 support order or renders a judgment determining parentage.

33 (10) "Issuing tribunal" means the tribunal that issues a support
34 order or renders a judgment determining parentage.

35 (11) "Law" includes decisional and statutory law and rules having
36 the force of law.

37 (12) "Obligee" means:

1 (a) An individual to whom a duty of support is or is alleged to be
2 owed or in whose favor a support order has been issued or a judgment
3 determining parentage has been rendered;

4 (b) A state or political subdivision to which the rights under a
5 duty of support or support order have been assigned or which has
6 independent claims based on financial assistance provided to an
7 individual obligee; or

8 (c) An individual seeking a judgment determining parentage of the
9 individual's child.

10 (13) "Obligor" means an individual, or the estate of a decedent:

11 (a) Who owes or is alleged to owe a duty of support;

12 (b) Who is alleged but has not been adjudicated to be a parent of
13 a child; or

14 (c) Who is liable under a support order.

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

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

23 (16) "Register" means to record or file a support order or judgment
24 determining parentage in the appropriate location for the recording or
25 filing of foreign judgments generally or foreign support orders
26 specifically.

27 (17) "Registering tribunal" means a tribunal in which a support
28 order is registered.

29 (18) "Responding state" means a state in which a proceeding is
30 filed or to which a proceeding is forwarded for filing from an
31 initiating state under this chapter or a law or procedure substantially
32 similar to this chapter.

33 (19) "Responding tribunal" means the authorized tribunal in a
34 responding state.

35 (20) "Spousal support order" means a support order for a spouse or
36 former spouse of the obligor.

37 (21) "State" means a state of the United States, the District of
38 Columbia, Puerto Rico, the United States Virgin Islands, or any

1 territory or insular possession subject to the jurisdiction of the
2 United States. The term includes:

3 (a) An Indian tribe; and

4 (b) A foreign country or political subdivision that:

5 (i) Has been declared to be a foreign reciprocating country or
6 political subdivision under federal law;

7 (ii) Has established a reciprocal arrangement for child support
8 with this state as provided in section 308 of this act; or

9 (iii) Has enacted a law or established procedures for issuance and
10 enforcement of support orders which are substantially similar to the
11 procedures under this chapter.

12 (22) "Support enforcement agency" means a public official or agency
13 authorized to seek:

14 (a) Enforcement of support orders or laws relating to the duty of
15 support;

16 (b) Establishment or modification of child support;

17 (c) Determination of parentage;

18 (d) Location of obligors or their assets; or

19 (e) Determination of the controlling child support order.

20 (23) "Support order" means a judgment, decree, order, or directive,
21 whether temporary, final, or subject to modification, issued by a
22 tribunal for the benefit of a child, a spouse, or a former spouse, that
23 provides for monetary support, health care, arrearages, or
24 reimbursement, and may include related costs and fees, interest, income
25 withholding, attorneys' fees, and other relief.

26 (24) "Tribunal" means a court, administrative agency, or quasi-
27 judicial entity authorized to establish, enforce, or modify support
28 orders or to determine parentage.

29 NEW SECTION. **Sec. 103.** TRIBUNAL OF THIS STATE. The superior
30 court is the state tribunal for judicial proceedings and the department
31 of social and health services division of child support is the state
32 tribunal for administrative proceedings.

33 NEW SECTION. **Sec. 104.** REMEDIES CUMULATIVE. (1) Remedies
34 provided by this chapter are cumulative and do not affect the
35 availability of remedies under other law, including the recognition of
36 a support order of a foreign country or political subdivision on the
37 basis of comity.

1 (2) This chapter does not:
2 (a) Provide the exclusive method of establishing or enforcing a
3 support order under the law of this state; or
4 (b) Grant a tribunal of this state jurisdiction to render judgment
5 or issue an order relating to child custody or visitation in a
6 proceeding under this chapter.

7 **ARTICLE 2**
8 **JURISDICTION**

9 **PART 1**

10 **EXTENDED PERSONAL JURISDICTION**

11 NEW SECTION. **Sec. 201.** BASES FOR JURISDICTION OVER NONRESIDENT.

12 (1) In a proceeding to establish or enforce a support order or to
13 determine parentage, a tribunal of this state may exercise personal
14 jurisdiction over a nonresident individual or the individual's guardian
15 or conservator if:

16 (a) The individual is personally served with a citation, summons,
17 or notice within this state;

18 (b) The individual submits to the jurisdiction of this state by
19 consent in a record, by entering a general appearance, or by filing a
20 responsive document having the effect of waiving any contest to
21 personal jurisdiction;

22 (c) The individual resided with the child in this state;

23 (d) The individual resided in this state and provided prenatal
24 expenses or support for the child;

25 (e) The child resides in this state as a result of the acts or
26 directives of the individual;

27 (f) The individual engaged in sexual intercourse in this state and
28 the child may have been conceived by that act of intercourse;

29 (g) The individual asserted parentage in the putative father
30 registry maintained in this state by the state registrar of vital
31 statistics; or

32 (h) There is any other basis consistent with the Constitutions of
33 this state and the United States for the exercise of personal
34 jurisdiction.

35 (2) The bases of personal jurisdiction set forth in subsection (1)
36 of this section or in any other law of this state may not be used to
37 acquire personal jurisdiction for a tribunal of the state to modify a

1 child support order of another state unless the requirements of section
2 611 or 615 of this act are met.

3 (3) Personal jurisdiction acquired under subsection (1) of this
4 section continues so long as the tribunal of this state that acquired
5 personal jurisdiction has continuing, exclusive jurisdiction to enforce
6 or modify its order.

7 NEW SECTION. **Sec. 202.** PROCEDURE WHEN EXERCISING JURISDICTION
8 OVER NONRESIDENT. A tribunal of this state exercising personal
9 jurisdiction over a nonresident under section 201 of this act or
10 recognizing a support order of a foreign country or political
11 subdivision on the basis of comity, may receive evidence from another
12 state, pursuant to section 316 of this act, communicate with a tribunal
13 of another state pursuant to section 317 of this act, and obtain
14 discovery through a tribunal of another state pursuant to section 318
15 of this act. In all other respects, Articles 3 through 7 do not apply
16 and the tribunal shall apply the procedural and substantive law of this
17 state.

18 **PART 2**

19 **PROCEEDINGS INVOLVING TWO OR MORE STATES**

20 NEW SECTION. **Sec. 203.** INITIATING AND RESPONDING TRIBUNAL OF THIS
21 STATE. Under this chapter, a tribunal of this state may serve as an
22 initiating tribunal to forward proceedings to another state and as a
23 responding tribunal for proceedings initiated in another state.

24 NEW SECTION. **Sec. 204.** SIMULTANEOUS PROCEEDINGS. (1) A tribunal
25 of this state may exercise jurisdiction to establish a support order if
26 the petition or comparable pleading is filed after a petition or
27 comparable pleading is filed in another state only if:

28 (a) The petition or comparable pleading in this state is filed
29 before the expiration of the time allowed in the other state for filing
30 a responsive pleading challenging the exercise of jurisdiction by the
31 other state;

32 (b) The contesting party timely challenges the exercise of
33 jurisdiction in the other state; and

34 (c) If relevant, this state is the home state of the child.

1 (2) A tribunal of this state may not exercise jurisdiction to
2 establish a support order if the petition or comparable pleading is
3 filed before a petition or comparable pleading is filed in another
4 state if:

5 (a) The petition or comparable pleading in the other state is filed
6 before the expiration of the time allowed in this state for filing a
7 responsive pleading challenging the exercise of jurisdiction by this
8 state;

9 (b) The contesting party timely challenges the exercise of
10 jurisdiction in this state; and

11 (c) If relevant, the other state is the home state of the child.

12 NEW SECTION. **Sec. 205.** CONTINUING, EXCLUSIVE JURISDICTION TO
13 MODIFY CHILD SUPPORT ORDER. (1) A tribunal of this state that has
14 issued a child support order consistent with the law of this state has
15 and shall exercise continuing, exclusive jurisdiction to modify its
16 child support order if the order is the controlling order and:

17 (a) At the time of the filing of a request for modification this
18 state is the residence of the obligor, the individual obligee, or the
19 child for whose benefit the support order is issued; or

20 (b) Even if this state is not the residence of the obligor, the
21 individual obligee, or the child for whose benefit the support order is
22 issued, the parties consent in a record or in open court that the
23 tribunal of this state may continue to exercise jurisdiction to modify
24 its order.

25 (2) A tribunal of this state that has issued a child support order
26 consistent with the law of this state shall not exercise continuing,
27 exclusive jurisdiction to modify the order if:

28 (a) All of the parties who are individuals file consent in a record
29 with the tribunal of this state that a tribunal of another state that
30 has jurisdiction over at least one of the parties who is an individual
31 or that is located in the state of residence of the child may modify
32 the order and assume continuing, exclusive jurisdiction; or

33 (b) Its order is not the controlling order.

34 (3) If a tribunal of another state has issued a child support order
35 pursuant to the uniform interstate family support act or a law
36 substantially similar to that act which modifies a child support order
37 of a tribunal of this state, tribunals of this state shall recognize

1 the continuing, exclusive jurisdiction of the tribunal of the other
2 state.

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

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

10 NEW SECTION. **Sec. 206.** CONTINUING JURISDICTION TO ENFORCE CHILD
11 SUPPORT ORDER. (1) A tribunal of this state that has issued a child
12 support order consistent with the law of this state may serve as an
13 initiating tribunal to request a tribunal of another state to enforce:

14 (a) The order if the order is the controlling order and has not
15 been modified by a tribunal of another state that assumed jurisdiction
16 pursuant to the uniform interstate family support act; or

17 (b) A money judgment for arrears of support and interest on the
18 order accrued before a determination that an order of other state is
19 the controlling order.

20 (2) A tribunal of this state having continuing jurisdiction over a
21 support order may act as a responding tribunal to enforce the order.

22 **PART 3**

23 **RECONCILIATION OF TWO OR MORE ORDERS**

24 NEW SECTION. **Sec. 207.** DETERMINATION OF CONTROLLING CHILD SUPPORT
25 ORDER. (1) If a proceeding is brought under this chapter and only one
26 tribunal has issued a child support order, the order of that tribunal
27 controls and must be so recognized.

28 (2) If a proceeding is brought under this chapter, and two or more
29 child support orders have been issued by tribunals of this state or
30 another state with regard to the same obligor and same child, a
31 tribunal of this state having personal jurisdiction over both the
32 obligor and individual obligee shall apply the following rules and by
33 order shall determine which order controls:

34 (a) If only one of the tribunals would have continuing, exclusive
35 jurisdiction under this chapter, the order of that tribunal controls
36 and must be so recognized.

1 (b) If more than one of the tribunals would have continuing,
2 exclusive jurisdiction under this chapter, an order issued by a
3 tribunal in the current home state of the child controls. However, if
4 an order has not been issued in the current home state of the child,
5 the order most recently issued controls.

6 (c) If none of the tribunals would have continuing, exclusive
7 jurisdiction under this chapter, the tribunal of this state shall issue
8 a child support order, which controls.

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

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

22 (5) The tribunal that issued the controlling order under subsection
23 (1), (2), or (3) of this section has continuing jurisdiction to the
24 extent provided in section 205 or 206 of this act.

25 (6) A tribunal of this state that determines by order which is the
26 controlling order under subsection (2)(a) or (b) or (3) of this section
27 or that issues a new controlling order under subsection (2)(c) of this
28 section shall state in that order:

29 (a) The basis upon which the tribunal made its determination;

30 (b) The amount of prospective support, if any; and

31 (c) The total amount of consolidated arrears and accrued interest,
32 if any, under all of the orders after all payments made are credited as
33 provided by section 209 of this act.

34 (7) Within thirty days after issuance of an order determining which
35 is the controlling order, the party obtaining the order shall file a
36 certified copy of it in each tribunal that issued or registered an
37 earlier order of child support. A party or support enforcement agency
38 obtaining the order that fails to file a certified copy is subject to
39 appropriate sanctions by a tribunal in which the issue of failure to

1 file arises. The failure to file does not affect the validity or
2 enforceability of the controlling order.

3 (8) An order that has been determined to be the controlling order,
4 or a judgment for consolidated arrears of support and interest, if any,
5 made pursuant to this section must be recognized in proceedings under
6 this chapter.

7 NEW SECTION. **Sec. 208.** CHILD SUPPORT ORDERS FOR TWO OR MORE
8 OBLIGEES. In responding to registrations or petitions for enforcement
9 of two or more child support orders in effect at the same time with
10 regard to the same obligor and different individual obligees, at least
11 one of which was issued by a tribunal of another state, a tribunal of
12 this state shall enforce those orders in the same manner as if the
13 orders had been issued by a tribunal of this state.

14 NEW SECTION. **Sec. 209.** CREDIT FOR PAYMENTS. A tribunal of this
15 state shall credit amounts collected for a particular period pursuant
16 to any child support order against the amounts owed for the same period
17 under any other child support order for support of the same child
18 issued by a tribunal of this or another state.

19 NEW SECTION. **Sec. 210.** CONTINUING, EXCLUSIVE JURISDICTION OVER
20 NONRESIDENT PARTY. If a party to a proceeding subject to the
21 continuing, exclusive jurisdiction of a tribunal of this state no
22 longer resides in the issuing state, in subsequent proceedings the
23 tribunal may receive evidence from another state pursuant to section
24 316 of this act, to communicate with a tribunal of another state
25 pursuant to section 317 of this act, and obtain discovery through a
26 tribunal of another state pursuant to section 318 of this act. In all
27 other respects, Articles 3 through 7 of this chapter do not apply and
28 the tribunal shall apply the procedural and substantive law of this
29 state.

30 NEW SECTION. **Sec. 211.** CONTINUING, EXCLUSIVE JURISDICTION TO
31 MODIFY SPOUSAL SUPPORT ORDER. (1) A tribunal of this state issuing a
32 spousal support order consistent with the law of this state has
33 continuing, exclusive jurisdiction to modify the spousal support order
34 throughout the existence of the support obligation.

1 (2) A tribunal of this state may not modify a spousal support order
2 issued by a tribunal of another state having continuing, exclusive
3 jurisdiction over that order under the law of that state.

4 (3) A tribunal of this state that has continuing, exclusive
5 jurisdiction over a spousal support order may serve as:

6 (a) An initiating tribunal to request a tribunal of another state
7 to enforce the spousal support order issued in this state; or

8 (b) A responding tribunal to enforce or modify its own spousal
9 support order.

10 **ARTICLE 3**

11 **CIVIL PROVISIONS OF GENERAL APPLICATION**

12 NEW SECTION. **Sec. 301.** PROCEEDINGS UNDER THIS CHAPTER. (1)
13 Except as otherwise provided in this chapter, this article applies to
14 all proceedings under this chapter.

15 (2) An individual petitioner or a support enforcement agency may
16 initiate a proceeding authorized under this chapter by filing a
17 petition in an initiating tribunal for forwarding to a responding
18 tribunal or by filing a petition or a comparable pleading directly in
19 a tribunal of another state which has or can obtain personal
20 jurisdiction over the respondent.

21 NEW SECTION. **Sec. 302.** PROCEEDING BY MINOR PARENT. A minor
22 parent, or a guardian or other legal representative of a minor parent,
23 may maintain a proceeding on behalf of or for the benefit of the
24 minor's child.

25 NEW SECTION. **Sec. 303.** APPLICATION OF LAW OF THIS STATE. Except
26 as otherwise provided by this chapter, a responding tribunal of this
27 state shall:

28 (1) Apply the procedural and substantive law generally applicable
29 to similar proceedings originating in this state and may exercise all
30 powers and provide all remedies available in those proceedings; and

31 (2) Determine the duty of support and the amount payable in
32 accordance with the law and support guidelines of this state.

33 NEW SECTION. **Sec. 304.** DUTIES OF INITIATING TRIBUNAL. (1) Upon
34 the filing of a petition authorized by this chapter, an initiating

1 tribunal of this state shall forward the petition and its accompanying
2 documents:

3 (a) To the responding tribunal or appropriate support enforcement
4 agency in the responding state; or

5 (b) If the identity of the responding tribunal is unknown, to the
6 state information agency of the responding state with a request that
7 they be forwarded to the appropriate tribunal and that receipt be
8 acknowledged.

9 (2) If requested by the responding tribunal, a tribunal of this
10 state shall issue a certificate or other document and make findings
11 required by the law of the responding state. If the responding state
12 is a foreign country or political subdivision, upon request the
13 tribunal shall specify the amount of support sought, convert that
14 amount into the equivalent amount in the foreign currency under
15 applicable official exchange rates as publicly reported, and provide
16 any other documents necessary to satisfy the requirements of the
17 responding state.

18 NEW SECTION. **Sec. 305.** DUTIES AND POWERS OF RESPONDING TRIBUNAL.

19 (1) When a responding tribunal of this state receives a petition or
20 comparable pleading from an initiating tribunal or directly pursuant to
21 section 301(2) of this act, it shall cause the petition or pleading to
22 be filed and notify the petitioner where and when it was filed.

23 (2) A responding tribunal of this state, to the extent not
24 prohibited by other law, may do one or more of the following:

25 (a) Issue or enforce a support order, modify a child support order,
26 determine the controlling child support order, or determine parentage;

27 (b) Order an obligor to comply with a support order, specifying the
28 amount and the manner of compliance;

29 (c) Order income withholding;

30 (d) Determine the amount of any arrearages, and specify a method of
31 payment;

32 (e) Enforce orders by civil or criminal contempt, or both;

33 (f) Set aside property for satisfaction of the support order;

34 (g) Place liens and order execution on the obligor's property;

35 (h) Order an obligor to keep the tribunal informed of the obligor's
36 current residential address, telephone number, employer, address of
37 employment, and telephone number at the place of employment;

1 (i) Issue a bench warrant or writ of arrest for an obligor who has
2 failed after proper notice to appear at a hearing ordered by the
3 tribunal and enter the bench warrant or writ of arrest in any local and
4 state computer systems for criminal warrants;

5 (j) Order the obligor to seek appropriate employment by specified
6 methods;

7 (k) Award reasonable attorneys' fees and other fees and costs; and

8 (l) Grant any other available remedy.

9 (3) A responding tribunal of this state shall include in a support
10 order issued under this chapter, or in the documents accompanying the
11 order, the calculations on which the support order is based.

12 (4) A responding tribunal of this state may not condition the
13 payment of a support order issued under this chapter upon compliance by
14 a party with provisions for visitation.

15 (5) If a responding tribunal of this state issues an order under
16 this chapter, the tribunal shall send a copy of the order to the
17 petitioner and the respondent and to the initiating tribunal, if any.

18 (6) If requested to enforce a support order, arrears, or judgment
19 or modify a support order stated in a foreign currency, a responding
20 tribunal of this state shall convert the amount stated in the foreign
21 currency to the equivalent amount in dollars under applicable official
22 exchange rates as publicly reported.

23 NEW SECTION. **Sec. 306.** INAPPROPRIATE TRIBUNAL. If a petition or
24 comparable pleading is received by an inappropriate tribunal of this
25 state, the tribunal shall forward the pleading and accompanying
26 documents to an appropriate tribunal in this state or another state and
27 notify the petitioner where and when the pleading was sent.

28 NEW SECTION. **Sec. 307.** DUTIES OF SUPPORT ENFORCEMENT AGENCY. (1)
29 A support enforcement agency of this state, upon request, shall provide
30 services to a petitioner in a proceeding under this chapter.

31 (2) A support enforcement agency of this state that is providing
32 services to the petitioner shall:

33 (a) Take all steps necessary to enable an appropriate tribunal in
34 this state or another state to obtain jurisdiction over the respondent;

35 (b) Request an appropriate tribunal to set a date, time, and place
36 for a hearing;

1 (c) Make a reasonable effort to obtain all relevant information,
2 including information as to income and property of the parties;

3 (d) Within two days, exclusive of Saturdays, Sundays, and legal
4 holidays, after receipt of a written notice in a record from an
5 initiating, responding, or registering tribunal, send a copy of the
6 notice to the petitioner;

7 (e) Within two days, exclusive of Saturdays, Sundays, and legal
8 holidays, after receipt of a written communication in a record from the
9 respondent or the respondent's attorney, send a copy of the
10 communication to the petitioner; and

11 (f) Notify the petitioner if jurisdiction over the respondent
12 cannot be obtained.

13 (3) A support enforcement agency of this state that requests
14 registration of a child support order in this state for enforcement or
15 for modification shall make reasonable efforts:

16 (a) To ensure that the order to be registered is the controlling
17 order; or

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

22 (4) A support enforcement agency of this state that requests
23 registration and enforcement of a support order, arrears, or judgment
24 stated in a foreign currency shall convert the amounts stated in the
25 foreign currency into the equivalent amounts in dollars under
26 applicable official exchange rates as publicly reported.

27 (5) A support enforcement agency of this state shall issue or
28 request a tribunal of this state to issue a child support order and an
29 income-withholding order that redirect payment of current support,
30 arrears, and interest if requested to do so by a support enforcement
31 agency of another state pursuant to section 319 of this chapter.

32 (6) This chapter does not create or negate a relationship of
33 attorney and client or other fiduciary relationship between a support
34 enforcement agency or the attorney for the agency and the individual
35 being assisted by the agency.

36 NEW SECTION. **Sec. 308.** DUTY OF STATE OFFICIAL OR AGENCY. (1) If
37 the appropriate state official or agency determines that the support
38 enforcement agency is neglecting or refusing to provide services to an

1 individual, the state official or agency may order the agency to
2 perform its duties under this chapter or may provide those services
3 directly to the individual.

4 (2) The appropriate state official or agency may determine that a
5 foreign country or political subdivision has established a reciprocal
6 arrangement for child support with this state and take appropriate
7 action for notification of the determination.

8 NEW SECTION. Sec. 309. PRIVATE COUNSEL. An individual may employ
9 private counsel to represent the individual in proceedings authorized
10 by this chapter.

11 NEW SECTION. Sec. 310. DUTIES OF STATE INFORMATION AGENCY. (1)
12 The Washington state support registry under chapter 26.23 RCW is the
13 state information agency under this chapter.

14 (2) The state information agency shall:

15 (a) Compile and maintain a current list, including addresses, of
16 the tribunals in this state that have jurisdiction under this chapter
17 and any support enforcement agencies in this state and transmit a copy
18 to the state information agency of every other state;

19 (b) Maintain a register of names and addresses of tribunals and
20 support enforcement agencies received from other states;

21 (c) Forward to the appropriate tribunal in the county in this state
22 in which the obligee who is an individual or the obligor resides, or in
23 which the obligor's property is believed to be located, all documents
24 concerning a proceeding under this chapter received from an initiating
25 tribunal or the state information agency of the initiating state; and

26 (d) Obtain information concerning the location of the obligor and
27 the obligor's property within this state not exempt from execution, by
28 such means as postal verification and federal or state locator
29 services, examination of telephone directories, requests for the
30 obligor's address from employers, and examination of governmental
31 records, including, to the extent not prohibited by other law, those
32 relating to real property, vital statistics, law enforcement, taxation,
33 motor vehicles, driver's licenses, and social security.

34 NEW SECTION. Sec. 311. PLEADINGS AND ACCOMPANYING DOCUMENTS. (1)
35 In a proceeding under this chapter, a petitioner seeking to establish
36 a support order, to determine parentage, or to register and modify a

1 support order of another state must file a petition. Unless otherwise
2 ordered under section 312 of this act, the petition or accompanying
3 documents must provide, so far as known, the name, residential address,
4 and social security numbers of the obligor and the obligee or the
5 parent and alleged parent, and the name, sex, residential address,
6 social security number, and date of birth of each child for whose
7 benefit support is sought or whose parentage is to be determined.
8 Unless filed at the time of registration, the petition must be
9 accompanied by a copy of any support order known to have been issued by
10 another tribunal. The petition may include any other information that
11 may assist in locating or identifying the respondent.

12 (2) The petition must specify the relief sought. The petition and
13 accompanying documents must conform substantially with the requirements
14 imposed by the forms mandated by federal law for use in cases filed by
15 a support enforcement agency.

16 (3) A petitioner seeking to establish or modify a support order or
17 to determine parentage in a proceeding under this chapter shall file a
18 properly completed confidential information form or equivalent as
19 described in RCW 26.23.050 to satisfy the requirements of subsection
20 (1) of this section. A completed confidential information form shall
21 be deemed an "accompanying document" under subsection (1) of this
22 section.

23 NEW SECTION. **Sec. 312.** NONDISCLOSURE OF INFORMATION IN
24 EXCEPTIONAL CIRCUMSTANCES. If a party alleges in an affidavit or a
25 pleading under oath that the health, safety, or liberty of a party or
26 child would be jeopardized by disclosure of specific identifying
27 information, that information must be sealed and may not be disclosed
28 to the other party or the public. After a hearing in which a tribunal
29 takes into consideration the health, safety, or liberty of the party or
30 child, the tribunal may order disclosure of information that the
31 tribunal determines to be in the interest of justice.

32 NEW SECTION. **Sec. 313.** COSTS AND FEES. (1) The petitioner may
33 not be required to pay a filing fee or other costs.

34 (2) If an obligee prevails, a responding tribunal may assess
35 against an obligor filing fees, reasonable attorneys' fees, other
36 costs, and necessary travel and other reasonable expenses incurred by
37 the obligee and the obligee's witnesses. The tribunal may not assess

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

7 (3) The tribunal shall order the payment of costs and reasonable
8 attorneys' fees if it determines that a hearing was requested primarily
9 for delay. In a proceeding under Article 6 of this chapter, a hearing
10 is presumed to have been requested primarily for delay if a registered
11 support order is confirmed or enforced without change.

12 NEW SECTION. **Sec. 314.** LIMITED IMMUNITY OF PETITIONER. (1)
13 Participation by a petitioner in a proceeding under this chapter before
14 a responding tribunal, whether in person, by private attorney, or
15 through services provided by the support enforcement agency, does not
16 confer personal jurisdiction over the petitioner in another proceeding.

17 (2) A petitioner is not amenable to service of civil process while
18 physically present in this state to participate in a proceeding under
19 this chapter.

20 (3) The immunity granted by this section does not extend to civil
21 litigation based on acts unrelated to a proceeding under this chapter
22 committed by a party while physically present in this state to
23 participate in the proceeding.

24 NEW SECTION. **Sec. 315.** NONPARENTAGE AS DEFENSE. A party whose
25 parentage of a child has been previously determined by or pursuant to
26 law may not plead nonparentage as a defense to a proceeding under this
27 chapter.

28 NEW SECTION. **Sec. 316.** SPECIAL RULES OF EVIDENCE AND PROCEDURES.
29 (1) The physical presence of a nonresident party who is an individual
30 in a tribunal of this state is not required for the establishment,
31 enforcement, or modification of a support order or the rendition of a
32 judgment determining parentage.

33 (2) An affidavit, a document substantially complying with federally
34 mandated forms, or a document incorporated by reference in any of them,
35 that would not be excluded under the hearsay rule if given in person,

1 is admissible in evidence if given under penalty of perjury by a party
2 or witness residing in another state.

3 (3) A copy of the record of child support payments certified as a
4 true copy of the original by the custodian of the record may be
5 forwarded to a responding tribunal. The copy is evidence of facts
6 asserted in it, and is admissible to show whether payments were made.

7 (4) Copies of bills for testing for parentage, and for prenatal and
8 postnatal health care of the mother and child, furnished to the adverse
9 party at least ten days before trial, are admissible in evidence to
10 prove the amount of the charges billed and that the charges were
11 reasonable, necessary, and customary.

12 (5) Documentary evidence transmitted from another state to a
13 tribunal of this state by telephone, telecopier, or other means that do
14 not provide an original record may not be excluded from evidence on an
15 objection based on the means of transmission.

16 (6) In a proceeding under this chapter, a tribunal of this state
17 shall permit a party or witness residing in another state to be deposed
18 or to testify under penalty of perjury by telephone, audiovisual means,
19 or other electronic means at a designated tribunal or other location in
20 that state. A tribunal of this state shall cooperate with tribunals of
21 other states in designating an appropriate location for the deposition
22 or testimony.

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

26 (8) A privilege against disclosure of communications between
27 spouses does not apply in a proceeding under this chapter.

28 (9) The defense of immunity based on the relationship of husband
29 and wife or parent and child does not apply in a proceeding under this
30 chapter.

31 (10) A voluntary acknowledgment of paternity, certified as a true
32 copy, is admissible to establish parentage of the child.

33 NEW SECTION. **Sec. 317.** COMMUNICATIONS BETWEEN TRIBUNALS. A
34 tribunal of this state may communicate with a tribunal of another state
35 or foreign country or political subdivision in a record, or by
36 telephone or other means, to obtain information concerning the laws,
37 the legal effect of a judgment, decree, or order of that tribunal, and
38 the status of a proceeding in the other state or foreign country or

1 political subdivision. A tribunal of this state may furnish similar
2 information by similar means to a tribunal of another state or foreign
3 country or political subdivision.

4 NEW SECTION. **Sec. 318.** ASSISTANCE WITH DISCOVERY. A tribunal of
5 this state may:

6 (1) Request a tribunal of another state to assist in obtaining
7 discovery; and

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

10 NEW SECTION. **Sec. 319.** RECEIPT AND DISBURSEMENT OF PAYMENTS. (1)
11 A support enforcement agency or tribunal of this state shall disburse
12 promptly any amounts received pursuant to a support order, as directed
13 by the order. The agency or tribunal shall furnish to a requesting
14 party or tribunal of another state a certified statement by the
15 custodian of the record of the amounts and dates of all payments
16 received.

17 (2) If the obligor, the obligee who is an individual, or the child
18 does not reside in this state, upon request from the support
19 enforcement agency of this state or another state, the support
20 enforcement agency of this state or a tribunal of this state shall:

21 (a) Direct that the support payment be made to the support
22 enforcement agency in the state in which the obligee is receiving
23 services; and

24 (b) Issue and send to the obligor's employer a conforming
25 income-withholding order or an administrative notice of change of
26 payee, reflecting the redirected payments.

27 (3) The support enforcement agency of this state receiving
28 redirected payments from another state pursuant to a law similar to
29 subsection (2) of this section shall furnish to a requesting party or
30 tribunal of the other state a certified statement by the custodian of
31 the record of the amount and dates of all payments received.

32 **ARTICLE 4**

33 **ESTABLISHMENT OF SUPPORT ORDER**

34 NEW SECTION. **Sec. 401.** PETITION TO ESTABLISH SUPPORT ORDER. (1)
35 If a support order entitled to recognition under this chapter has not

1 been issued, a responding tribunal of this state may issue a support
2 order if:

3 (a) The individual seeking the order resides in another state; or

4 (b) The support enforcement agency seeking the order is located in
5 another state.

6 (2) The tribunal may issue a temporary child support order if the
7 tribunal determines that such an order is appropriate and the
8 individual ordered to pay is:

9 (a) A presumed father of the child;

10 (b) Petitioning to have his paternity adjudicated;

11 (c) Identified as the father of the child through genetic testing;

12 (d) An alleged father who has declined to submit to genetic
13 testing;

14 (e) Shown by clear and convincing evidence to be the father of the
15 child;

16 (f) An acknowledged father as provided by applicable state law;

17 (g) The mother of the child; or

18 (h) An individual who has been ordered to pay child support in a
19 previous proceeding and the order has not been reversed or vacated.

20 (3) Upon finding, after notice and opportunity to be heard, that an
21 obligor owes a duty of support, the tribunal shall issue a support
22 order directed to the obligor and may issue other orders pursuant to
23 section 305 of this act.

24 **ARTICLE 5**

25 **ENFORCEMENT OF ORDER OF**

26 **ANOTHER STATE WITHOUT REGISTRATION**

27 NEW SECTION. **Sec. 501.** EMPLOYER'S RECEIPT OF INCOME-WITHHOLDING
28 ORDER OF ANOTHER STATE. An income-withholding order issued in another
29 state may be sent by or on behalf of the obligee, or by the support
30 enforcement agency, to the person defined as the obligor's employer
31 under RCW 50.04.080 without first filing a petition or comparable
32 pleading or registering the order with a tribunal of this state.

33 NEW SECTION. **Sec. 502.** EMPLOYER'S COMPLIANCE WITH INCOME-
34 WITHHOLDING ORDER OF ANOTHER STATE. (1) Upon receipt of an income-
35 withholding order, the obligor's employer shall immediately provide a
36 copy of the order to the obligor.

1 (2) The employer shall treat an income-withholding order issued in
2 another state that appears regular on its face as if it had been issued
3 by a tribunal of this state.

4 (3) Except as provided in subsection (4) of this section and
5 section 503 of this act, the employer shall withhold and distribute the
6 funds as directed in the withholding order by complying with terms of
7 the order which specify:

8 (a) The duration and amount of periodic payments of current child
9 support, stated as a sum certain;

10 (b) The person designated to receive payments and the address to
11 which the payments are to be forwarded;

12 (c) Medical support, whether in the form of periodic cash payment,
13 stated as a sum certain, or ordering the obligor to provide health
14 insurance coverage for the child under a policy available through the
15 obligor's employment;

16 (d) The amount of periodic payments of fees and costs for a support
17 enforcement agency, the issuing tribunal, and the obligee's attorney,
18 stated as sums certain; and

19 (e) The amount of periodic payments of arrearages and interest on
20 arrearages, stated as sums certain.

21 (4) An employer shall comply with the law of the state of the
22 obligor's principal place of employment for withholding from income
23 with respect to:

24 (a) The employer's fee for processing an income-withholding order;

25 (b) The maximum amount permitted to be withheld from the obligor's
26 income; and

27 (c) The times within which the employer must implement the
28 withholding order and forward the child support payment.

29 NEW SECTION. **Sec. 503.** EMPLOYER'S COMPLIANCE WITH TWO OR MORE
30 INCOME-WITHHOLDING ORDERS. If an obligor's employer receives two or
31 more income-withholding orders with respect to the earnings of the same
32 obligor, the employer satisfies the terms of the orders if the employer
33 complies with the law of the state of the obligor's principal place of
34 employment to establish the priorities for withholding and allocating
35 income withheld for two or more child support obligees.

36 NEW SECTION. **Sec. 504.** IMMUNITY FROM CIVIL LIABILITY. An
37 employer who complies with an income-withholding order issued in

1 another state in accordance with this article is not subject to civil
2 liability to an individual or agency with regard to the employer's
3 withholding of child support from the obligor's income.

4 NEW SECTION. **Sec. 505.** PENALTIES FOR NONCOMPLIANCE. An employer
5 who willfully fails to comply with an income-withholding order issued
6 by another state and received for enforcement is subject to the same
7 penalties that may be imposed for noncompliance with an order issued by
8 a tribunal of this state.

9 NEW SECTION. **Sec. 506.** CONTEST BY OBLIGOR. (1) An obligor may
10 contest the validity or enforcement of an income-withholding order
11 issued in another state and received directly by an employer in this
12 state by registering the order in a tribunal of this state and filing
13 a contest to that order as provided in Article 6 of this chapter, or
14 otherwise contesting the order in the same manner as if the order had
15 been issued by a tribunal of this state. Section 604 of this act
16 applies to the contest.

17 (2) The obligor shall give notice of the contest to:

18 (a) A support enforcement agency providing services to the obligee;

19 (b) Each employer that has directly received an income-withholding
20 order relating to the obligor; and

21 (c) The person designated to receive payments in the income-
22 withholding order or, if no person or agency is designated, to the
23 obligee.

24 NEW SECTION. **Sec. 507.** ADMINISTRATIVE ENFORCEMENT OF ORDERS. (1)
25 A party or support enforcement agency seeking to enforce a support
26 order or an income-withholding order, or both, issued by a tribunal of
27 another state may send the documents required for registering the order
28 to a support enforcement agency of this state.

29 (2) Upon receipt of the documents, the support enforcement agency,
30 without initially seeking to register the order, shall consider and, if
31 appropriate, use any administrative procedure authorized by the law of
32 this state to enforce a support order or an income-withholding order,
33 or both. If the obligor does not contest administrative enforcement,
34 the order need not be registered. If the obligor contests the validity
35 or administrative enforcement of the order, the support enforcement
36 agency shall register the order pursuant to this chapter.

ARTICLE 6
REGISTRATION, ENFORCEMENT, AND
MODIFICATION OF SUPPORT ORDER
PART 1
REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER

NEW SECTION. **Sec. 601.** REGISTRATION OF ORDER FOR ENFORCEMENT. A support order or income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

NEW SECTION. **Sec. 602.** PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT. (1) A support order or income-withholding order of another state may be registered in this state by sending the following records and information to the appropriate tribunal in this state:

(a) A letter of transmittal to the tribunal requesting registration and enforcement;

(b) Two copies, including one certified copy, of the order to be registered, including any modification of the order;

(c) A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(d) The name of the obligor and, if known:

(i) The obligor's address and social security number;

(ii) The name and address of the obligor's employer and any other source of income of the obligor; and

(iii) A description and the location of property of the obligor in this state not exempt from execution; and

(e) Except as otherwise provided in section 312 of this act, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

(2) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(3) 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.

1 (4) If two or more orders are in effect, the person requesting
2 registration shall:

3 (a) Furnish to the tribunal a copy of every support order asserted
4 to be in effect in addition to the documents specified in this section;

5 (b) Specify the order alleged to be the controlling order, if any;
6 and

7 (c) Specify the amount of consolidated arrears, if any.

8 (5) A request for a determination of which is the controlling order
9 may be filed separately or with a request for registration and
10 enforcement or for registration and modification. The person
11 requesting registration shall give notice of the request to each party
12 whose rights may be affected by the determination.

13 NEW SECTION. **Sec. 603.** EFFECT OF REGISTRATION FOR ENFORCEMENT.

14 (1) A support order or income-withholding order issued in another state
15 is registered when the order is filed in the registering tribunal of
16 this state.

17 (2) A registered order issued in another state is enforceable in
18 the same manner and is subject to the same procedures as an order
19 issued by a tribunal of this state.

20 (3) Except as otherwise provided in this article, a tribunal of
21 this state shall recognize and enforce, but may not modify, a
22 registered order if the issuing tribunal had jurisdiction.

23 NEW SECTION. **Sec. 604.** CHOICE OF LAW. (1) Except as otherwise
24 provided in subsection (4) of this section, the law of the issuing
25 state governs:

26 (a) The nature, extent, amount, and duration of current payments
27 under a registered support order;

28 (b) The computation and payment of arrearages and accrual of
29 interest on the arrearages under the registered support order; and

30 (c) The existence and satisfaction of other obligations under the
31 registered support order.

32 (2) In a proceeding for arrears under a registered support order,
33 the statute of limitation of this state or of the issuing state,
34 whichever is longer, applies.

35 (3) A responding tribunal of this state shall apply the procedures
36 and remedies of this state to enforce current support and collect

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

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

9 **PART 2**

10 **CONTEST OF VALIDITY OR ENFORCEMENT**

11 NEW SECTION. **Sec. 605.** NOTICE OF REGISTRATION OF ORDER. (1) When
12 a support order or income-withholding order issued in another state is
13 registered, the registering tribunal shall notify the nonregistering
14 party. The notice must be accompanied by a copy of the registered
15 order and the documents and relevant information accompanying the
16 order.

17 (2) A notice must inform the nonregistering party:

18 (a) That a registered order is enforceable as of the date of
19 registration in the same manner as an order issued by a tribunal of
20 this state;

21 (b) That a hearing to contest the validity or enforcement of the
22 registered order must be requested within twenty days after notice;

23 (c) That failure to contest the validity or enforcement of the
24 registered order in a timely manner will result in confirmation of the
25 order and enforcement of the order and the alleged arrearages; and

26 (d) Of the amount of any alleged arrearages.

27 (3) If the registering party asserts that two or more orders are in
28 effect, a notice must also:

29 (a) Identify the two or more orders and the order alleged by the
30 registering person to be the controlling order and the consolidated
31 arrears, if any;

32 (b) Notify the nonregistering party of the right to a determination
33 of which is the controlling order;

34 (c) State that the procedures provided in subsection (2) of this
35 section apply to the determination of which is the controlling order;
36 and

1 (d) State that failure to contest the validity or enforcement of
2 the order alleged to be the controlling order in a timely manner may
3 result in confirmation that the order is the controlling order.

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

7 NEW SECTION. **Sec. 606.** PROCEDURE TO CONTEST VALIDITY OR
8 ENFORCEMENT OF REGISTERED ORDER. (1) A nonregistering party seeking to
9 contest the validity or enforcement of a registered order in this state
10 shall request a hearing within twenty days after notice of the
11 registration. The nonregistering party may seek to vacate the
12 registration, to assert any defense to an allegation of noncompliance
13 with the registered order, or to contest the remedies being sought or
14 the amount of any alleged arrearages pursuant to section 607 of this
15 act.

16 (2) If the nonregistering party fails to contest the validity or
17 enforcement of the registered order in a timely manner, the order is
18 confirmed by operation of law.

19 (3) If a nonregistering party requests a hearing to contest the
20 validity or enforcement of the registered order, the registering
21 tribunal shall schedule the matter for hearing and give notice to the
22 parties of the date, time, and place of the hearing.

23 NEW SECTION. **Sec. 607.** CONTEST OF REGISTRATION OR ENFORCEMENT.
24 (1) A party contesting the validity or enforcement of a registered
25 order or seeking to vacate the registration has the burden of proving
26 one or more of the following defenses:

27 (a) The issuing tribunal lacked personal jurisdiction over the
28 contesting party;

29 (b) The order was obtained by fraud;

30 (c) The order has been vacated, suspended, or modified by a later
31 order;

32 (d) The issuing tribunal has stayed the order pending appeal;

33 (e) There is a defense under the law of this state to the remedy
34 sought;

35 (f) Full or partial payment has been made;

36 (g) The statute of limitation under section 604 of this act
37 precludes enforcement of some or all of the alleged arrearages; or

1 (h) The alleged controlling order is not the controlling order.

2 (2) If a party presents evidence establishing a full or partial
3 defense under subsection (1) of this section, a tribunal may stay
4 enforcement of the registered order, continue the proceeding to permit
5 production of additional relevant evidence, and issue other appropriate
6 orders. An uncontested portion of the registered order may be enforced
7 by all remedies available under the law of this state.

8 (3) If the contesting party does not establish a defense under
9 subsection (1) of this section to the validity or enforcement of the
10 order, the registering tribunal shall issue an order confirming the
11 order.

12 NEW SECTION. **Sec. 608.** CONFIRMED ORDER. Confirmation of a
13 registered order, whether by operation of law or after notice and
14 hearing, precludes further contest of the order with respect to any
15 matter that could have been asserted at the time of registration.

16 **PART 3**
17 **REGISTRATION AND MODIFICATION OF**
18 **CHILD SUPPORT ORDER**

19 NEW SECTION. **Sec. 609.** PROCEDURE TO REGISTER CHILD SUPPORT ORDER
20 OF ANOTHER STATE FOR MODIFICATION. A party or support enforcement
21 agency seeking to modify, or to modify and enforce, a child support
22 order issued in another state shall register that order in this state
23 in the same manner provided in Part 1 of this article if the order has
24 not been registered. A petition for modification may be filed at the
25 same time as a request for registration, or later. The pleading must
26 specify the grounds for modification.

27 NEW SECTION. **Sec. 610.** EFFECT OF REGISTRATION FOR MODIFICATION.
28 A tribunal of this state may enforce a child support order of another
29 state registered for purposes of modification, in the same manner as if
30 the order had been issued by a tribunal of this state, but the
31 registered order may be modified only if the requirements of section
32 611 of this act have been met.

33 NEW SECTION. **Sec. 611.** MODIFICATION OF CHILD SUPPORT ORDER OF
34 ANOTHER STATE. (1) If section 613 of this act does not apply, except

1 as otherwise provided in section 615 of this act, upon petition a
2 tribunal of this state may modify a child support order issued in
3 another state which is registered in this state if, after notice and
4 hearing the tribunal finds that:

5 (a) The following requirements are met:

6 (i) The child, the obligee who is an individual, and the obligor do
7 not reside in the issuing state;

8 (ii) A petitioner who is a nonresident of this state seeks
9 modification; and

10 (iii) The respondent is subject to the personal jurisdiction of the
11 tribunal of this state; or

12 (b) This state is either the state of residence of the child or of
13 a party who is an individual subject to the personal jurisdiction of
14 the tribunal of this state, and all of the parties who are individuals
15 have filed consents in a record in the issuing tribunal for a tribunal
16 of this state to modify the support order and assume continuing,
17 exclusive jurisdiction.

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

22 (3) Except as otherwise provided in section 615 of this act, a
23 tribunal of this state may not modify any aspect of a child support
24 order that may not be modified under the law of the issuing state. If
25 two or more tribunals have issued child support orders for the same
26 obligor and same child, the order that controls and must be so
27 recognized under section 207 of this act establishes the aspects of the
28 support order that are nonmodifiable.

29 (4) In a proceeding to modify a child support order, the law of the
30 state that is determined to have issued the initial controlling order
31 governs the duration of the obligation of support. The obligor's
32 fulfillment of the duty of support established by that order precludes
33 imposition of a further obligation of support by a tribunal of this
34 state.

35 (5) On issuance of an order by a tribunal of this state modifying
36 a child support order issued in another state, the tribunal of this
37 state becomes the tribunal having continuing, exclusive jurisdiction.

1 NEW SECTION. **Sec. 612.** RECOGNITION OF ORDER MODIFIED IN ANOTHER
2 STATE. If a child support order issued by a tribunal of this state is
3 modified by a tribunal of another state that assumed jurisdiction
4 pursuant to the uniform interstate family support act, a tribunal of
5 this state:

6 (1) May enforce its order that was modified only as to arrears and
7 interest accruing before the modification;

8 (2) May provide other appropriate relief for violations of its
9 order which occurred before the effective date of the modification; and

10 (3) Shall recognize the modifying order of the other state, upon
11 registration, for the purpose of enforcement.

12 NEW SECTION. **Sec. 613.** JURISDICTION TO MODIFY CHILD SUPPORT ORDER
13 OF ANOTHER STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If
14 all of the parties who are individuals reside in this state and the
15 child does not reside in the issuing state, a tribunal of this state
16 has jurisdiction to enforce and to modify the issuing state's child
17 support order in a proceeding to register that order.

18 (2) A tribunal of this state exercising jurisdiction under this
19 section shall apply the provisions of Articles 1 and 2 of this chapter,
20 this article, and the procedural and substantive law of this state to
21 the proceeding for enforcement or modification. Articles 3, 4, 5, 7,
22 and 8 of this chapter do not apply.

23 NEW SECTION. **Sec. 614.** NOTICE TO ISSUING TRIBUNAL OF
24 MODIFICATION. Within thirty days after issuance of a modified child
25 support order, the party obtaining the modification shall file a
26 certified copy of the order with the issuing tribunal that had
27 continuing, exclusive jurisdiction over the earlier order, and in each
28 tribunal in which the party knows the earlier order has been
29 registered. A party who obtains the order and fails to file a
30 certified copy is subject to appropriate sanctions by a tribunal in
31 which the issue of failure to file arises. The failure to file does
32 not affect the validity or enforceability of the modified order of the
33 new tribunal having continuing, exclusive jurisdiction.

34 NEW SECTION. **Sec. 615.** JURISDICTION TO MODIFY CHILD SUPPORT ORDER
35 OF FOREIGN COUNTRY OR POLITICAL SUBDIVISION. (1) If a foreign country
36 or political subdivision that is a state will not or may not modify its

1 order pursuant to its laws, a tribunal of this state may assume
2 jurisdiction to modify the child support order and bind all individuals
3 subject to the personal jurisdiction of the tribunal whether or not the
4 consent to modification of a child support order otherwise required of
5 the individual pursuant to section 611 of this act has been given or
6 whether the individual seeking modification is a resident of this state
7 or of the foreign country or political subdivision.

8 (2) An order issued pursuant to this section is the controlling
9 order.

10 **ARTICLE 7**

11 **DETERMINATION OF PARENTAGE**

12 NEW SECTION. **Sec. 701.** PROCEEDING TO DETERMINE PARENTAGE. (1) A
13 tribunal of this state may serve as an initiating or responding
14 tribunal in a proceeding brought under this chapter or a law or
15 procedure substantially similar to this chapter to determine whether
16 the petitioner is a parent of a particular child or to determine
17 whether a respondent is a parent of that child.

18 (2) In a proceeding to determine parentage, a responding tribunal
19 of this state shall apply the uniform parentage act and the procedural
20 and substantive law of this state.

21 **ARTICLE 8**

22 **INTERSTATE RENDITION**

23 NEW SECTION. **Sec. 801.** GROUNDS FOR RENDITION. (1) For purposes
24 of this article, "governor" includes an individual performing the
25 functions of governor or the executive authority of a state covered by
26 this chapter.

27 (2) The governor of this state may:

28 (a) Demand that the governor of another state surrender an
29 individual found in the other state who is charged criminally in this
30 state with having failed to provide for the support of an obligee; or

31 (b) On the demand by the governor of another state, surrender an
32 individual found in this state who is charged criminally in the other
33 state with having failed to provide for the support of an obligee.

34 (3) A provision for extradition of individuals not inconsistent
35 with this chapter applies to the demand even if the individual whose

1 surrender is demanded was not in the demanding state when the crime was
2 allegedly committed and has not fled from the demanding state.

3 NEW SECTION. **Sec. 802.** CONDITIONS OF RENDITION. (1) Before
4 making a demand that the governor of another state surrender an
5 individual charged criminally in this state with having failed to
6 provide for the support of an obligee, the governor of this state may
7 require a prosecutor of this state to demonstrate that at least sixty
8 days previously the obligee had initiated proceedings for support
9 pursuant to this chapter or that the proceeding would be of no avail.

10 (2) If, under this chapter or a law substantially similar to this
11 chapter, the governor of another state makes a demand that the governor
12 of this state surrender an individual charged criminally in that state
13 with having failed to provide for the support of a child or other
14 individual to whom a duty of support is owed, the governor may require
15 a prosecutor to investigate the demand and report whether a proceeding
16 for support has been initiated or would be effective. If it appears
17 that a proceeding would be effective but has not been initiated, the
18 governor may delay honoring the demand for a reasonable time to permit
19 the initiation of a proceeding.

20 (3) If a proceeding for support has been initiated and the
21 individual whose rendition is demanded prevails, the governor may
22 decline to honor the demand. If the petitioner prevails and the
23 individual whose rendition is demanded is subject to a support order,
24 the governor may decline to honor the demand if the individual is
25 complying with the support order.

26 **ARTICLE 9**

27 **MISCELLANEOUS PROVISIONS**

28 NEW SECTION. **Sec. 901.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 26.21.005 (Definitions) and 1997 c 58 s 911 & 1993 c 318 s
31 101;

32 (2) RCW 26.21.015 (Tribunal of this state) and 1993 c 318 s 102;

33 (3) RCW 26.21.025 (Remedies cumulative) and 1993 c 318 s 103;

34 (4) RCW 26.21.075 (Bases for jurisdiction over nonresident) and
35 1993 c 318 s 201;

- 1 (5) RCW 26.21.085 (Procedure when exercising jurisdiction over
2 nonresident) and 1993 c 318 s 202;
- 3 (6) RCW 26.21.095 (Initiating and responding tribunal of this
4 state) and 1993 c 318 s 203;
- 5 (7) RCW 26.21.105 (Simultaneous proceedings in another state) and
6 1993 c 318 s 204;
- 7 (8) RCW 26.21.115 (Continuing, exclusive jurisdiction) and 1997 c
8 58 s 912 & 1993 c 318 s 205;
- 9 (9) RCW 26.21.127 (Enforcement and modification of support order by
10 tribunal having continuing jurisdiction) and 1993 c 318 s 206;
- 11 (10) RCW 26.21.135 (Recognition of child support orders--
12 Controlling order--Filing certified copy of order) and 1997 c 58 s 913
13 & 1993 c 318 s 207;
- 14 (11) RCW 26.21.145 (Multiple child support orders for two or more
15 obligees) and 1993 c 318 s 208;
- 16 (12) RCW 26.21.155 (Credit for payments) and 1993 c 318 s 209;
- 17 (13) RCW 26.21.205 (Proceedings under this chapter) and 1993 c 318
18 s 301;
- 19 (14) RCW 26.21.215 (Action by minor parent) and 1993 c 318 s 302;
- 20 (15) RCW 26.21.225 (Application of law of this state) and 1993 c
21 318 s 303;
- 22 (16) RCW 26.21.235 (Duties of initiating tribunal) and 1997 c 58 s
23 914 & 1993 c 318 s 304;
- 24 (17) RCW 26.21.245 (Duties and powers of responding tribunal) and
25 1997 c 58 s 915 & 1993 c 318 s 305;
- 26 (18) RCW 26.21.255 (Inappropriate tribunal) and 1997 c 58 s 916 &
27 1993 c 318 s 306;
- 28 (19) RCW 26.21.265 (Duties of support enforcement agency) and 1997
29 c 58 s 917 & 1993 c 318 s 307;
- 30 (20) RCW 26.21.275 (Duty of attorney general) and 1993 c 318 s 308;
- 31 (21) RCW 26.21.285 (Private counsel) and 1993 c 318 s 309;
- 32 (22) RCW 26.21.295 (Duties of department as state information
33 agency) and 1993 c 318 s 310;
- 34 (23) RCW 26.21.305 (Pleadings and accompanying documents) and 2001
35 c 42 s 2 & 1993 c 318 s 311;
- 36 (24) RCW 26.21.315 (Nondisclosure of information--Circumstances)
37 and 1993 c 318 s 312;
- 38 (25) RCW 26.21.325 (Costs--Fees) and 1993 c 318 s 313;

1 (26) RCW 26.21.335 (Limited immunity of petitioner) and 1993 c 318
2 s 314;
3 (27) RCW 26.21.345 (Nonparentage as defense) and 1993 c 318 s 315;
4 (28) RCW 26.21.355 (Special rules of evidence and procedure) and
5 1993 c 318 s 316;
6 (29) RCW 26.21.365 (Communications between tribunals) and 1993 c
7 318 s 317;
8 (30) RCW 26.21.375 (Assistance with discovery) and 1993 c 318 s
9 318;
10 (31) RCW 26.21.385 (Receipt and disbursement of payments) and 1993
11 c 318 s 319;
12 (32) RCW 26.21.420 (Petition to establish support order--Notice--
13 Hearing--Orders) and 1993 c 318 s 401;
14 (33) RCW 26.21.450 (Recognition of income-withholding order of
15 another state) and 1997 c 58 s 918 & 1993 c 318 s 501;
16 (34) RCW 26.21.452 (Employer's compliance with income-withholding
17 order of another state) and 1997 c 58 s 919;
18 (35) RCW 26.21.453 (Compliance with multiple income-withholding
19 orders) and 1997 c 58 s 920;
20 (36) RCW 26.21.455 (Immunity from civil liability) and 1997 c 58 s
21 921;
22 (37) RCW 26.21.456 (Penalties for noncompliance) and 1997 c 58 s
23 922;
24 (38) RCW 26.21.458 (Contest by obligor) and 1997 c 58 s 923;
25 (39) RCW 26.21.460 (Administrative enforcement of orders) and 1993
26 c 318 s 502;
27 (40) RCW 26.21.480 (Registration of order for enforcement) and 1993
28 c 318 s 601;
29 (41) RCW 26.21.490 (Procedure to register order for enforcement)
30 and 1997 c 58 s 924 & 1993 c 318 s 602;
31 (42) RCW 26.21.500 (Effect of registration for enforcement) and
32 1993 c 318 s 603;
33 (43) RCW 26.21.510 (Choice of law--Statute of limitations for
34 arrearages) and 1993 c 318 s 604;
35 (44) RCW 26.21.520 (Notice of registration of order) and 1997 c 58
36 s 925 & 1993 c 318 s 605;
37 (45) RCW 26.21.530 (Procedure to contest validity or enforcement of
38 registered order) and 1997 c 58 s 926 & 1993 c 318 s 606;

1 (46) RCW 26.21.540 (Contest of registration or enforcement) and
2 1993 c 318 s 607;
3 (47) RCW 26.21.550 (Confirmed order) and 1993 c 318 s 608;
4 (48) RCW 26.21.560 (Procedure to register child support order of
5 another state for modification) and 1993 c 318 s 609;
6 (49) RCW 26.21.570 (Effect of registration for modification--
7 Authority to enforce registered order) and 1993 c 318 s 610;
8 (50) RCW 26.21.580 (Modification of child support order of another
9 state) and 1997 c 58 s 927 & 1993 c 318 s 611;
10 (51) RCW 26.21.590 (Recognition of order modified in another
11 state--Enforcement) and 1997 c 58 s 928 & 1993 c 318 s 612;
12 (52) RCW 26.21.595 (Jurisdiction to modify child support order of
13 another state if individual parties reside in this state--Application
14 of chapter) and 1997 c 58 s 929;
15 (53) RCW 26.21.600 (Notice to issuing tribunal of modification) and
16 1997 c 58 s 930;
17 (54) RCW 26.21.620 (Proceeding to determine parentage) and 1997 c
18 58 s 931 & 1993 c 318 s 701;
19 (55) RCW 26.21.640 (Grounds for rendition) and 1993 c 318 s 801;
20 (56) RCW 26.21.650 (Surrender of individual charged criminally with
21 failure to support an obligee--Conditions of rendition) and 1993 c 318
22 s 802;
23 (57) RCW 26.21.912 (Uniformity of application and construction) and
24 1993 c 318 s 901;
25 (58) RCW 26.21.913 (Short title) and 1993 c 318 s 902;
26 (59) RCW 26.21.914 (Severability--1993 c 318) and 1993 c 318 s 903;
27 (60) RCW 26.21.915 (Captions, part headings, articles not law--1993
28 c 318) and 1993 c 318 s 906; and
29 (61) RCW 26.21.916 (Effective date--1993 c 318) and 1993 c 318 s
30 907.

31 NEW SECTION. **Sec. 902.** Captions, part headings, and articles used
32 in this act are not any part of the law.

33 NEW SECTION. **Sec. 903.** UNIFORMITY OF APPLICATION AND
34 CONSTRUCTION. In applying and construing this chapter, consideration
35 must be given to the need to promote uniformity of the law with respect
36 to its subject matter among states that enact it.

1 NEW SECTION. **Sec. 904.** SEVERABILITY CLAUSE. If any provision of
2 this act or its application to any person or circumstance is held
3 invalid, the remainder of the act or the application of the provision
4 to other persons or circumstances is not affected.

5 NEW SECTION. **Sec. 905.** Sections 101 through 802 and 902 through
6 904 of this act are each added to chapter 26.21 RCW.

7 NEW SECTION. **Sec. 906.** This act takes effect six months after the
8 amendment by congress to 42 U.S.C. Sec. 666(f) authorizing or mandating
9 states to adopt this version of the uniform interstate family support
10 act.

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