
HOUSE BILL 1118

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Fitzgibbon, Nealey, Goodman, Rodne, Pedersen, Hansen, and Ryu; by request of Uniform Laws Commission

Read first time 01/16/13. Referred to Committee on Judiciary.

1 AN ACT Relating to revising the uniform interstate family support
2 act; amending RCW 26.21A.010, 26.21A.015, 26.21A.020, 26.21A.100,
3 26.21A.110, 26.21A.115, 26.21A.125, 26.21A.130, 26.21A.135, 26.21A.140,
4 26.21A.150, 26.21A.200, 26.21A.215, 26.21A.220, 26.21A.225, 26.21A.230,
5 26.21A.235, 26.21A.245, 26.21A.250, 26.21A.260, 26.21A.275, 26.21A.280,
6 26.21A.285, 26.21A.290, 26.21A.350, 26.21A.415, 26.21A.420, 26.21A.430,
7 26.21A.500, 26.21A.505, 26.21A.510, 26.21A.515, 26.21A.520, 26.21A.525,
8 26.21A.530, 26.21A.535, 26.21A.540, 26.21A.545, 26.21A.550, and
9 26.21A.570; adding new sections to chapter 26.21A RCW; repealing RCW
10 26.21A.105, 26.21A.145, and 26.21A.600; and providing a contingent
11 effective date.

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

13 **Sec. 1.** RCW 26.21A.010 and 2002 c 198 s 102 are each amended to
14 read as follows:

15 In this chapter:

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

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

4 (3) "Convention" means the convention on the international recovery
5 of child support and other forms of family maintenance, concluded at
6 the Hague on November 23, 2007.

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

10 ((+4)) (5) "Foreign country" means a country, including a
11 political subdivision thereof, other than the United States, that
12 authorizes the issuance of support orders and:

13 (a) Which has been declared under the law of the United States to
14 be a foreign reciprocating country;

15 (b) Which has established a reciprocal arrangement for child
16 support with this state as provided in RCW 26.21A.230;

17 (c) Which has enacted a law or established procedures for the
18 issuance and enforcement of support orders which are substantially
19 similar to the procedures under this chapter; or

20 (d) In which the convention is in force with respect to the United
21 States.

22 (6) "Foreign support order" means a support order of a foreign
23 tribunal.

24 (7) "Foreign tribunal" means a court, administrative agency, or
25 quasi-judicial entity of a foreign country which is authorized to
26 establish, enforce, or modify support orders or to determine parentage
27 of a child. The term includes a competent authority under the
28 convention.

29 (8) "Home state" means the state or foreign country in which a
30 child lived with a parent or a person acting as parent for at least six
31 consecutive months immediately preceding the time of filing of a
32 petition or comparable pleading for support and, if a child is less
33 than six months old, the state or foreign country in which the child
34 lived from birth with any of them. A period of temporary absence of
35 any of them is counted as part of the six-month or other period.

36 ((+5)) (9) "Income" includes earnings or other periodic
37 entitlements to money from any source and any other property subject to
38 withholding for support under the law of this state.

1 ~~((6))~~ (10) "Income-withholding order" means an order or other
2 legal process directed to an obligor's employer or other debtor, as
3 defined by RCW 50.04.080, to withhold support from the income of the
4 obligor.

5 ~~((7))~~ ~~"Initiating state" means a state from which a proceeding is~~
6 ~~forwarded or in which a proceeding is filed for forwarding to a~~
7 ~~responding state under this chapter or a law or procedure substantially~~
8 ~~similar to this chapter.~~

9 ~~(8))~~ (11) "Initiating tribunal" means the ~~((authorized))~~ tribunal
10 ~~((in an initiating))~~ of a state or foreign country from which a
11 petition or comparable pleading is forwarded or in which a petition or
12 comparable pleading is filed for forwarding to another state or foreign
13 country.

14 (12) "Issuing foreign country" means the foreign country in which
15 a tribunal issues a support order or a judgment determining parentage
16 of a child.

17 ~~((9))~~ (13) "Issuing state" means the state in which a tribunal
18 issues a support order or ~~((renders))~~ a judgment determining parentage
19 of a child.

20 ~~((10))~~ (14) "Issuing tribunal" means the tribunal of a state or
21 foreign country that issues a support order or ~~((renders))~~ a judgment
22 determining parentage of a child.

23 ~~((11))~~ (15) "Law" includes decisional and statutory law and rules
24 having the force of law.

25 ~~((12))~~ (16) "Obligee" means:

26 (a) An individual to whom a duty of support is or is alleged to be
27 owed or in whose favor a support order has been issued or a judgment
28 determining parentage of a child has been ~~((rendered))~~ issued;

29 (b) A foreign country, state, or political subdivision of a state
30 to which the rights under a duty of support or support order have been
31 assigned or which has independent claims based on financial assistance
32 provided to an individual obligee in place of child support; ~~((or))~~

33 (c) An individual seeking a judgment determining parentage of the
34 individual's child; or

35 (d) A person that is a creditor in a proceeding under Article 7 of
36 this chapter.

37 ~~((13))~~ (17) "Obligor" means an individual, or the estate of a
38 decedent that:

- 1 (a) ~~((who))~~ Owes or is alleged to owe a duty of support;
2 (b) ~~((who))~~ Is alleged but has not been adjudicated to be a parent
3 of a child; ~~((or))~~
4 (c) ~~((who))~~ Is liable under a support order; or
5 (d) Is a debtor in a proceeding under Article 7 of this chapter.

6 ~~((+14))~~ (18) "Outside this state" means a location in another
7 state or a country other than the United States, whether or not the
8 country is a foreign country.

9 (19) "Person" means: An individual, corporation, business trust,
10 estate, trust, partnership, limited liability company, association,
11 joint venture, public corporation, government~~((+))~~ or governmental
12 subdivision, agency, or instrumentality~~((+ public corporation+))~~, or
13 any other legal or commercial entity.

14 ~~((+15))~~ (20) "Record" means information that is inscribed on a
15 tangible medium or that is stored in an electronic or other medium and
16 is retrievable in perceivable form.

17 ~~((+16))~~ (21) "Register" means to record or file in a tribunal of
18 this state a support order or judgment determining parentage ~~((in the~~
19 ~~appropriate location for the recording or filing of foreign judgments~~
20 ~~generally or foreign support orders specifically)) of a child issued in~~
21 another state or a foreign country.

22 ~~((+17))~~ (22) "Registering tribunal" means a tribunal in which a
23 support order or judgment determining parentage of a child is
24 registered.

25 ~~((+18))~~ (23) "Responding state" means a state in which a
26 ~~((proceeding))~~ petition or comparable pleading for support or to
27 determine parentage of a child is filed or to which a ~~((proceeding))~~
28 petition or comparable pleading is forwarded for filing from ~~((an~~
29 ~~initiating))~~ another state ~~((under this chapter or a law or procedure~~
30 ~~substantially similar to this chapter)) or foreign country.~~

31 ~~((+19))~~ (24) "Responding tribunal" means the authorized tribunal
32 in a responding state or foreign country.

33 ~~((+20))~~ (25) "Spousal support order" means a support order for a
34 spouse or former spouse of the obligor.

35 ~~((+21))~~ (26) "State" means a state of the United States, the
36 District of Columbia, Puerto Rico, the United States Virgin Islands, or
37 any territory or insular possession ~~((subject to))~~ under the
38 jurisdiction of the United States. The term includes~~((+)~~

1 ~~(a)) an Indian nation or tribe(, and~~
2 ~~(b) A foreign country or political subdivision that:~~
3 ~~(i) Has been declared to be a foreign reciprocating country or~~
4 ~~political subdivision under federal law;~~
5 ~~(ii) Has established a reciprocal arrangement for child support~~
6 ~~with this state as provided in RCW 26.21A.235; or~~
7 ~~(iii) Has enacted a law or established procedures for issuance and~~
8 ~~enforcement of support orders which are substantially similar to the~~
9 ~~procedures under this chapter)).~~

10 ~~((22)) (27) "Support enforcement agency" means a public official,~~
11 ~~governmental entity, or private agency authorized to (seek):~~

12 ~~(a) Seek enforcement of support orders or laws relating to the duty~~
13 ~~of support;~~

14 ~~(b) Seek establishment or modification of child support;~~

15 ~~(c) Request determination of parentage of a child;~~

16 ~~(d) ((Location of)) Attempt to locate obligors or their assets; or~~

17 ~~(e) Request determination of the controlling child support order.~~

18 ~~((23)) (28) "Support order" means a judgment, decree, order,~~
19 ~~decision, or directive, whether temporary, final, or subject to~~
20 ~~modification, issued ((by a tribunal)) in a state or foreign country~~
21 ~~for the benefit of a child, a spouse, or a former spouse, ((that))~~
22 ~~which provides for monetary support, health care, arrearages,~~
23 ~~retroactive support, or reimbursement(, and)) for financial~~
24 ~~assistance provided to an individual obligee in place of child support.~~
25 ~~The term may include related costs and fees, interest, income~~
26 ~~withholding, automatic adjustment, reasonable attorneys' fees, and~~
27 ~~other relief.~~

28 ~~((24)) (29) "Tribunal" means a court, administrative agency, or~~
29 ~~quasi-judicial entity authorized to establish, enforce, or modify~~
30 ~~support orders or to determine parentage of a child.~~

31 **Sec. 2.** RCW 26.21A.015 and 2002 c 198 s 103 are each amended to
32 read as follows:

33 (1) The superior court is the ~~((state))~~ tribunal ~~((for judicial~~
34 ~~proceedings and the department of social and health services division~~
35 ~~of child support is the state tribunal for administrative proceedings))~~
36 of this state.

1 (2) The department of social and health services is the support
2 enforcement agency of this state.

3 **Sec. 3.** RCW 26.21A.020 and 2002 c 198 s 104 are each amended to
4 read as follows:

5 (1) Remedies provided by this chapter are cumulative and do not
6 affect the availability of remedies under other law(~~(, including))~~ or
7 the recognition of a foreign support order (~~(of a foreign country or~~
8 ~~political subdivision))~~) on the basis of comity.

9 (2) This chapter does not:

10 (a) Provide the exclusive method of establishing or enforcing a
11 support order under the law of this state; or

12 (b) Grant a tribunal of this state jurisdiction to render judgment
13 or issue an order relating to child custody or visitation in a
14 proceeding under this chapter.

15 **Sec. 4.** RCW 26.21A.100 and 2002 c 198 s 201 are each amended to
16 read as follows:

17 (1) In a proceeding to establish or enforce a support order or to
18 determine parentage of a child, a tribunal of this state may exercise
19 personal jurisdiction over a nonresident individual or the individual's
20 guardian or conservator if:

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

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

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

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

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

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

34 (g) The individual asserted parentage of a child in the putative
35 father registry maintained in this state by the state registrar of
36 vital statistics; or

1 (h) There is any other basis consistent with the constitutions of
2 this state and the United States for the exercise of personal
3 jurisdiction.

4 (2) The bases of personal jurisdiction set forth in subsection (1)
5 of this section or in any other law of this state may not be used to
6 acquire personal jurisdiction for a tribunal of ~~((the))~~ this state to
7 modify a child support order of another state unless the requirements
8 of RCW 26.21A.550 ~~((or 26.21A.570))~~ are met, or, in the case of a
9 foreign support order, unless the requirements of RCW 26.21A.570 are
10 met.

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

15 **Sec. 5.** RCW 26.21A.110 and 2002 c 198 s 203 are each amended to
16 read as follows:

17 Under this chapter, a tribunal of this state may serve as an
18 initiating tribunal to forward proceedings to a tribunal of another
19 state and as a responding tribunal for proceedings initiated in another
20 state or a foreign country.

21 **Sec. 6.** RCW 26.21A.115 and 2002 c 198 s 204 are each amended to
22 read as follows:

23 (1) A tribunal of this state may exercise jurisdiction to establish
24 a support order if the petition or comparable pleading is filed after
25 a ~~((petition or comparable))~~ pleading is filed in another state or a
26 foreign country only if:

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

31 (b) The contesting party timely challenges the exercise of
32 jurisdiction in the other state or the foreign country; and

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

34 (2) A tribunal of this state may not exercise jurisdiction to
35 establish a support order if the petition or comparable pleading is

1 filed before a petition or comparable pleading is filed in another
2 state or a foreign country if:

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

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

9 (c) If relevant, the other state or foreign country is the home
10 state of the child.

11 **Sec. 7.** RCW 26.21A.125 and 2002 c 198 s 206 are each amended to
12 read as follows:

13 (1) A tribunal of this state that has issued a child support order
14 consistent with the law of this state may serve as an initiating
15 tribunal to request a tribunal of another state to enforce:

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

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

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

24 **Sec. 8.** RCW 26.21A.130 and 2002 c 198 s 207 are each amended to
25 read as follows:

26 (1) If a proceeding is brought under this chapter and only one
27 tribunal has issued a child support order, the order of that tribunal
28 controls and must be so recognized.

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

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

4 (b) If more than one of the tribunals would have continuing,
5 exclusive jurisdiction under this chapter~~((7))~~:

6 (i) An order issued by a tribunal in the current home state of the
7 child controls~~((. However,))~~; or

8 (ii) If an order has not been issued in the current home state of
9 the child, the order most recently issued controls.

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

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

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

26 (5) The tribunal that issued the controlling order under subsection
27 (1), (2), or (3) of this section has continuing jurisdiction to the
28 extent provided in RCW 26.21A.120 or 26.21A.125.

29 (6) A tribunal of this state that determines by order which is the
30 controlling order under subsection (2)(a) or (b) or (3) of this section
31 or that issues a new controlling order under subsection (2)(c) of this
32 section shall state in that order:

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

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

35 (c) The total amount of consolidated arrears and accrued interest,
36 if any, under all of the orders after all payments made are credited as
37 provided by RCW 26.21A.140.

1 (7) Within thirty days after issuance of an order determining which
2 is the controlling order, the party obtaining the order shall file a
3 certified copy of it in each tribunal that issued or registered an
4 earlier order of child support. A party or support enforcement agency
5 obtaining the order that fails to file a certified copy is subject to
6 appropriate sanctions by a tribunal in which the issue of failure to
7 file arises. The failure to file does not affect the validity or
8 enforceability of the controlling order.

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

13 **Sec. 9.** RCW 26.21A.135 and 2002 c 198 s 208 are each amended to
14 read as follows:

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

21 **Sec. 10.** RCW 26.21A.140 and 2002 c 198 s 209 are each amended to
22 read as follows:

23 A tribunal of this state shall credit amounts collected for a
24 particular period pursuant to any child support order against the
25 amounts owed for the same period under any other child support order
26 for support of the same child issued by a tribunal of this (~~or~~)
27 state, another state, or a foreign country.

28 **Sec. 11.** RCW 26.21A.150 and 2002 c 198 s 211 are each amended to
29 read as follows:

30 (1) A tribunal of this state issuing a spousal support order
31 consistent with the law of this state has continuing, exclusive
32 jurisdiction to modify the spousal support order throughout the
33 existence of the support obligation.

34 (2) A tribunal of this state may not modify a spousal support order

1 issued by a tribunal of another state or a foreign country having
2 continuing, exclusive jurisdiction over that order under the law of
3 that state or foreign country.

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 **Sec. 12.** RCW 26.21A.200 and 2002 c 198 s 301 are each amended to
11 read as follows:

12 (1) Except as otherwise provided in this chapter, this article
13 applies to all proceedings under this chapter.

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

20 **Sec. 13.** RCW 26.21A.215 and 2002 c 198 s 304 are each amended to
21 read as follows:

22 (1) Upon the filing of a petition authorized by this chapter, an
23 initiating tribunal of this state shall forward the petition and its
24 accompanying documents:

25 (a) To the responding tribunal or appropriate support enforcement
26 agency in the responding state; or

27 (b) If the identity of the responding tribunal is unknown, to the
28 state information agency of the responding state with a request that
29 they be forwarded to the appropriate tribunal and that receipt be
30 acknowledged.

31 (2) If requested by the responding tribunal, a tribunal of this
32 state shall issue a certificate or other document and make findings
33 required by the law of the responding state. If the responding
34 ((state)) tribunal is in a foreign country ((~~or political~~
35 ~~subdivision~~)), upon request the tribunal of this state shall specify
36 the amount of support sought, convert that amount into the equivalent

1 amount in the foreign currency under applicable official or market
2 exchange rate(~~(s)~~) as publicly reported, and provide any other
3 documents necessary to satisfy the requirements of the responding
4 (~~(state)~~) foreign tribunal.

5 **Sec. 14.** RCW 26.21A.220 and 2002 c 198 s 305 are each amended to
6 read as follows:

7 (1) When a responding tribunal of this state receives a petition or
8 comparable pleading from an initiating tribunal or directly pursuant to
9 RCW 26.21A.200(2), it shall cause the petition or pleading to be filed
10 and notify the petitioner where and when it was filed.

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

13 (a) (~~(Issue)~~) Establish or enforce a support order, modify a child
14 support order, determine the controlling child support order, or
15 determine parentage of a child;

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

18 (c) Order income withholding;

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

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

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

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

24 (h) Order an obligor to keep the tribunal informed of the obligor's
25 current residential address, electronic mail address, telephone number,
26 employer, address of employment, and telephone number at the place of
27 employment;

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

32 (j) Order the obligor to seek appropriate employment by specified
33 methods;

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

35 (l) Grant any other available remedy.

36 (3) A responding tribunal of this state shall include in a support

1 order issued under this chapter, or in the documents accompanying the
2 order, the calculations on which the support order is based.

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

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

9 (6) If requested to enforce a support order, arrears, or judgment
10 or modify a support order stated in a foreign currency, a responding
11 tribunal of this state shall convert the amount stated in the foreign
12 currency to the equivalent amount in dollars under the applicable
13 official or market exchange rate(~~(s)~~) as publicly reported.

14 **Sec. 15.** RCW 26.21A.225 and 2002 c 198 s 306 are each amended to
15 read as follows:

16 If a petition or comparable pleading is received by an
17 inappropriate tribunal of this state, the tribunal shall forward the
18 pleading and accompanying documents to an appropriate tribunal (~~(in)~~)
19 of this state or another state and notify the petitioner where and when
20 the pleading was sent.

21 **Sec. 16.** RCW 26.21A.230 and 2002 c 198 s 307 are each amended to
22 read as follows:

23 (1) A support enforcement agency of this state, upon request, shall
24 provide services to a petitioner in a proceeding under this chapter.

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

27 (a) Take all steps necessary to enable an appropriate tribunal
28 (~~(in)~~) of this state (~~(or)~~) another state, or a foreign country to
29 obtain jurisdiction over the respondent;

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

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

34 (d) Within two days, exclusive of Saturdays, Sundays, and legal
35 holidays, after receipt of a written notice in a record from an

1 initiating, responding, or registering tribunal, send a copy of the
2 notice to the petitioner;

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

7 (f) Notify the petitioner if jurisdiction over the respondent
8 cannot be obtained.

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

12 (a) To ensure that the order to be registered is the controlling
13 order; or

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

18 (4) A support enforcement agency of this state that requests
19 registration and enforcement of a support order, arrears, or judgment
20 stated in a foreign currency shall convert the amounts stated in the
21 foreign currency into the equivalent amounts in dollars under the
22 applicable official or market exchange rate((~~s~~)) as publicly reported.

23 (5) A support enforcement agency of this state shall issue or
24 request a tribunal of this state to issue a child support order and an
25 income-withholding order that redirect payment of current support,
26 arrears, and interest if requested to do so by a support enforcement
27 agency of another state pursuant to RCW 26.21A.290.

28 (6) This chapter does not create or negate a relationship of
29 attorney and client or other fiduciary relationship between a support
30 enforcement agency or the attorney for the agency and the individual
31 being assisted by the agency.

32 **Sec. 17.** RCW 26.21A.235 and 2002 c 198 s 308 are each amended to
33 read as follows:

34 (1) If the appropriate state official or agency determines that the
35 support enforcement agency is neglecting or refusing to provide
36 services to an individual, the state official or agency may order the

1 agency to perform its duties under this chapter or may provide those
2 services directly to the individual.

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

7 **Sec. 18.** RCW 26.21A.245 and 2002 c 198 s 310 are each amended to
8 read as follows:

9 (1) The Washington state support registry under chapter 26.23 RCW
10 is the state information agency under this chapter.

11 (2) The state information agency shall:

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

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

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

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

32 **Sec. 19.** RCW 26.21A.250 and 2002 c 198 s 311 are each amended to
33 read as follows:

34 (1) In a proceeding under this chapter, a petitioner seeking to
35 establish a support order, to determine parentage of a child, or to
36 register and modify a support order of a tribunal of another state or

1 a foreign country must file a petition. Unless otherwise ordered under
2 RCW 26.21A.255, the petition or accompanying documents must provide, so
3 far as known, the name, residential address, and social security
4 numbers of the obligor and the obligee or the parent and alleged
5 parent, and the name, sex, residential address, social security number,
6 and date of birth of each child for whose benefit support is sought or
7 whose parentage is to be determined. Unless filed at the time of
8 registration, the petition must be accompanied by a copy of any support
9 order known to have been issued by another tribunal. The petition may
10 include any other information that may assist in locating or
11 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
17 or to determine parentage in a proceeding under this chapter shall file
18 a 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 **Sec. 20.** RCW 26.21A.260 and 2002 c 198 s 313 are each amended to
24 read as follows:

25 (1) The petitioner may not be required to pay a filing fee or other
26 costs.

27 (2) If an obligee prevails, a responding tribunal of this state may
28 assess against an obligor filing fees, reasonable attorneys' fees,
29 other costs, and necessary travel and other reasonable expenses
30 incurred by the obligee and the obligee's witnesses. The tribunal may
31 not assess fees, costs, or expenses against the obligee or the support
32 enforcement agency of either the initiating or ~~((the))~~ responding state
33 or foreign country, except as provided by other law. Attorneys' fees
34 may be taxed as costs, and may be ordered paid directly to the
35 attorney, who may enforce the order in the attorney's own name.
36 Payment of support owed to the obligee has priority over fees, costs,
37 and expenses.

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

6 **Sec. 21.** RCW 26.21A.275 and 2002 c 198 s 316 are each amended to
7 read as follows:

8 (1) The physical presence of a nonresident party who is an
9 individual in a tribunal of this state is not required for the
10 establishment, enforcement, or modification of a support order or the
11 rendition of a judgment determining parentage of a child.

12 (2) An affidavit, a document substantially complying with federally
13 mandated forms, or a document incorporated by reference in any of them,
14 (~~that~~) which would not be excluded under the hearsay rule if given in
15 person, is admissible in evidence if given under penalty of perjury by
16 a party or witness residing (~~in another~~) outside this state.

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

21 (4) Copies of bills for testing for parentage of a child, and for
22 prenatal and postnatal health care of the mother and child, furnished
23 to the adverse party at least ten days before trial, are admissible in
24 evidence to prove the amount of the charges billed and that the charges
25 were reasonable, necessary, and customary.

26 (5) Documentary evidence transmitted from (~~another~~) outside this
27 state to a tribunal of this state by telephone, telecopier, or other
28 electronic means that do not provide an original record may not be
29 excluded from evidence on an objection based on the means of
30 transmission.

31 (6) In a proceeding under this chapter, a tribunal of this state
32 shall permit a party or witness residing (~~in another~~) outside this
33 state to be deposed or to testify under penalty of perjury by
34 telephone, audiovisual means, or other electronic means at a designated
35 tribunal or other location (~~in that state~~). A tribunal of this state
36 shall cooperate with other tribunals (~~of other states~~) in designating
37 an appropriate location for the deposition or testimony.

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

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

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

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

11 **Sec. 22.** RCW 26.21A.280 and 2002 c 198 s 317 are each amended to
12 read as follows:

13 A tribunal of this state may communicate with a tribunal (~~(of~~
14 ~~another))~~ outside this state (~~(or foreign country or political~~
15 ~~subdivision))~~ in a record, or by telephone, electronic mail, or other
16 means, to obtain information concerning the laws, the legal effect of
17 a judgment, decree, or order of that tribunal, and the status of a
18 proceeding (~~(in the other state or foreign country or political~~
19 ~~subdivision))~~). A tribunal of this state may furnish similar
20 information by similar means to a tribunal (~~(of another))~~ outside this
21 state (~~(or foreign country or political subdivision))~~.

22 **Sec. 23.** RCW 26.21A.285 and 2002 c 198 s 318 are each amended to
23 read as follows:

24 A tribunal of this state may:

25 (1) Request a tribunal (~~(of another))~~ outside this state to assist
26 in obtaining discovery; and

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

30 **Sec. 24.** RCW 26.21A.290 and 2002 c 198 s 319 are each amended to
31 read as follows:

32 (1) A support enforcement agency or tribunal of this state shall
33 disburse promptly any amounts received pursuant to a support order, as
34 directed by the order. The agency or tribunal shall furnish to a

1 requesting party or tribunal of another state or a foreign country a
2 certified statement by the custodian of the record of the amounts and
3 dates of all payments received.

4 (2) If neither the obligor, nor the obligee who is an individual,
5 ((~~or~~)) nor the child ((~~does not~~)) resides in this state, upon request
6 from the support enforcement agency of this state or another state, the
7 support enforcement agency of this state or a tribunal of this state
8 shall:

9 (a) Direct that the support payment be made to the support
10 enforcement agency in the state in which the obligee is receiving
11 services; and

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

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

20 **Sec. 25.** RCW 26.21A.350 and 2002 c 198 s 401 are each amended to
21 read as follows:

22 (1) If a support order entitled to recognition under this chapter
23 has not been issued, a responding tribunal of this state with personal
24 jurisdiction over the parties may issue a support order if:

25 (a) The individual seeking the order resides ((~~in another~~)) outside
26 this state; or

27 (b) The support enforcement agency seeking the order is located
28 ((~~in another~~)) outside this state.

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

32 (a) A presumed father of the child;

33 (b) Petitioning to have his paternity adjudicated;

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

35 (d) An alleged father who has declined to submit to genetic
36 testing;

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

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

4 (g) The mother of the child; or

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

7 (3) Upon finding, after notice and opportunity to be heard, that an
8 obligor owes a duty of support, the tribunal shall issue a support
9 order directed to the obligor and may issue other orders pursuant to
10 RCW 26.21A.220.

11 **Sec. 26.** RCW 26.21A.415 and 2002 c 198 s 504 are each amended to
12 read as follows:

13 An employer (~~(who)~~) that complies with an income-withholding order
14 issued in another state in accordance with this article is not subject
15 to civil liability to an individual or agency with regard to the
16 employer's withholding of child support from the obligor's income.

17 **Sec. 27.** RCW 26.21A.420 and 2002 c 198 s 505 are each amended to
18 read as follows:

19 An employer (~~(who)~~) that willfully fails to comply with an income-
20 withholding order issued (~~(by)~~) in another state and received for
21 enforcement is subject to the same penalties that may be imposed for
22 noncompliance with an order issued by a tribunal of this state.

23 **Sec. 28.** RCW 26.21A.430 and 2002 c 198 s 507 are each amended to
24 read as follows:

25 (1) A party or support enforcement agency seeking to enforce a
26 support order or an income-withholding order, or both, issued (~~(by a~~
27 ~~tribunal of)~~) in another state or a foreign support order may send the
28 documents required for registering the order to a support enforcement
29 agency of this state.

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

1 the order need not be registered. If the obligor contests the validity
2 or administrative enforcement of the order, the support enforcement
3 agency shall register the order pursuant to this chapter.

4 **Sec. 29.** RCW 26.21A.500 and 2002 c 198 s 601 are each amended to
5 read as follows:

6 A support order or income-withholding order issued (~~by a tribunal~~
7 ~~of~~) in another state or a foreign support order may be registered in
8 this state for enforcement.

9 **Sec. 30.** RCW 26.21A.505 and 2002 c 198 s 602 are each amended to
10 read as follows:

11 (1) Except as otherwise provided in section 51 of this act, a
12 support order or income-withholding order of another state or a foreign
13 support order may be registered in this state by sending the following
14 records (~~and information~~) to the appropriate tribunal in this state:

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

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

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

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

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

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

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

28 (e) Except as otherwise provided in RCW 26.21A.255, the name and
29 address of the obligee and, if applicable, the person to whom support
30 payments are to be remitted.

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

36 (3) A petition or comparable pleading seeking a remedy that must be

1 affirmatively sought under other law of this state may be filed at the
2 same time as the request for registration or later. The pleading must
3 specify the grounds for the remedy sought.

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

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

8 (b) Specify the order alleged to be the controlling order, if any;
9 and

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

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

16 **Sec. 31.** RCW 26.21A.510 and 2002 c 198 s 603 are each amended to
17 read as follows:

18 (1) A support order or income-withholding order issued in another
19 state or a foreign support order is registered when the order is filed
20 in the registering tribunal of this state.

21 (2) A registered support order issued in another state or a foreign
22 country is enforceable in the same manner and is subject to the same
23 procedures as an order issued by a tribunal of this state.

24 (3) Except as otherwise provided in this ((article)) chapter, a
25 tribunal of this state shall recognize and enforce, but may not modify,
26 a registered support order if the issuing tribunal had jurisdiction.

27 **Sec. 32.** RCW 26.21A.515 and 2002 c 198 s 604 are each amended to
28 read as follows:

29 (1) Except as otherwise provided in subsection (4) of this section,
30 the law of the issuing state or foreign country governs:

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

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

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

1 (2) In a proceeding for arrears under a registered support order,
2 the statute of limitation of this state or of the issuing state or
3 foreign country, whichever is longer, applies.

4 (3) A responding tribunal of this state shall apply the procedures
5 and remedies of this state to enforce current support and collect
6 arrears and interest due on a support order of another state or foreign
7 country registered in this state.

8 (4) After a tribunal of this or another state determines which is
9 the controlling order and issues an order consolidating arrears, if
10 any, a tribunal of this state shall prospectively apply the law of the
11 state or foreign country issuing the (~~registered~~) controlling order,
12 including its law on interest on arrears, on current and future
13 support, and on consolidated arrears.

14 **Sec. 33.** RCW 26.21A.520 and 2002 c 198 s 605 are each amended to
15 read as follows:

16 (1) When a support order or income-withholding order issued in
17 another state or a foreign support order is registered, the registering
18 tribunal of this state shall notify the nonregistering party. The
19 notice must be accompanied by a copy of the registered order and the
20 documents and relevant information accompanying the order.

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

22 (a) That a registered order is enforceable as of the date of
23 registration in the same manner as an order issued by a tribunal of
24 this state;

25 (b) That a hearing to contest the validity or enforcement of the
26 registered order must be requested within twenty days after notice
27 unless the registered order is under section 52 of this act;

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

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

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

34 (a) Identify the two or more orders and the order alleged by the
35 registering (~~person~~) party to be the controlling order and the
36 consolidated arrears, if any;

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

3 (c) State that the procedures provided in subsection (2) of this
4 section apply to the determination of which is the controlling order;
5 and

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

9 (4) Upon registration of an income-withholding order for
10 enforcement, the support enforcement agency or the registering tribunal
11 shall notify the obligor's employer pursuant to the income-withholding
12 law of this state.

13 **Sec. 34.** RCW 26.21A.525 and 2002 c 198 s 606 are each amended to
14 read as follows:

15 (1) A nonregistering party seeking to contest the validity or
16 enforcement of a registered support order in this state shall request
17 a hearing within (~~(twenty days after notice of the registration)~~) time
18 required by RCW 26.21A.520. The nonregistering party may seek to
19 vacate the registration, to assert any defense to an allegation of
20 noncompliance with the registered order, or to contest the remedies
21 being sought or the amount of any alleged arrearages pursuant to RCW
22 26.21A.530.

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

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

30 **Sec. 35.** RCW 26.21A.530 and 2002 c 198 s 607 are each amended to
31 read as follows:

32 (1) A party contesting the validity or enforcement of a registered
33 support order or seeking to vacate the registration has the burden of
34 proving one or more of the following defenses:

35 (a) The issuing tribunal lacked personal jurisdiction over the
36 contesting party;

- 1 (b) The order was obtained by fraud;
- 2 (c) The order has been vacated, suspended, or modified by a later
3 order;
- 4 (d) The issuing tribunal has stayed the order pending appeal;
- 5 (e) There is a defense under the law of this state to the remedy
6 sought;
- 7 (f) Full or partial payment has been made;
- 8 (g) The statute of limitation under RCW 26.21A.515 precludes
9 enforcement of some or all of the alleged arrearages; or
- 10 (h) The alleged controlling order is not the controlling order.
- 11 (2) If a party presents evidence establishing a full or partial
12 defense under subsection (1) of this section, a tribunal may stay
13 enforcement of ((the)) a registered support order, continue the
14 proceeding to permit production of additional relevant evidence, and
15 issue other appropriate orders. An uncontested portion of the
16 registered support order may be enforced by all remedies available
17 under the law of this state.
- 18 (3) If the contesting party does not establish a defense under
19 subsection (1) of this section to the validity or enforcement of
20 ((the)) a registered support order, the registering tribunal shall
21 issue an order confirming the order.

22 **Sec. 36.** RCW 26.21A.535 and 2002 c 198 s 608 are each amended to
23 read as follows:

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

28 **Sec. 37.** RCW 26.21A.540 and 2002 c 198 s 609 are each amended to
29 read as follows:

30 A party or support enforcement agency seeking to modify, or to
31 modify and enforce, a child support order issued in another state shall
32 register that order in this state in the same manner provided in ((Part
33 1 of this article)) RCW 26.21A.500 through 26.21A.535 if the order has
34 not been registered. A petition for modification may be filed at the
35 same time as a request for registration, or later. The pleading must
36 specify the grounds for modification.

1 **Sec. 38.** RCW 26.21A.545 and 2002 c 198 s 610 are each amended to
2 read as follows:

3 A tribunal of this state may enforce a child support order of
4 another state registered for purposes of modification, in the same
5 manner as if the order had been issued by a tribunal of this state, but
6 the registered support order may be modified only if the requirements
7 of RCW 26.21A.550 or 26.21A.560 have been met.

8 **Sec. 39.** RCW 26.21A.550 and 2002 c 198 s 611 are each amended to
9 read as follows:

10 (1) If RCW 26.21A.560 does not apply, (~~except as otherwise~~
11 ~~provided in RCW 26.21A.570,~~) upon petition a tribunal of this state
12 may modify a child support order issued in another state which is
13 registered in this state if, after notice and hearing the tribunal
14 finds that:

15 (a) The following requirements are met:

16 (i) Neither the child, nor the obligee who is an individual,
17 (~~and~~) nor the obligor (~~do not~~) resides in the issuing state;

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

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

22 (b) This state is (~~either the state of~~) the residence of the
23 child, or (~~of~~) a party who is an individual is subject to the
24 personal jurisdiction of the tribunal of this state, and all of the
25 parties who are individuals have filed consents in a record in the
26 issuing tribunal for a tribunal of this state to modify the support
27 order and assume continuing, exclusive jurisdiction.

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

32 (3) (~~Except as otherwise provided in RCW 26.21A.570,~~) A tribunal
33 of this state may not modify any aspect of a child support order that
34 may not be modified under the law of the issuing state, including the
35 duration of the obligation of support. If two or more tribunals have
36 issued child support orders for the same obligor and same child, the

1 order that controls and must be so recognized under RCW 26.21A.130
2 establishes the aspects of the support order (~~that~~) which are
3 nonmodifiable.

4 (4) In a proceeding to modify a child support order, the law of the
5 state that is determined to have issued the initial controlling order
6 governs the duration of the obligation of support. The obligor's
7 fulfillment of the duty of support established by that order precludes
8 imposition of a further obligation of support by a tribunal of this
9 state.

10 (5) On the issuance of an order by a tribunal of this state
11 modifying a child support order issued in another state, the tribunal
12 of this state becomes the tribunal having continuing, exclusive
13 jurisdiction.

14 (6) Notwithstanding subsections (1) through (5) of this section and
15 RCW 26.21A.100(2), a tribunal of this state retains jurisdiction to
16 modify an order issued by a tribunal of this state if:

17 (a) One party resides in another state; and

18 (b) The other party resides outside the United States.

19 **Sec. 40.** RCW 26.21A.570 and 2002 c 198 s 615 are each amended to
20 read as follows:

21 (1) Except as otherwise provided in section 56 of this act, if a
22 foreign country (~~or political subdivision that is a state will not or~~
23 may not modify its order)) lacks or refuses to exercise jurisdiction to
24 modify its child support order pursuant to its laws, a tribunal of this
25 state may assume jurisdiction to modify the child support order and
26 bind all individuals subject to the personal jurisdiction of the
27 tribunal whether or not the consent to modification of a child support
28 order otherwise required of the individual pursuant to RCW 26.21A.550
29 has been given or whether the individual seeking modification is a
30 resident of this state or of the foreign country (~~or political~~
31 subdivision)).

32 (2) An order issued by a tribunal of this state modifying a foreign
33 child support order pursuant to this section is the controlling order.

34 NEW SECTION. **Sec. 41.** A new section is added to chapter 26.21A
35 RCW under the subchapter heading "Article 1" to read as follows:

36 APPLICATION OF CHAPTER TO RESIDENT OF FOREIGN COUNTRY AND FOREIGN

1 SUPPORT PROCEEDING. (1) A tribunal of this state shall apply Articles
2 1 through 6 of this chapter and, as applicable, Article 7 of this
3 chapter, to a support proceeding involving:

4 (a) A foreign support order;

5 (b) A foreign tribunal; or

6 (c) An obligee, obligor, or child residing in a foreign country.

7 (2) A tribunal of this state that is requested to recognize and
8 enforce a support order on the basis of comity may apply the procedural
9 and substantive provisions of Articles 1 through 6 of this chapter.

10 (3) Article 7 of this chapter applies only to a support proceeding
11 under the convention. In such a proceeding, if a provision of Article
12 7 of this chapter is inconsistent with a provision of Articles 1
13 through 6 of this chapter, Article 7 of this chapter controls.

14 NEW SECTION. **Sec. 42.** A new section is added to chapter 26.21A
15 RCW under the subchapter heading "Article 2" to read as follows:

16 DURATION OF PERSONAL JURISDICTION. Personal jurisdiction acquired
17 by a tribunal of this state in a proceeding under this chapter or other
18 law of this state relating to a support order continues as long as a
19 tribunal of this state has continuing, exclusive jurisdiction to modify
20 its order or continuing jurisdiction to enforce its order as provided
21 by RCW 26.21A.120, 26.21A.125, and 26.21A.150.

22 NEW SECTION. **Sec. 43.** A new section is added to chapter 26.21A
23 RCW under the subchapter heading "Article 2" to read as follows:

24 APPLICATION OF CHAPTER TO NONRESIDENT SUBJECT TO PERSONAL
25 JURISDICTION. A tribunal of this state exercising personal
26 jurisdiction over a nonresident in a proceeding under this chapter,
27 under other law of this state relating to a support order, or
28 recognizing a foreign support order may receive evidence from outside
29 this state pursuant to RCW 26.21A.275, communicate with a tribunal
30 outside this state pursuant to RCW 26.21A.280, and obtain discovery
31 through a tribunal outside this state pursuant to RCW 26.21A.285. In
32 all other respects, Articles 3 through 6 of this chapter do not apply
33 and the tribunal shall apply the procedural and substantive law of this
34 state.

1 NEW SECTION. **Sec. 44.** A new section is added to chapter 26.21A
2 RCW under the subchapter heading "Article 4" to read as follows:

3 PROCEEDING TO DETERMINE PARENTAGE. A tribunal of this state
4 authorized to determine parentage of a child may serve as a responding
5 tribunal in a proceeding to determine parentage of a child brought
6 under this chapter or a law or procedure substantially similar to this
7 chapter.

8 NEW SECTION. **Sec. 45.** A new section is added to chapter 26.21A
9 RCW to read as follows:

10 PROCEDURE TO REGISTER CHILD SUPPORT ORDER OF FOREIGN COUNTRY FOR
11 MODIFICATION. A party or support enforcement agency seeking to modify,
12 or to modify and enforce, a foreign child support order not under the
13 convention may register that order in this state under RCW 26.21A.500
14 through 26.21A.535 if the order has not been registered. A petition
15 for modification may be filed at the same time as a request for
16 registration, or at another time. The petition must specify the
17 grounds for modification.

18 NEW SECTION. **Sec. 46.** DEFINITIONS. In this article:

19 (1) "Application" means a request under the convention by an
20 obligee or obligor, or on behalf of a child, made through a central
21 authority for assistance from another central authority.

22 (2) "Central authority" means the entity designated by the United
23 States or a foreign country described in RCW 26.21A.010(5)(d) to
24 perform the functions specified in the convention.

25 (3) "Convention support order" means a support order of a tribunal
26 of a foreign country described in RCW 26.21A.010(5)(d).

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

30 (5) "Foreign central authority" means the entity designated by a
31 foreign country described in RCW 26.21A.010(5)(d) to perform the
32 functions specified in the convention.

33 (6) "Foreign support agreement":

34 (a) Means an agreement for support in a record that:

35 (i) Is enforceable as a support order in the country of origin;

36 (ii) Has been:

1 (A) Formally drawn up or registered as an authentic instrument by
2 a foreign tribunal;

3 (B) Authenticated by or concluded, registered, or filed with a
4 foreign tribunal; and

5 (iii) May be reviewed and modified by a foreign tribunal; and

6 (b) Includes a maintenance arrangement or authentic instrument
7 under the convention.

8 (7) "United States central authority" means the secretary of the
9 United States department of health and human services.

10 NEW SECTION. **Sec. 47.** APPLICABILITY. This article applies only
11 to a support proceeding under the convention. In such a proceeding, if
12 a provision of this article is inconsistent with Articles 1 through 6
13 of this chapter, this article controls.

14 NEW SECTION. **Sec. 48.** RELATIONSHIP OF DEPARTMENT OF SOCIAL AND
15 HEALTH SERVICES TO UNITED STATES CENTRAL AUTHORITY. The department of
16 social and health services of this state is recognized as the agency
17 designated by the United States central authority to perform specific
18 functions under the convention.

19 NEW SECTION. **Sec. 49.** INITIATION BY DEPARTMENT OF SOCIAL AND
20 HEALTH SERVICES OF SUPPORT PROCEEDING UNDER CONVENTION. (1) In a
21 support proceeding under this article, the department of social and
22 health services of this state shall:

23 (a) Transmit and receive applications; and

24 (b) Initiate or facilitate the institution of a proceeding
25 regarding an application in a tribunal of this state.

26 (2) The following support proceedings are available to an obligee
27 under the convention:

28 (a) Recognition or recognition and enforcement of a foreign support
29 order;

30 (b) Enforcement of a support order issued or recognized in this
31 state;

32 (c) Establishment of a support order if there is no existing order
33 including, if necessary, determination of parentage of a child;

34 (d) Establishment of a support order if recognition of a foreign
35 support order is refused under section 53 (2), (4), or (9) of this act;

1 (e) Modification of a support order of a tribunal of this state;
2 and

3 (f) Modification of a support order of a tribunal of another state
4 or a foreign country.

5 (3) The following support proceedings are available under the
6 convention to an obligor against which there is an existing support
7 order:

8 (a) Recognition of an order suspending or limiting enforcement of
9 an existing support order of a tribunal of this state;

10 (b) Modification of a support order of a tribunal of this state;
11 and

12 (c) Modification of a support order of a tribunal of another state
13 or a foreign country.

14 (4) A tribunal of this state may not require security, bond, or
15 deposit, however described, to guarantee the payment of costs and
16 expenses in proceedings under the convention.

17 NEW SECTION. **Sec. 50.** DIRECT REQUEST. (1) A petitioner may file
18 a direct request seeking establishment or modification of a support
19 order or determination of parentage of a child. In such a proceeding,
20 the law of this state applies.

21 (2) A petitioner may file a direct request seeking recognition and
22 enforcement of a support order or support agreement. In the
23 proceeding, sections 51 through 58 of this act apply.

24 (3) In a direct request for recognition and enforcement of a
25 convention support order or foreign support agreement:

26 (a) A security, bond, or deposit is not required to guarantee the
27 payment of costs and expenses; and

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

32 (4) A petitioner filing a direct request is not entitled to
33 assistance from the department of social and health services.

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

1 NEW SECTION. **Sec. 51.** REGISTRATION OF CONVENTION SUPPORT ORDER.

2 (1) Except as otherwise provided in this article, a party who is an
3 individual or a support enforcement agency seeking recognition of a
4 convention support order shall register the order in this state as
5 provided in Article 6 of this chapter.

6 (2) Notwithstanding RCW 26.21A.250 and 26.21A.505(1), a request for
7 registration of a convention support order must be accompanied by:

8 (a) A complete text of the support order, or an abstract or extract
9 of the support order drawn up by the issuing foreign tribunal, which
10 may be in the form recommended by the Hague conference on private
11 international law;

12 (b) A record stating that the support order is enforceable in the
13 issuing country;

14 (c) If the respondent did not appear and was not represented in the
15 proceedings in the issuing country, a record attesting, as appropriate,
16 either that the respondent had proper notice of the proceedings and an
17 opportunity to be heard or that the respondent had proper notice of the
18 support order and an opportunity to be heard in a challenge or appeal
19 on fact or law before a tribunal;

20 (d) A record showing the amount of arrears, if any, and the date
21 the amount was calculated;

22 (e) A record showing a requirement for automatic adjustment of the
23 amount of support, if any, and the information necessary to make the
24 appropriate calculations; and

25 (f) If necessary, a record showing the extent to which the
26 applicant received free legal assistance in the issuing country.

27 (3) A request for registration of a convention support order may
28 seek recognition and partial enforcement of the order.

29 (4) A tribunal of this state may vacate the registration of a
30 convention support order without the filing of a contest under section
31 52 of this act, only if, acting on its own motion, the tribunal finds
32 that recognition and enforcement of the order would be manifestly
33 incompatible with public policy.

34 (5) The tribunal shall promptly notify the parties of the
35 registration or the order vacating the registration of a convention
36 support order.

1 NEW SECTION. **Sec. 52.** CONTEST OF REGISTERED CONVENTION SUPPORT
2 ORDER. (1) Except as otherwise provided in this article, RCW
3 26.21A.520 through 26.21A.535 apply to a contest of a registered
4 convention support order.

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

10 (3) If the nonregistering party fails to contest the registered
11 convention support order by the time specified in subsection (2) of
12 this section, the order is enforceable.

13 (4) A contest of a registered convention support order may be based
14 only on grounds set forth in section 53 of this act. The contesting
15 party bears the burden of proof.

16 (5) In a contest of a registered convention support order, a
17 tribunal of this state:

18 (a) Is bound by the findings of fact on which the foreign tribunal
19 based its jurisdiction; and

20 (b) May not review the merits of the order.

21 (6) A tribunal of this state deciding a contest of a registered
22 convention support order shall promptly notify the parties of its
23 decision.

24 (7) A challenge or appeal, if any, does not stay the enforcement of
25 a convention support order unless there are exceptional circumstances.

26 NEW SECTION. **Sec. 53.** RECOGNITION AND ENFORCEMENT OF REGISTERED
27 CONVENTION SUPPORT ORDER. (1) Except as otherwise provided in
28 subsection (2) of this section, a tribunal of this state shall
29 recognize and enforce a registered convention support order.

30 (2) The following grounds are the only grounds on which a tribunal
31 of this state may refuse recognition and enforcement of a registered
32 convention support order:

33 (a) Recognition and enforcement of the order is manifestly
34 incompatible with public policy, including the failure of the issuing
35 tribunal to observe minimum standards of due process, which include
36 notice and an opportunity to be heard;

1 (b) The issuing tribunal lacked personal jurisdiction consistent
2 with RCW 26.21A.100;

3 (c) The order is not enforceable in the issuing country;

4 (d) The order was obtained by fraud in connection with a matter of
5 procedure;

6 (e) A record transmitted in accordance with section 51 of this act
7 lacks authenticity or integrity;

8 (f) A proceeding between the same parties and having the same
9 purpose is pending before a tribunal of this state and that proceeding
10 was the first to be filed;

11 (g) The order is incompatible with a more recent support order
12 involving the same parties and having the same purpose if the more
13 recent support order is entitled to recognition and enforcement under
14 this chapter in this state;

15 (h) Payment, to the extent alleged arrears have been paid in whole
16 or in part;

17 (i) In a case in which the respondent neither appeared nor was
18 represented in the proceeding in the issuing foreign country:

19 (i) If the law of that country provides for prior notice of
20 proceedings, the respondent did not have proper notice of the
21 proceedings and an opportunity to be heard; or

22 (ii) If the law of that country does not provide for prior notice
23 of the proceedings, the respondent did not have proper notice of the
24 order and an opportunity to be heard in a challenge or appeal on fact
25 or law before a tribunal; or

26 (j) The order was made in violation of section 56 of this act.

27 (3) If a tribunal of this state does not recognize a convention
28 support order under subsection (2)(b), (d), (f), or (i) of this
29 section:

30 (a) The tribunal may not dismiss the proceeding without allowing a
31 reasonable time for a party to request the establishment of a new
32 convention support order; and

33 (b) The department of social and health services shall take all
34 appropriate measures to request a child support order for the obligee
35 if the application for recognition and enforcement was received under
36 section 49 of this act.

1 NEW SECTION. **Sec. 54.** PARTIAL ENFORCEMENT. If a tribunal of this
2 state does not recognize and enforce a convention support order in its
3 entirety, it shall enforce any severable part of the order. An
4 application or direct request may seek recognition and partial
5 enforcement of a convention support order.

6 NEW SECTION. **Sec. 55.** FOREIGN SUPPORT AGREEMENT. (1) Except as
7 otherwise provided in subsections (3) and (4) of this section, a
8 tribunal of this state shall recognize and enforce a foreign support
9 agreement registered in this state.

10 (2) An application or direct request for recognition and
11 enforcement of a foreign support agreement must be accompanied by:

12 (a) A complete text of the foreign support agreement; and

13 (b) A record stating that the foreign support agreement is
14 enforceable as an order of support in the issuing country.

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

19 (4) In a contest of a foreign support agreement, a tribunal of this
20 state may refuse recognition and enforcement of the agreement if it
21 finds:

22 (a) Recognition and enforcement of the agreement is manifestly
23 incompatible with public policy;

24 (b) The agreement was obtained by fraud or falsification;

25 (c) The agreement is incompatible with a support order involving
26 the same parties and having the same purpose in this state, another
27 state, or a foreign country if the support order is entitled to
28 recognition and enforcement under this chapter in this state; or

29 (d) The record submitted under subsection (2) of this section lacks
30 authenticity or integrity.

31 (5) A proceeding for recognition and enforcement of a foreign
32 support agreement must be suspended during the pendency of a challenge
33 to or appeal of the agreement before a tribunal of another state or a
34 foreign country.

35 NEW SECTION. **Sec. 56.** MODIFICATION OF CONVENTION CHILD SUPPORT

1 ORDER. (1) A tribunal of this state may not modify a convention child
2 support order if the obligee remains a resident of the foreign country
3 where the support order was issued unless:

4 (a) The obligee submits to the jurisdiction of a tribunal of this
5 state, either expressly or by defending on the merits of the case
6 without objecting to the jurisdiction at the first available
7 opportunity; or

8 (b) The foreign tribunal lacks or refuses to exercise jurisdiction
9 to modify its support order or issue a new support order.

10 (2) If a tribunal of this state does not modify a convention child
11 support order because the order is not recognized in this state,
12 section 53(3) of this act applies.

13 NEW SECTION. **Sec. 57.** PERSONAL INFORMATION--LIMIT ON USE.
14 Personal information gathered or transmitted under this article may be
15 used only for the purposes for which it was gathered or transmitted.

16 NEW SECTION. **Sec. 58.** RECORD IN ORIGINAL LANGUAGE--ENGLISH
17 TRANSLATION. A record filed with a tribunal of this state under this
18 article must be in the original language and, if not in English, must
19 be accompanied by an English translation.

20 NEW SECTION. **Sec. 59.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 26.21A.105 (Procedure when exercising jurisdiction over
23 nonresident) and 2002 c 198 s 202;

24 (2) RCW 26.21A.145 (Continuing, exclusive jurisdiction over
25 nonresident party) and 2002 c 198 s 210; and

26 (3) RCW 26.21A.600 (Proceeding to determine parentage) and 2002 c
27 198 s 701.

28 NEW SECTION. **Sec. 60.** A new section is added to chapter 26.21A
29 RCW under the subchapter heading "Article 9" to read as follows:

30 TRANSITIONAL PROVISION. This act applies to proceedings begun on
31 or after the effective date of this section to establish a support
32 order or determine parentage of a child or to register, recognize,
33 enforce, or modify a prior support order, determination, or agreement,
34 whenever issued or entered.

