

An Act

ENROLLED SENATE
BILL NO. 1327

By: Holt of the Senate

and

Grau of the House

An Act relating to child support; amending 43 O.S. 2011, Sections 601-102, as amended by Section 2, Chapter 104, O.S.L. 2015, 601-201, as amended by Section 6, Chapter 104, O.S.L. 2015, 601-204, as amended by Section 9, Chapter 104, O.S.L. 2015, 601-205, as amended by Section 10, Chapter 104, O.S.L. 2015, 601-206, as amended by Section 11, Chapter 104, O.S.L. 2015, 601-209, as amended by Section 14, Chapter 104, O.S.L. 2015, 601-210, as amended by Section 15, Chapter 104, O.S.L. 2015, 601-304, as amended by Section 18, Chapter 104, O.S.L. 2015, 601-307, as amended by Section 20, Chapter 104, O.S.L. 2015, 601-311, as amended by Section 23, Chapter 104, O.S.L. 2015, 601-313, as amended by Section 25, Chapter 104, O.S.L. 2015, 601-314, 601-316, as amended by Section 26, Chapter 104, O.S.L. 2015, 601-317, as amended by Section 27, Chapter 104, O.S.L. 2015, 601-505, 601-602, as amended by Section 38, Chapter 104, O.S.L. 2015, 601-604, as amended by Section 40, Chapter 104, O.S.L. 2015, 601-605, as amended by Section 41, Chapter 104, O.S.L. 2015, 601-606, as amended by Section 42, Chapter 104, O.S.L. 2015, 601-607, as amended by Section 43, Chapter 104, O.S.L. 2015, 601-611, as amended by Section 47, Chapter 104, O.S.L. 2015, 601-613, as amended by Section 48, Chapter 104, O.S.L. 2015, 601-615, as amended by Section 50, Chapter 104, O.S.L. 2015, 601-701, as amended by Section 52, Chapter 104, O.S.L. 2015, and Sections 55, 56 and 59, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Sections 601-102, 601-201, 601-204, 601-205, 601-206, 601-209, 601-210, 601-304, 601-307, 601-311, 601-313, 601-316, 601-317, 601-602,

601-604, 601-605, 601-606, 601-607, 601-611, 601-613, 601-615, 601-701, 601-704, 601-705 and 601-708), which relate to the Uniform Interstate Family Support Act; modifying definition; specifying form of certain consent; specifying entity; clarifying jurisdictional requirement; clarifying certain procedural requirements; specifying form of certain notice; modifying duties of certain agency; modifying requirement for certain immunity; modifying requirements for certain testimony; modifying certain notice requirements; modifying definitions; updating statutory references; conforming language; providing for recodification; and providing an effective date.

SUBJECT: Uniform Interstate Family Support Act procedures

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

SECTION 1. AMENDATORY 43 O.S. 2011, Section 601-102, as amended by Section 2, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-102), is amended to read as follows:

Section 601-102. ~~As used in~~ In this act:

1. "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent;
2. "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country;
3. "Convention" means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007;

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

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

- a. which has been declared under the law of the United States to be a foreign reciprocating country,
- b. which has established a reciprocal arrangement for child support with this state as provided in Section 601-308 of this title,
- c. which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act, or
- d. in which the Convention is in force with respect to the United States;

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

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

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

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

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

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

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

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

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

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

16. "Obligee" means:

- a. an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued,
- b. a foreign country, state or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support,

- c. an individual seeking a judgment determining parentage of the individual's child, or
- d. a person that is a creditor in a proceeding under Article 7;

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

- a. owes or is alleged to owe a duty of support,
- b. is alleged but has not been adjudicated to be a parent of a child,
- c. is liable under a support order, or
- d. ~~a person that~~ is a ~~creditor~~ debtor in a proceeding under Article 7;

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

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

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

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

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

23. "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child

is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country;

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

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

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

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

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

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

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

SECTION 2. AMENDATORY 43 O.S. 2011, Section 601-201, as amended by Section 6, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-201), is amended to read as follows:

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

1. The individual is personally served with summons within this state;
2. The individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
3. The individual resided with the child in this state;
4. The individual resided in this state and provided prenatal expenses or support for the child;
5. The child resides in this state as a result of the acts or directives of the individual;
6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
7. The individual asserted parentage of a child in the putative father registry maintained in this state by the ~~appropriate agency~~ Oklahoma Department of Human Services; or
8. There is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

B. The bases of personal jurisdiction set forth in subsection A of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of

Section 601-611 of this title are met, or, in the case of a foreign support order, unless the requirements of Section 601-615 are met.

SECTION 3. AMENDATORY 43 O.S. 2011, Section 601-204, as amended by Section 9, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-204), is amended to read as follows:

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

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

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

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

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

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

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

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

SECTION 4. AMENDATORY 43 O.S. 2011, Section 601-205, as amended by Section 10, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-205), is amended to read as follows:

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

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

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

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

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

2. Its order is not the controlling order.

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

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

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

SECTION 5. AMENDATORY 43 O.S. 2011, Section 601-206, as amended by Section 11, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-206), is amended to read as follows:

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

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

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

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

SECTION 6. AMENDATORY 43 O.S. 2011, Section 601-209, as amended by Section 14, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-209), is amended to read as follows:

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

SECTION 7. AMENDATORY 43 O.S. 2011, Section 601-210, as amended by Section 15, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-210), is amended to read as follows:

Section 601-210. A tribunal of this state exercising personal jurisdiction over a nonresident in a proceeding under ~~this act~~ the

Uniform Interstate Family Support Act, under other law of this state relating to a support order or recognizing a foreign support order may receive evidence from outside this state pursuant to Section 601-316 of ~~Title 43 of the Oklahoma Statutes~~ this title, communicate with a tribunal outside this state pursuant to Section 601-317 of ~~Title 43 of the Oklahoma Statutes~~ this title, and obtain discovery through a tribunal ~~of another~~ outside this state pursuant to Section 601-318 of ~~Title 43 of the Oklahoma Statutes~~ this title. In all other respects, Articles 3 through 7 6 of this title do not apply and the tribunal shall apply the procedural and substantive law of this state.

SECTION 8. AMENDATORY 43 O.S. 2011, Section 601-304, as amended by Section 18, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-304), is amended to read as follows:

Section 601-304. A. Upon the filing of a petition authorized under this act, an initiating tribunal of this state shall forward the petition and its accompanying documents:

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

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

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

SECTION 9. AMENDATORY 43 O.S. 2011, Section 601-307, as amended by Section 20, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-307), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 10. AMENDATORY 43 O.S. 2011, Section 601-311, as amended by Section 23, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-311), is amended to read as follows:

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

B. The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the

requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

SECTION 11. AMENDATORY 43 O.S. 2011, Section 601-313, as amended by Section 25, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-313), is amended to read as follows:

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

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

C. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under ~~Sections 601-601 through 601-612~~ Article 6 of this title, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

SECTION 12. AMENDATORY 43 O.S. 2011, Section 601-314, is amended to read as follows:

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

B. A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under ~~this act~~ the Uniform Interstate Family Support Act.

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

SECTION 13. AMENDATORY 43 O.S. 2011, Section 601-316, as amended by Section 26, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-316), is amended to read as follows:

Section 601-316. A. The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

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

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

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

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

F. In a proceeding under this act, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

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

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

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

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

SECTION 14. AMENDATORY 43 O.S. 2011, Section 601-317, as amended by Section 27, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-317), is amended to read as follows:

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

SECTION 15. AMENDATORY 43 O.S. 2011, Section 601-505, is amended to read as follows:

Section 601-505. An employer ~~who~~ that willfully fails to comply with an income-withholding order issued by in another state and received for enforcement is subject to the same penalties that may

be imposed for noncompliance with an order issued by a tribunal of this state.

SECTION 16. AMENDATORY 43 O.S. 2011, Section 601-602, as amended by Section 38, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-602), is amended to read as follows:

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

1. A letter of transmittal to the tribunal requesting registration and enforcement;
2. Two copies, including one certified copy, of the order to be registered, including any modification of the order;
3. A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;
4. The name of the obligor and, if known:
 - a. the obligor's address and social security number,
 - b. the name and address of the obligor's employer and any other source of income of the obligor, and
 - c. a description and the location of property of the obligor in this state not exempt from execution; and
5. Except as otherwise provided in Section 601-312 of this title, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

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

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

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

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

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

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

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

SECTION 17. AMENDATORY 43 O.S. 2011, Section 601-604, as amended by Section 40, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-604), is amended to read as follows:

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

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

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

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

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

C. A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or foreign country registered in this state.

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

SECTION 18. AMENDATORY 43 O.S. 2011, Section 601-605, as amended by Section 41, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-605), is amended to read as follows:

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

B. A notice must inform the nonregistering party:

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

2. That a hearing to contest the validity or enforcement of the registered order must be requested within twenty (20) days after ~~the date of mailing or personal service of the notice unless the~~ registered order is under Section 601-707 of this title;

3. That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages

~~and precludes further contest of that order with respect to any matter that could have been asserted; and~~

4. Of the amount of any alleged arrearages.

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

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

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

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

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

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

SECTION 19. AMENDATORY 43 O.S. 2011, Section 601-606, as amended by Section 42, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-606), is amended to read as follows:

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

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

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

SECTION 20. AMENDATORY 43 O.S. 2011, Section 601-607, as amended by Section 43, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-607), is amended to read as follows:

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

1. The issuing tribunal lacked personal jurisdiction over the contesting party;
2. The order was obtained by fraud;
3. The order has been vacated, suspended, or modified by a later order;
4. The issuing tribunal has stayed the order pending appeal;
5. There is a defense under the law of this state to the remedy sought;
6. Full or partial payment has been made;
7. The statute of limitation under Section 601-604 of this title precludes enforcement of some or all of the alleged arrearages; or
8. The alleged controlling order is not the controlling order.

B. If a party presents evidence establishing a full or partial defense under subsection A of this section, a tribunal may stay enforcement of a registered support order, continue the proceeding

to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

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

SECTION 21. AMENDATORY 43 O.S. 2011, Section 601-611, as amended by Section 47, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-611), is amended to read as follows:

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

1. The following requirements are met:
 - a. neither the child, nor the obligee who is an individual, nor the obligor resides in the issuing state,
 - b. a petitioner who is a nonresident of this state seeks modification, and
 - c. the respondent is subject to the personal jurisdiction of the tribunal of this state; or

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

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

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

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

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

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

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

SECTION 22. AMENDATORY 43 O.S. 2011, Section 601-613, as amended by Section 48, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-613), is amended to read as follows:

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

B. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of Articles 1 and 2, this

article, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Articles 3, 4, 5, 7, and 8 do not apply.

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

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

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

SECTION 24. AMENDATORY 43 O.S. 2011, Section 601-701, as amended by Section 52, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-701), is amended to read as follows:

Section 601-701. In this article:

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

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

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

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

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

6. "Foreign support agreement":

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

~~a.~~

(1) is enforceable as a support order in the country of origin,

~~b.~~

(2) has been:

~~(1)~~

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

~~(2)~~

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

~~c.~~

(3) may be reviewed and modified by a foreign tribunal, and

~~d.~~

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

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

SECTION 25. AMENDATORY Section 55, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-704), is amended to read as follows:

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

1. Transmit and receive applications; and
2. Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this state.

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

1. Recognition or recognition and enforcement of a foreign support order;
2. Enforcement of a support order issued or recognized in this state;
3. Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;
4. Establishment of a support order if recognition of a foreign support order is refused under ~~subparagraph b of paragraph 2 of Section 601-708 of Title 43 of the Oklahoma Statutes or paragraph paragraphs 2, 4 or 9 of subsection B of Section 601-708 of Title 43 of the Oklahoma Statutes~~ this title;
5. Modification of a support order of a tribunal of this state; and
6. Modification of a support order of a tribunal of another state or a foreign country.

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

1. Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;
2. Modification of a support order of a tribunal of this state; and
3. Modification of a support order of a tribunal of another state or a foreign country.

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

SECTION 26. AMENDATORY Section 56, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-705), is amended to read as follows:

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

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

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

1. A security, bond or deposit is not required to guarantee the payment of costs and expenses; and
2. An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances.

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

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

SECTION 27. AMENDATORY Section 59, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-708), is amended to read as follows:

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

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

1. Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;
2. The issuing tribunal lacked personal jurisdiction consistent with Section 601-201 of ~~Title 43 of the Oklahoma Statutes~~ this title;
3. The order is not enforceable in the issuing country;
4. The order was obtained by fraud in connection with a matter of procedure;
5. A record transmitted in accordance with Section 601-706 of this title lacks authenticity or integrity;
6. A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed;

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

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

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

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

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

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

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

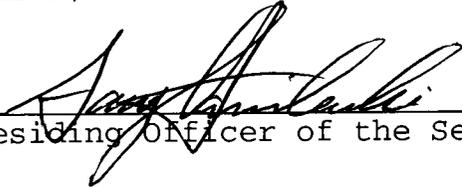
2. ~~The appropriate governmental entity~~ Oklahoma Department of Human Services shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under Section 601-704 of ~~Title 43 of the Oklahoma Statutes~~ this title.

SECTION 28. RECODIFICATION Section 65, Chapter 104, O.S.L. 2015 (43 O.S. Supp. 2015, Section 601-714), shall be

recodified as Section 601-902 of Title 43 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 29. This act shall become effective November 1, 2016.

Passed the Senate the 7th day of March, 2016.


Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2016.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 18th
day of April, 20 16, at 3:24 o'clock P M.
By: Audrey Roelwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 16, at 9:52 o'clock A M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 16, at 11:13 o'clock A. M.
By: Christ Bunge