

## CHAPTER 130 - INTERJURISDICTIONAL ENFORCEMENT OF SUPPORT

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#### **MISCELLANEOUS PROVISIONS**

##### **SECTION 130.015 Requests between states for assistance to enforce support order; maintenance of records.**

1. If a support-enforcement agency of this state receives a request from a support-enforcement agency of another state to enforce a support order, the support-enforcement agency of this state shall respond to the request as required by 42 U.S.C. § 666. The request shall be deemed to constitute a certification by the support-enforcement agency of the other state:

- (a) Of the amount of support under the order for which payment is in arrears; and
- (b) That the agency has complied with all requirements for procedural due process applicable to the case.

2. A support-enforcement agency of this state may, by electronic or other means, transmit to the appropriate agency of another state a request for assistance in a case involving the enforcement of a support order. The request must include:

(a) Such information as will enable the agency to which the request is transmitted to compare information about the case to information maintained in that state; and

- (b) A certification by the support-enforcement agency of this state:
  - (1) Of the amount of support under the order for which payment is in arrears; and
  - (2) That the agency has complied with all requirements for procedural due process applicable to the case.

3. If a support-enforcement agency of this state provides assistance to a support-enforcement agency of another state pursuant to subsection 1, no support-enforcement agency of this state may, for the purposes of Title IV of the Social Security Act (42 U.S.C. §§ 601 et seq.), consider the case to be transferred to the caseload of this state.

4. A support-enforcement agency of this state shall maintain records of:

- (a) The number of requests received from a support-enforcement agency of another state pursuant to subsection 1;
- (b) The number of cases for which the support-enforcement agency of this state collected support in response to such a request; and
- (c) The amount of support collected in response to such a request.

##### **SECTION 130.025 Jurisdiction by arrest.**

1. If a tribunal of this state believes that an obligor may flee, it may:

- (a) As an initiating tribunal, request that the responding tribunal obtain the body of the obligor by appropriate process; or
- (b) As a responding tribunal, obtain the body of the obligor by appropriate process.

2. Thereafter, the tribunal of this state may, by appropriate process, release the obligor upon his own recognizance or upon his giving a bond in an amount set to ensure his appearance at the hearing.

##### **SECTION 130.035 Declaration of foreign nation as state for purposes of chapter.**

1. When the Attorney General is satisfied that reciprocal provisions will be made by any foreign jurisdiction for the enforcement therein of support orders made within this state, the Attorney General may declare the foreign

jurisdiction to be a state for the purpose of this chapter. Any such declaration may be revoked by the Attorney General.

2. As used in this section, “foreign jurisdiction” means a foreign sovereign nation or a political subdivision thereof.

**SECTION 130.045 Responding tribunals of State: Prohibition against staying proceedings or refusing hearings under certain circumstances; duties and powers.** Except as otherwise required by the provisions of this chapter, a responding tribunal of this state:

1. Shall not stay a proceeding or refuse a hearing pursuant to this chapter because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption or custody in this or any other state.

2. Shall hold a hearing pursuant to this chapter and may issue a support order pendente lite and, in aid thereof, require the obligor to give a bond for the prompt prosecution of the pending proceeding.

## **INTERSTATE FAMILY SUPPORT (UNIFORM ACT)**

### **Article 1—General Provisions**

**SECTION 130.0902 Short title.** [SECTION 130.0902](#) to [130.802](#), inclusive, may be cited as the Uniform Interstate Family Support Act.

**SECTION 130.0904 Uniformity of application and construction.** The Uniform Interstate Family Support Act must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of that Act among states enacting it.

**SECTION 130.101 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in [SECTION 130.10103](#) to [130.10191](#), inclusive, have the meanings ascribed to them in those sections.

**SECTION 130.10103 “Child” defined.** “Child” means a natural person, whether over or under the age of majority, who is or is alleged to be owed a duty of support by his parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

**SECTION 130.10107 “Child-support order” defined.** “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.

**SECTION 130.10111 “Duty of support” defined.** “Duty of support” means an obligation imposed or impossible by law to provide support for a child, spouse or former spouse, including an unsatisfied obligation to provide support.

**SECTION 130.10115 “Employer” defined.** “Employer” includes, but is not limited to, any person or other entity required to withhold income pursuant to [SECTION 31A.010](#) to [31A.190](#), inclusive.

**SECTION 130.10119 “Home state” defined.** “Home state” means the state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately preceding the time of filing a petition or comparable pleading for support and, if a child is less than 6 months old, the state in which the child lived from birth with a parent or a person acting as a parent. A period of temporary absence of any of those persons is counted as part of the 6-month or other period.

**SECTION 130.10123 “Income” defined.** “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.

**SECTION 130.10127 “Income-withholding order” defined.** “Income-withholding order” means an order or other legal process directed to an employer of an obligor to withhold support from the income of the obligor.

**SECTION 130.10131 “Initiating state” defined.** “Initiating state” means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

**SECTION 130.10135 “Initiating tribunal” defined.** “Initiating tribunal” means an authorized tribunal in an initiating state.

**SECTION 130.10139 “Issuing state” defined.** “Issuing state” means a state in which a tribunal issues a support order or renders a judgment determining parentage.

**SECTION 130.10143 “Issuing tribunal” defined.** “Issuing tribunal” means a tribunal that issues a support order or renders a judgment determining parentage.

**SECTION 130.10147 “Law” defined.** “Law” includes decisional and statutory law and rules and regulations having the force of law.

**SECTION 130.10151 “Obligee” defined.** “Obligee” means:

1. A natural person to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;
2. A state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or
3. A natural person seeking a judgment determining parentage of his child.

**SECTION 130.10155 “Obligor” defined.** “Obligor” means a natural person, or the estate of a decedent, who:

1. Owes or is alleged to owe a duty of support;
2. Is alleged but has not been adjudicated to be a parent of a child; or
3. Is liable under a support order.

**SECTION 130.10159 “Register” defined.** “Register” means to file a support order or judgment determining parentage with the clerk of a district court of this state.

**SECTION 130.10163 “Registering tribunal” defined.** “Registering tribunal” means a tribunal in which a support order is registered.

**SECTION 130.10167 “Responding state” defined.** “Responding state” means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under the Uniform Interstate Family

Support Act or a law or procedure substantially similar to that Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

**SECTION 130.10171 “Responding tribunal” defined.** “Responding tribunal” means an authorized tribunal in a responding state.

**SECTION 130.10175 “Spousal-support order” defined.** “Spousal-support order” means a support order for a spouse or former spouse of an obligor.

**SECTION 130.10179 “State” defined.** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

1. An Indian tribe; and
2. A foreign jurisdiction that:
  - (a) Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures established under the Uniform Interstate Family Support Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act;
  - (b) Is declared to be a foreign reciprocating country pursuant to 42 U.S.C. § 659a; or
  - (c) Is declared to be a state pursuant to [SECTION 130.035](#).

**SECTION 130.10183 “Support-enforcement agency” defined.** “Support-enforcement agency” means a public official or agency authorized to:

1. Seek the enforcement of support orders or laws relating to the duty of support;
2. Seek the establishment or modification of child support;
3. Seek a determination of parentage; or
4. Locate obligors or their assets.

**SECTION 130.10187 “Support order” defined.** “Support order” means a judgment, decree or order, whether temporary, final or subject to modification, for the benefit of a child, spouse or former spouse, which provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest, the withholding of income, attorney’s fees and other relief.

**SECTION 130.10191 “Tribunal” defined.** “Tribunal” means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

**SECTION 130.102 Tribunal of state.** The district court and, within the limitations of authority granted pursuant to [SECTION 3.405](#), [125.005](#) or [425.381](#) to [425.3852](#), inclusive, a master or referee appointed pursuant to any of those sections, are the tribunals of this state.

**SECTION 130.103 Remedies cumulative.** Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

## Article 2—Jurisdiction

### Extended Personal Jurisdiction

**SECTION 130.201 Bases for jurisdiction over nonresident.** In a proceeding to establish, enforce or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident if:

1. He is personally served with a summons or other notice of the proceeding within this state;
2. He submits to the jurisdiction of this state by consent, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
3. He resided with the child in this state;
4. He 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 nonresident;
6. He engaged in sexual intercourse in this state, and the child may have been conceived by that act of intercourse; or
7. There is any other basis consistent with the Constitution of this state and the Constitution of the United States for the exercise of personal jurisdiction.

**SECTION 130.202 Procedure when exercising jurisdiction over nonresident.** A tribunal of this state exercising personal jurisdiction over a nonresident under [SECTION 130.201](#) may apply [SECTION 130.316](#) to receive evidence from another state and [SECTION 130.318](#) to obtain discovery through a tribunal of another state. In all other respects, [SECTION 130.301](#) to [130.701](#), inclusive, do not apply and the tribunal shall apply the procedural and substantive law of this state, including the rules on choice of law other than those established by this chapter.

### Proceedings Involving Two or More States

**SECTION 130.203 Initiating and responding tribunal of state.** Under this chapter, a tribunal of this state may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

**SECTION 130.204 Simultaneous proceedings in another state.**

1. 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 only if:
  - (a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
  - (b) The contesting party challenges the exercise of jurisdiction in the other state in a timely manner; and
  - (c) If relevant, this state is the home state of the child.
2. 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 if:
  - (a) The petition or comparable pleading in the other state 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;
  - (b) The contesting party challenges the exercise of jurisdiction in this state in a timely manner; and
  - (c) If relevant, the other state is the home state of the child.

**SECTION 130.205 Continuing, exclusive jurisdiction.**

1. A tribunal of this state issuing a support order consistent with the law of this state has continuing and exclusive jurisdiction over a child-support order:
  - (a) As long as this state remains the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued; or
  - (b) Until all of the parties who are natural persons have filed written consents with the tribunal of this state for a tribunal of another state to modify the order and assume continuing and exclusive jurisdiction.

2. A tribunal of this state issuing a child-support order consistent with the law of this state may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act.

3. If a child-support order of this state is modified by a tribunal of another state pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act, a tribunal of this state loses its continuing and exclusive jurisdiction with regard to prospective enforcement of the order issued in this state and may only:

(a) Enforce the order that was modified as to amounts accruing before the modification;

(b) Enforce aspects of that order that may not be modified; and

(c) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

4. A tribunal of this state shall recognize the continuing and exclusive jurisdiction of a tribunal of another state that has issued a child-support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act.

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

6. A tribunal of this state issuing a support order consistent with the law of this state has continuing and exclusive jurisdiction over a spousal-support order throughout the existence of the support obligation. A tribunal of this state may not modify a spousal-support order issued by a tribunal of another state having continuing and exclusive jurisdiction over that order under the law of that state.

#### **SECTION 130.206 Enforcement and modification of support order by tribunal having continuing jurisdiction.**

1. A tribunal of this state may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

2. A tribunal of this state having continuing and exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing and exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply [SECTION 130.316](#) to receive evidence from another state and [SECTION 130.318](#) to obtain discovery through a tribunal of another state.

3. A tribunal of this state which lacks continuing and exclusive jurisdiction over a spousal-support order may not serve as a responding tribunal to modify a spousal-support order of another state.

### **Reconciliation of Multiple Orders**

#### **SECTION 130.207 Recognition of controlling child-support order.**

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

2. If a proceeding is brought under this chapter and two or more child-support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing and exclusive jurisdiction:

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

(b) If more than one of the tribunals would have continuing and exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(c) If none of the tribunals would have continuing and exclusive jurisdiction under this chapter, the tribunal of this state having jurisdiction over the parties shall issue a child-support order which controls and must be so recognized.

3. If two or more child-support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and must be so recognized under subsection 2. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.



4. The tribunal that issued the controlling order under subsection 1, 2 or 3 is the tribunal that has continuing and exclusive jurisdiction under [SECTION 130.205](#).

5. A tribunal of this state which determines by order the identity of the controlling order under paragraph (a) or (b) of subsection 2 or which issues a new controlling order under paragraph (c) of subsection 2 shall state in that order the basis upon which the tribunal made its determination.

6. Within 90 days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

**SECTION 130.208 Multiple child-support orders for two or more obligees.** In responding to multiple registrations or petitions for the enforcement of two or more child-support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this state shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this state.

**SECTION 130.209 Credit for payments.** Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by a tribunal of this state.

### Article 3—Civil Provisions of General Application

#### **SECTION 130.301 Proceedings under act.**

1. Except as otherwise provided in this chapter, [SECTION 130.301](#) to [130.319](#), inclusive, apply to all proceedings under the Uniform Interstate Family Support Act.

2. The Uniform Interstate Family Support Act provides for the following proceedings:

(a) The establishment of an order for spousal support or child support pursuant to [SECTION 130.401](#);

(b) The enforcement of a support order and income-withholding order of another state without registration pursuant to [SECTION 130.501](#) to [130.507](#), inclusive;

(c) The registration of an order for spousal support or child support of another state for enforcement pursuant to [SECTION 130.601](#) to [130.614](#), inclusive;

(d) The modification of an order for child support or spousal support issued by a tribunal of this state pursuant to [SECTION 130.203](#) to [130.206](#), inclusive;

(e) The registration of an order for child support of another state for modification pursuant to [SECTION 130.601](#) to [130.614](#), inclusive;

(f) The determination of parentage pursuant to [SECTION 130.701](#); and

(g) The assertion of jurisdiction over nonresidents pursuant to [SECTION 130.201](#) and [130.202](#).

3. An individual petitioner or a support-enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

**SECTION 130.302 Action by minor parent.** A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

**SECTION 130.303 Application of law of state.** Except as otherwise provided in this chapter, a responding tribunal of this state:

1. Shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and

2. Shall determine the duty of support and the amount payable in accordance with the law of this state.

**SECTION 130.304 Duties of initiating tribunal.**

1. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this state shall forward three copies of the petition and its accompanying documents:

- (a) To the responding tribunal or appropriate support-enforcement agency in the responding state; or
- (b) 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.

2. If a responding state has not enacted the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act, a tribunal of this state may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

**SECTION 130.305 Duties and powers of responding tribunal.**

1. When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection 3 of [SECTION 130.301](#), it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

2. A responding tribunal of this state, to the extent otherwise authorized by law, may do one or more of the following:

- (a) Issue or enforce a support order, modify a child-support order or render a judgment to determine parentage;
- (b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;
- (c) Order the withholding of income;
- (d) Determine the amount of any arrearages and specify a method of payment;
- (e) Enforce orders by civil or criminal contempt, or both;
- (f) Set aside property for satisfaction of the support order;
- (g) Place liens and order execution on the obligor's property;
- (h) Order an obligor to keep the tribunal informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;
- (i) Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;
- (j) Order the obligor to seek appropriate employment by specified methods;
- (k) Award reasonable attorney's fees and other fees and costs; and
- (l) Grant any other available remedy.

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

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

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

**SECTION 130.306 Inappropriate tribunal.** If a petition or comparable pleading is received by an inappropriate tribunal of this state, it shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner where and when the pleading was sent.

**SECTION 130.307 Duties of support-enforcement agency.**

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

2. A support-enforcement agency that is providing services to the petitioner as appropriate shall:

- (a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent;
- (b) Request an appropriate tribunal to set a date, time and place for a hearing;

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

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

(e) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or his attorney, send a copy of the communication to the petitioner; and

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

3. This chapter 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 natural person being assisted by the agency.

**SECTION 130.308 Duty of Attorney General.** If the Attorney General determines that the support-enforcement agency is neglecting or refusing to provide services to a natural person, the Attorney General may order the agency to perform its duties under this chapter or may provide those services directly to the person.

**SECTION 130.309 Private counsel.** A natural person may employ private counsel to represent him in proceedings authorized by this chapter.

**SECTION 130.310 Duties of State Information Agency.**

1. The central unit established pursuant to [SECTION 425.400](#) is the State Information Agency under this chapter.

2. The State Information Agency shall:

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

(b) Maintain a register of tribunals and support-enforcement agencies received from other states;

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

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

**SECTION 130.311 Pleadings and accompanying documents.**

1. A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered pursuant to [SECTION 130.312](#), the petition or accompanying documents must provide, so far as known, the name, residential address and social security number of the obligor and the obligee, and the name, sex, residential address, social security number and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

2. 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 130.312 Nondisclosure of information in exceptional circumstances.** Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

**SECTION 130.313 Costs and fees.**

1. Except as otherwise required pursuant to Section 16 of Article 6 of the Nevada Constitution, a petitioner must not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees and other costs, expenses for necessary travel and other reasonable expenses incurred by the obligee and the witnesses of the obligee. 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, except as otherwise provided by other law. Attorney's fees may be taxed as costs and may be ordered to be paid directly to the attorney, who may enforce the order in his own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

3. 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 pursuant to [SECTION 130.601](#) to [130.614](#), inclusive, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change. This presumption is subject to rebuttal.

4. All attorney's fees and other costs and expenses awarded to and collected by a district attorney pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

**SECTION 130.314 Limited immunity of petitioner.**

1. Participation by a petitioner in a proceeding 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.

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

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

**SECTION 130.315 Nonparentage as defense.** A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

**SECTION 130.316 Special rules of evidence and procedure.**

1. The physical presence of a petitioner in a responding 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.

2. A verified petition, an affidavit, a document substantially complying with federally mandated forms and a document incorporated by reference in any of them, not excluded under [SECTION 51.065](#) if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

3. 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 therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

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

6. In a proceeding under this chapter, a tribunal of this state may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means or other electronic means at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between husband and wife does not apply in a proceeding under this chapter.

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

**SECTION 130.317 Communication between tribunals.** A tribunal of this state may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this state may furnish similar information by similar means to a tribunal of another state.

**SECTION 130.318 Assistance with discovery.** A tribunal of this state may:

1. Request a tribunal of another state to assist in obtaining discovery; and
2. Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

**SECTION 130.319 Receipt and disbursement of payments.** A support-enforcement agency or tribunal of this state shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

#### **Article 4—Establishment of Support Order**

**SECTION 130.401 Issuance of support order.**

1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this state may issue a support order if:
  - (a) The natural person seeking the order resides in another state; or
  - (b) The support-enforcement agency seeking the order is located in another state.
2. The tribunal may issue a temporary child-support order if:
  - (a) The respondent has signed a verified statement acknowledging parentage;
  - (b) The respondent has been determined by or pursuant to law to be the parent; or
  - (c) There is other clear and convincing evidence that the respondent is the parent of the child.
3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to [SECTION 130.305](#).

#### **Article 5—Enforcement of Order of Another State Without Registration**

**SECTION 130.501 Employer's receipt of income-withholding order of another state.** An income-withholding order issued in another state may be sent to an employer of an obligor in this state without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

**SECTION 130.502 Employer's compliance with income-withholding order of another state.**

1. Upon receipt of an income-withholding order, an employer of an obligor shall immediately provide a copy of the order to the obligor.
2. The employer shall treat an income-withholding order issued in another state that appears regular on its face as if it had been issued by a tribunal of this state.
3. Except as otherwise provided in subsection 4 and [SECTION 130.503](#), the employer shall withhold and distribute the money as directed in the withholding order by complying with terms of the order which specify:
  - (a) The duration and amount of periodic payments of current child support, stated as a sum certain;
  - (b) The person or agency designated to receive payments and the address to which the payments are to be forwarded;
  - (c) Requirements for medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

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

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

4. An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

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

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

(c) The times within which the employer must implement the withholding order and forward the child-support payment; and

(d) Any terms or conditions of withholding not specified in the withholding order.

**SECTION 130.503 Employer's compliance with multiple income-withholding orders.** If an employer of an obligor receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child-support obligees.

**SECTION 130.504 Immunity from civil liability.** An employer who complies with an income-withholding order issued in another state in accordance with [SECTION 130.501](#) to [130.507](#), inclusive, is not subject to civil liability to a natural person or agency with regard to the withholding of child support by the employer from the income of the obligor.

**SECTION 130.505 Penalties for noncompliance.** An employer who willfully fails to comply with an income-withholding order issued by 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 130.506 Contest by obligor.**

1. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this state by requesting, within 15 days after he receives a copy of the order pursuant to [SECTION 130.502](#), a tribunal of this state to conduct a hearing for that purpose.

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

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

(b) Each employer that has directly received an income-withholding order; and

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

3. The obligor has the burden of proving one or more of the following defenses:

(a) The tribunal that issued the order lacked personal jurisdiction over the obligor;

(b) The order was obtained by fraud;

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

(d) There is a mistake of fact as to the amount of the order or the identity of the obligor.

4. The provisions of [SECTION 130.604](#) apply to the contest. If the tribunal determines:

(a) Any of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall issue an order to stay the withholding.

(b) None of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall order the employer to proceed with the withholding, and may assess costs and attorney's fees against the obligor.

5. The tribunal shall provide the parties and employer with notice of its decision within 45 days after the obligor received a copy of the order pursuant to [SECTION 130.502](#).

**SECTION 130.507 Administrative enforcement of orders.**

1. A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support-enforcement agency of this state.

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

## **Article 6—Enforcement and Modification of Support Order After Registration**

### **Registration and Enforcement of Support Order**

**SECTION 130.601 Registration of order for enforcement.** A support order or an income-withholding order issued by a tribunal of another state may be registered in this state for enforcement.

**SECTION 130.602 Procedure to register order for enforcement.**

1. A support order or income-withholding order of another state may be registered in this state by sending the following documents and information to the State Information Agency in this state:

- (a) A letter of transmittal requesting registration and enforcement;
  - (b) Two copies, including one certified copy, of all orders to be registered, including any modification of an order;
  - (c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;
  - (d) The name of the obligor and, if known:
    - (1) The address and social security number of the obligor;
    - (2) The name and address of the employer of the obligor and any other source of income of the obligor; and
    - (3) A description and the location of property of the obligor in this state that is not exempt from execution;
- and

(e) The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

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

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

**SECTION 130.603 Effect of registration for enforcement.**

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

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

3. Except as otherwise provided in [SECTION 130.601](#) to [130.614](#), inclusive, a tribunal of this state shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

**SECTION 130.604 Choice of law.**

1. The law of the issuing state governs the nature, extent, amount and duration of current payments and other obligations of support and the payment of arrearages under the order.

2. In a proceeding for arrearages, the statute of limitation under the law of this state or of the issuing state, whichever is longer, applies.

### **Contest of Validity or Enforcement**

**SECTION 130.605 Notice of registration of order.**

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

2. The notice must inform the nonregistering party:

(a) 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;

(b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the notice;

(c) 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

(d) Of the amount of any alleged arrearages.

3. Upon registration of an income-withholding order for enforcement, the registering tribunal shall cause appropriate notice of the order to be provided to the employer of the obligor in accordance with [chapter 31A](#) of SECTION.

#### **SECTION 130.606 Procedure to contest validity or enforcement of registered order.**

1. A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to [SECTION 130.607](#).

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

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

#### **SECTION 130.607 Contest of registration or enforcement.**

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

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

(b) The order was obtained by fraud;

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

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

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

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

(g) The statute of limitation applicable pursuant to [SECTION 130.604](#) precludes enforcement of some or all of the arrearages.

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

3. If the contesting party does not establish a defense under subsection 1 to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

**SECTION 130.608 Confirmed order.** Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

### **Registration and Modification of Child-Support Order**

**SECTION 130.609 Procedure to register child-support order of another state for modification.** A party or support-enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another



state shall register that order in this state in the same manner provided in [SECTION 130.601](#) to [130.604](#), inclusive, if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or later. The pleading must specify the grounds for modification.

**SECTION 130.610 Effect of registration for modification.** A tribunal of this state may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this state, but the registered order may be modified only if the requirements of [SECTION 130.611](#) have been met.

**SECTION 130.611 Modification of child-support order of another state.**

1. After a child-support order issued in another state has been registered in this state, the responding tribunal of this state may modify that order only if [SECTION 130.613](#) does not apply and after notice and hearing it finds that:

(a) The following requirements are met:

- (1) The child, the individual obligee and the obligor do not reside in the issuing state;
- (2) A petitioner who is a nonresident of this state seeks modification; and
- (3) The respondent is subject to the personal jurisdiction of the tribunal of this state; or

(b) The child, or a party who is a natural person, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are natural persons have filed written consents in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing and exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures established by the Uniform Interstate Family Support Act, the consent otherwise required of a natural person residing in this state is not required for the tribunal to assume jurisdiction to modify the child-support order.

2. 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.

3. 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. If two or more tribunals have issued child-support orders for the same obligor and child, the order that controls and must be so recognized under [SECTION 130.207](#) establishes the aspects of the support order which may not be modified.

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

**SECTION 130.612 Recognition of order modified in another state.** A tribunal of this state shall recognize a modification of its earlier child-support order by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that Act and, upon request, except as otherwise provided in this chapter, shall:

1. Enforce the order that was modified only as to amounts accruing before the modification;
2. Enforce only aspects of that order that may not be modified;
3. Provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
4. Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

**SECTION 130.613 Jurisdiction to modify child-support order of another state when individual parties reside in this state.**

1. If all of the parties who are natural persons 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 child-support order of the issuing state in a proceeding to register that order.

2. A tribunal of this state exercising jurisdiction under this section shall apply the provisions of [SECTION 130.0902](#) to [130.209](#), inclusive, and [130.601](#) to [130.614](#), inclusive, and the procedural and substantive law of this state to the proceeding for enforcement or modification. The provisions of [SECTION 130.301](#) to [130.507](#), inclusive, and [130.701](#), [130.801](#) and [130.802](#) do not apply.

**SECTION 130.614 Notice to issuing tribunal of modification.** Within 90 days after the issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing and exclusive jurisdiction over the earlier order and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing and exclusive jurisdiction.

## **Article 7—Determination of Parentage**

### **SECTION 130.701 Proceeding to determine parentage.**

1. A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under the Uniform Interstate Family Support Act or a law or procedure substantially similar to that Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

2. In a proceeding to determine parentage, a responding tribunal of this state shall apply the procedural and substantive law of this state and the rules of this state on choice of law.

## **Article 8—Interstate Rendition**

### **SECTION 130.801 Grounds for rendition.**

1. For the purposes of this section and [SECTION 130.802](#), “governor” includes a natural person performing the functions of governor or the executive authority of a state covered by this chapter.

2. The Governor of this state may:

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

(b) On the demand of the governor of another state, surrender a natural person found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

3. A provision for extradition of natural persons that is not inconsistent with this chapter applies to the demand even if the natural person whose surrender is demanded was not in the state making the demand when the crime was allegedly committed and has not fled therefrom.

### **SECTION 130.802 Conditions of rendition.**

1. Before making a demand that the governor of another state surrender a natural person charged criminally in this state with having failed to provide for the support of an obligee, the Governor of this state may require a prosecutor of this state to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

2. If, under the Uniform Interstate Family Support Act or a law substantially similar to that Act, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the Governor of this state surrender a natural person charged criminally in that state with having failed to provide for the support of a child or other natural person to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

3. If a proceeding for support has been initiated and the natural person whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the natural person whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the person is complying with the support order.