

HOUSE BILL NO. 860

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

1814H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 454.849, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 454.991, 454.993, 454.995, and 454.999, RSMo, relating to the uniform interstate family support act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 454.849, 454.850, 454.853, 454.855, 454.857, 454.860, 454.862, 2 454.865, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.882, 454.885, 454.887, 3 454.890, 454.892, 454.895, 454.897, 454.900, 454.902, 454.905, 454.907, 454.910, 454.912, 4 454.915, 454.917, 454.920, 454.922, 454.927, 454.930, 454.932, 454.934, 454.936, 454.938, 5 454.941, 454.943, 454.946, 454.948, 454.951, 454.953, 454.956, 454.958, 454.961, 454.963, 6 454.966, 454.968, 454.971, 454.973, 454.976, 454.978, 454.981, 454.983, 454.986, 454.989, 7 454.991, 454.993, 454.995, and 454.999, RSMo, are repealed as follows:

2 [454.849. The repeal of sections 454.850 to 454.999 shall become
3 effective upon the United States filing its instrument of ratification of The Hague
4 Convention on the International Recovery of Child Support and Other Forms of
5 Family Maintenance, adopted at The Hague Conference on Private International
6 Law on November 23, 2007.]

[454.850. In sections 454.850 to 454.997:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

20 (6) "Income-withholding order" means an order or other legal process
21 directed to an obligor's employer or other debtor, as defined by section 452.350
22 or 454.505, to withhold support from the income of the obligor.

23 (7) "Initiating state" means a state from which a proceeding is forwarded
24 or in which a proceeding is filed for forwarding to a responding state under the
25 provisions of sections 454.850 to 454.997 or a law or procedure substantially
26 similar to sections 454.850 to 454.997, or under a law or procedure substantially
27 similar to the uniform reciprocal enforcement of support act, or the revised
28 uniform reciprocal enforcement of support act.

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

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

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

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

37 (12) "Obligee" means:

38 (i) an individual to whom a duty of support is or is alleged to be owed or
39 in whose favor a support order has been issued or a judgment determining
40 parentage has been rendered;

41 (ii) a state or political subdivision to which the rights under a duty of
42 support or support order have been assigned or which has independent claims
43 based on financial assistance provided to an individual obligee; or

- 44 (iii) an individual seeking a judgment determining parentage of the
45 individual's child.
- 46 (13) "Obligor" means an individual, or the estate of a decedent:
47 (i) who owes or is alleged to owe a duty of support;
48 (ii) who is alleged but has not been adjudicated to be a parent of a child;
49 or
- 50 (iii) who is liable under a support order.
- 51 (14) "Register" means to record or file a support order or judgment
52 determining parentage in the tribunal having jurisdiction in such action.
- 53 (15) "Registering tribunal" means a tribunal in which a support order is
54 registered.
- 55 (16) "Responding state" means a state in which a proceeding is filed or
56 to which a proceeding is forwarded for filing from an initiating state under the
57 provisions of sections 454.850 to 454.997 or a law substantially similar to
58 sections 454.850 to 454.997, or under a law or procedure substantially similar to
59 the uniform reciprocal enforcement of support act, or the revised uniform
60 reciprocal enforcement of support act.
- 61 (17) "Responding tribunal" means the authorized tribunal in a responding
62 state.
- 63 (18) "Spousal-support order" means a support order for a spouse or
64 former spouse of the obligor.
- 65 (19) "State" means a state of the United States, the District of Columbia,
66 the Commonwealth of Puerto Rico, or any territory or insular possession subject
67 to the jurisdiction of the United States. The term "state" includes:
- 68 (i) an Indian tribe; and
69 (ii) a foreign jurisdiction that has enacted a law or established procedures
70 for issuance and enforcement of support orders which are substantially similar to
71 the procedures under sections 454.850 to 454.997 or the procedures under the
72 uniform reciprocal enforcement of support act or the revised uniform reciprocal
73 enforcement of support act.
- 74 (20) "Support enforcement agency" means a public official or agency
75 authorized to seek:
- 76 (i) enforcement of support orders or laws relating to the duty of support;
77 (ii) establishment or modification of child support;
78 (iii) determination of parentage; or
79 (iv) to locate obligors or their assets.
- 80 (21) "Support order" means a judgment, decree, or order, whether
81 temporary, final, or subject to modification, for the benefit of a child, a spouse,
82 or a former spouse, which provides for monetary support, health care, arrearages,
83 or reimbursement, and may include related costs and fees, interest, income
84 withholding, attorney's fees, and other relief.

85 (22) "Tribunal" means a court, administrative agency, or quasi-judicial
86 entity authorized to establish, enforce, or modify support orders or to determine
87 parentage.]
88

2 [454.853. The courts and the family support division are the tribunals of
3 this state.]

2 [454.855. Remedies provided by sections 454.850 to 454.997 are
3 cumulative and do not affect the availability of remedies under other law.]

2 [454.857. In a proceeding to establish, enforce, or modify a support order
3 or to determine parentage, a tribunal of this state may exercise personal
4 jurisdiction over a nonresident individual or the individual's guardian or
5 conservator if:

- 5 (1) the individual is personally served with notice within this state;
- 6 (2) the individual submits to the jurisdiction of this state by consent, by
7 entering a general appearance, or by filing a responsive document having the
8 effect of waiving any contest to personal jurisdiction;
- 9 (3) the individual resided with the child in this state;
- 10 (4) the individual resided in this state and provided prenatal expenses or
11 support for the child;
- 12 (5) the child resides in this state as a result of the acts or directives of the
13 individual;
- 14 (6) the individual engaged in sexual intercourse in this state and the child
15 may have been conceived by that act of intercourse;
- 16 (7) the individual asserted parentage in the putative father registry
17 maintained in this state by the department of health and senior services; or
- 18 (8) there is any other basis consistent with the constitutions of this state
19 and the United States for the exercise of personal jurisdiction.]
20

2 [454.860. A tribunal of this state exercising personal jurisdiction over a
3 nonresident under section 454.857 may apply section 454.917 to receive evidence
4 from another state, and section 454.922 to obtain discovery through a tribunal of
5 another state. In all other respects, sections 454.880 to 454.983 do not apply and
6 the tribunal shall apply the procedural and substantive law of this state, including
7 the rules on choice of law other than those established by sections 454.850 to
8 454.997.]

2 [454.862. Under sections 454.850 to 454.997, a tribunal of this state may
3 serve as an initiating tribunal to forward proceedings to another state and as a
4 responding tribunal for proceedings initiated in another state.]

2 [454.865. (a) A tribunal of this state may exercise jurisdiction to
3 establish a support order if the petition or comparable pleading is filed after a
4 petition or comparable pleading is filed in another state only if:

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

8 (2) the contesting party timely challenges the exercise of jurisdiction in
9 the other state; and

10 (3) if relevant, this state is the home state of the child.

11 (b) A tribunal of this state may not exercise jurisdiction to establish a
12 support order if the petition or comparable pleading is filed before a petition or
13 comparable pleading is filed in another state if:

14 (1) the petition or comparable pleading in the other state is filed before
15 the expiration of the time allowed in this state for filing a responsive pleading
16 challenging the exercise of jurisdiction by this state;

17 (2) the contesting party timely challenges the exercise of jurisdiction in
18 this state; and

19 (3) if relevant, the other state is the home state of the child.]

2 [454.867. (a) A tribunal of this state issuing a support order consistent
3 with the law of this state has continuing, exclusive jurisdiction over a child
4 support order:

5 (1) as long as this state remains the residence of the obligor, the
6 individual obligee, or the child for whose benefit the support order is issued; or

7 (2) until each individual party has filed written consent with the tribunal
8 of this state for a tribunal of another state to modify the order and assume
9 continuing, exclusive jurisdiction.

10 (b) A tribunal of this state issuing a child support order consistent with
11 the law of this state may not exercise its continuing jurisdiction to modify the
12 order if the order has been modified by a tribunal of another state pursuant to
13 sections 454.850 to 454.997 or a law substantially similar to sections 454.850 to
14 454.997.

15 (c) If a child support order of this state is modified by a tribunal of
16 another state pursuant to sections 454.850 to 454.997 or a law substantially
17 similar to sections 454.850 to 454.997, a tribunal of this state loses its continuing,
18 exclusive jurisdiction with regard to prospective enforcement of the order issued
19 in this state, and may only:

20 (1) enforce the order that was modified as to amounts accruing before the
21 modification;

22 (2) enforce nonmodifiable aspects of that order; and

23 (3) provide other appropriate relief for violations of that order which
occurred before the effective date of the modification.

24 (d) A tribunal of this state shall recognize the continuing, exclusive
25 jurisdiction of a tribunal of another state which has issued a child support order
26 pursuant to sections 454.850 to 454.997 or a law substantially similar to sections
27 454.850 to 454.997.

28 (e) A temporary support order issued ex parte or pending resolution of
29 a jurisdictional conflict does not create continuing, exclusive jurisdiction in the
30 issuing tribunal.

31 (f) A tribunal of this state issuing a support order consistent with the law
32 of this state has continuing, exclusive jurisdiction over a spousal support order
33 throughout the existence of the support obligation. A tribunal of this state may
34 not modify a spousal support order issued by a tribunal of another state having
35 continuing, exclusive jurisdiction over that order under the law of that state.]
36

[454.869. (a) A tribunal of this state may serve as an initiating tribunal
2 to request a tribunal of another state to enforce or modify a support order issued
3 in that state.

4 (b) A tribunal of this state having continuing, exclusive jurisdiction over
5 a support order may act as a responding tribunal to enforce or modify the order.
6 If a party subject to the continuing, exclusive jurisdiction of the tribunal no
7 longer resides in the issuing state, in subsequent proceedings the tribunal may
8 apply section 454.917 to receive evidence from another state and section 454.922
9 to obtain discovery through a tribunal of another state.

10 (c) A tribunal of this state which lacks continuing, exclusive jurisdiction
11 over a spousal support order may not serve as a responding tribunal to modify a
12 spousal support order of another state.]
13

[454.871. (a) If a proceeding is brought under sections 454.850 to
2 454.997, and only one tribunal has issued a child support order, the order of that
3 tribunal is controlling and must be recognized.

4 (b) If a proceeding is brought under sections 454.850 to 454.997, and two
5 or more child support orders have been issued by tribunals of this state or another
6 state with regard to the same obligor and child, a tribunal of this state shall apply
7 the following rules in determining which order to recognize for purposes of
8 continuing, exclusive jurisdiction:

9 (1) If only one of the tribunals would have continuing, exclusive
10 jurisdiction under sections 454.850 to 454.997, the order of that tribunal is
11 controlling and must be recognized.

12 (2) If more than one of the tribunals would have continuing, exclusive
13 jurisdiction under sections 454.850 to 454.997, an order issued by a tribunal in
14 the current home state of the child must be recognized, but if an order has not
15 been issued in the current home state of the child, the order most recently issued
16 is controlling and must be recognized.

17 (3) If none of the tribunals would have continuing exclusive jurisdiction
 18 under sections 454.850 to 454.997, the tribunal of this state having jurisdiction
 19 over the parties must issue a child support order, which is controlling and must
 20 be recognized.

21 (c) If two or more child support orders have been issued for the same
 22 obligor and child and if the obligor or the individual obligee resides in this state,
 23 a party may request a tribunal of this state to determine which order controls and
 24 must be recognized under subsection (b) of this section. The request must be
 25 accompanied by a certified copy of every support order in effect. Every party
 26 whose rights may be affected by a determination of the controlling order must be
 27 given notice of the request for that determination.

28 (d) The tribunal that issued the order that must be recognized as
 29 controlling under subsection (a), (b) or (c) of this section is the tribunal that has
 30 continuing, exclusive jurisdiction in accordance with section 454.867.

31 (e) A tribunal of this state which determines by order the identity of the
 32 controlling child support order under subsection (b)(1) or (b)(2) of this section
 33 or which issues a new controlling child support order under subsection (b)(3)
 34 shall include in that order the basis upon which the tribunal made its
 35 determination.

36 (f) Within thirty days after issuance of the order determining the identity
 37 of the controlling order, the party obtaining that order shall file a certified copy
 38 of it with each tribunal that had issued or registered an earlier order of child
 39 support. Failure of the party obtaining the order to file a certified copy as
 40 required subjects that party to appropriate sanctions by a tribunal in which the
 41 issue of failure to file arises, but that failure has no effect on the validity or
 42 enforceability of the controlling order.]
 43

2 [454.874. In responding to multiple registrations or petitions for
 3 enforcement of two or more child support orders in effect at the same time with
 4 regard to the same obligor and different individual obligees, at least one of which
 5 was issued by a tribunal of another state, a tribunal of this state shall enforce
 6 those orders in the same manner as if the multiple orders had been issued by a
 7 tribunal of this state.]

2 [454.877. Amounts collected and credited for a particular period pursuant
 3 to a support order issued by a tribunal of another state must be credited against
 4 the amounts accruing or accrued for the same period under a support order issued
 5 by the tribunal of this state.]

2 [454.880. (a) Except as otherwise provided in sections 454.850 to
 3 454.997, this article applies to all proceedings under sections 454.850 to 454.997.

3 (b) Sections 454.850 to 454.997, provide for the following
 4 proceedings:

- 5 (1) establishment of an order for spousal support or child support
- 6 pursuant to section 454.930;
- 7 (2) enforcement of a support order and income withholding order of
- 8 another state without registration pursuant to sections 454.932 to 454.946;
- 9 (3) registration of an order for spousal support or child support of another
- 10 state for enforcement pursuant to sections 454.948 to 454.981;
- 11 (4) modification of an order for child support or spousal support issued
- 12 by a tribunal of this state pursuant to sections 454.862 to 454.869;
- 13 (5) registration of an order for child support of another state for
- 14 modification pursuant to sections 454.948 to 454.981;
- 15 (6) determination of parentage pursuant to section 454.983; and
- 16 (7) assertion of jurisdiction over nonresidents pursuant to sections
- 17 454.857 to 454.860.
- 18 (c) An individual petitioner or a support enforcement agency may
- 19 commence a proceeding authorized under sections 454.850 to 454.997, by filing
- 20 a petition in an initiating tribunal for forwarding to a responding tribunal or by
- 21 filing a petition or a comparable pleading directly in a tribunal of another state
- 22 which has or can obtain personal jurisdiction over the respondent.]

23
 2 [454.882. A minor parent, or a guardian or other legal representative of
 3 a minor parent, may maintain a proceeding on behalf of or for the benefit of the
 4 minor's child.]

2 [454.885. Except as otherwise provided by sections 454.850 to 454.997,
 a responding tribunal of this state:
 3 (1) shall apply the procedural and substantive law, including the rules on
 4 choice of law, generally applicable to similar proceedings originating in this state
 5 and may exercise all powers and provide all remedies available in those
 6 proceedings; and
 7 (2) shall determine the duty of support and the amount payable in
 8 accordance with the law and support guidelines of this state.]
 9

2 [454.887. (a) Upon the filing of a petition authorized by sections
 3 454.850 to 454.997, an initiating tribunal of this state shall forward three copies
 4 of the petition and its accompanying documents:
 5 (1) to the responding tribunal or appropriate support enforcement agency
 6 in the responding state; or
 7 (2) if the identity of the responding tribunal is unknown, to the state
 8 information agency of the responding state with a request that they be forwarded
 9 to the appropriate tribunal and that receipt be acknowledged.
 10 (b) If a responding state has not enacted the uniform interstate family
 11 support act or a law or procedure substantially similar to the uniform interstate
 family support act, a tribunal of this state may issue a certificate or other

12 documents and make findings required by the law of the responding state. If the
13 responding state is a foreign jurisdiction, the tribunal may specify the amount of
14 support sought and provide other documents necessary to satisfy the requirements
15 of the responding state.]
16

2 [454.890. (a) When a responding tribunal of this state receives a petition
3 or comparable pleading from an initiating tribunal or directly pursuant to
4 subsection (c) of section 454.880, it shall cause the petition or pleading to be
5 filed and notify the petitioner where and when it was filed.

6 (b) A responding tribunal of this state, to the extent otherwise authorized
7 by law, may do one or more of the following:

8 (1) issue or enforce a support order, modify a child support order, or
9 render a judgment to determine parentage;

10 (2) order an obligor to comply with a support order, specifying the
11 amount and the manner of compliance;

12 (3) order income withholding;

13 (4) determine the amount of any arrearages, and specify a method of
14 payment;

15 (5) enforce orders by civil or criminal contempt, or both;

16 (6) set aside property for satisfaction of the support order;

17 (7) place liens and order execution on the obligor's property;

18 (8) order an obligor to keep the tribunal informed of the obligor's current
19 residential address, telephone number, employer, address of employment, and
20 telephone number at the place of employment;

21 (9) issue a bench warrant for an obligor who has failed after proper notice
22 to appear at a hearing ordered by the tribunal and enter the bench warrant in any
23 local and state computer systems for criminal warrants;

24 (10) order the obligor to seek appropriate employment by specified
25 methods;

26 (11) award reasonable attorney's fees and other fees and costs; and

27 (12) grant any other available remedy.

28 (c) A responding tribunal of this state shall include a support order issued
29 under sections 454.850 to 454.997, or in the documents accompanying the order,
30 the calculations on which the support order is based.

31 (d) A responding tribunal of this state may not condition the payment of
32 a support order issued under sections 454.850 to 454.997, upon compliance by
33 a party with provisions for visitation.

34 (e) If a responding tribunal of this state issues an order under sections
35 454.850 to 454.997, the tribunal shall send a copy of the order to the petitioner
36 and the respondent and to the initiating tribunal, if any.]

2 [454.892. If a petition or comparable pleading is received by an
inappropriate tribunal of this state, it shall forward the pleading and

3 accompanying documents to an appropriate tribunal in this state or another state
 4 and notify the petitioner by first class mail where and when the pleading was
 5 sent.]
 6

2 [454.895. (a) A support enforcement agency of this state, upon request,
 3 shall provide services to a petitioner in a proceeding under sections 454.850 to
 4 454.997.

4 (b) A support enforcement agency that is providing services to the
 5 petitioner as appropriate shall:

6 (1) take all steps necessary to enable an appropriate tribunal in this state
 7 or another state to obtain jurisdiction over the respondent;

8 (2) request an appropriate tribunal to set a date, time, and place for a
 9 hearing;

10 (3) make a reasonable effort to obtain all relevant information, including
 11 information as to income and property of the parties;

12 (4) within two days, exclusive of Saturdays, Sundays, and legal holidays,
 13 after receipt of a written notice from an initiating, responding, or registering
 14 tribunal, send a copy of the notice to the petitioner;

15 (5) within two days, exclusive of Saturdays, Sundays, and legal holidays,
 16 after receipt of a written communication from the respondent or the respondent's
 17 attorney, send a copy of the communication to the petitioner; and

18 (6) notify the petitioner if jurisdiction over the respondent cannot be
 19 obtained.

20 (c) Sections 454.850 to 454.997, do not create or negate a relationship
 21 of attorney and client or other fiduciary relationship between a support
 22 enforcement agency or the attorney for the agency and the individual being
 23 assisted by the agency.]
 24

2 [454.897. If the attorney general determines that the support enforcement
 3 agency is neglecting or refusing to provide services to an individual, the attorney
 4 general may order the agency to perform its duties under sections 454.850 to
 5 454.997 or may provide those services directly to the individual.]

2 [454.900. An individual may employ private counsel to represent the
 3 individual in proceedings authorized by sections 454.850 to 454.997.]

2 [454.902. (a) The family support division is the state information agency
 3 under sections 454.850 to 454.997.

3 (b) The state information agency shall:

4 (1) compile and maintain a current list, including addresses, of the
 5 tribunals in this state which have jurisdiction under sections 454.850 to 454.997,
 6 and any support enforcement agencies in this state and transmit a copy to the state
 7 information agency of every other state;

- 8 (2) maintain a register of tribunals and support enforcement agencies
9 received from other states;
- 10 (3) forward to the appropriate tribunal in the place in this state in which
11 the individual obligee or the obligor resides, or in which the obligor's property is
12 believed to be located, all documents concerning a proceeding under sections
13 454.850 to 454.997, received from an initiating tribunal or the state information
14 agency of the initiating state; and
- 15 (4) obtain information concerning the location of the obligor and the
16 obligor's property within this state not exempt from execution, by such means as
17 postal verification and federal or state locator services, examination of telephone
18 directories, requests for the obligor's address from employers, and examination
19 of governmental records, including, to the extent not prohibited by other law,
20 those relating to real property, vital statistics, law enforcement, taxation, motor
21 vehicles, driver's licenses, and Social Security.]
22

2 [454.905. (a) A petitioner seeking to establish or modify a support order
3 or to determine parentage in a proceeding under sections 454.850 to 454.997,
4 must verify the petition. Unless otherwise ordered under section 454.907, the
5 petition or accompanying documents must provide, so far as known, the name,
6 residential address, and Social Security numbers of the obligor and the obligee,
7 and the name, sex, residential address, Social Security number, and date of birth
8 of each child for whom support is sought. The petition must be accompanied by
9 a certified copy of any support order in effect. The petition may include any
10 other information that may assist in locating or identifying the respondent.

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

2 [454.907. Upon a finding, which may be made ex parte, that the health,
3 safety, or liberty of a party or child would be unreasonably put at risk by the
4 disclosure of identifying information, or if an existing order so provides, a
5 tribunal shall order that the address of the child or party or other identifying
6 information not be disclosed in a pleading or other document filed in a
7 proceeding under sections 454.850 to 454.997.]

2 [454.910. (a) The petitioner may not be required to pay a filing fee or
3 other costs.

4 (b) If an obligee prevails, a responding tribunal may assess against an
5 obligor filing fees, reasonable attorney's fees, other costs, and necessary travel
6 and other reasonable expenses incurred by the obligee and the obligee's
7 witnesses. The tribunal may not assess fees, costs, or expenses against the
obligee or the support enforcement agency of either the initiating or the

8 responding state, except as provided by other law. Attorney's fees may be taxed
9 as costs, and may be ordered paid directly to the attorney, who may enforce the
10 order in the attorney's own name. Payment of support owed to the obligee has
11 priority over fees, costs and expenses.

12 (c) The tribunal shall order the payment of costs and reasonable attorney's
13 fees if it determines that a hearing was requested primarily for delay. In a
14 proceeding under sections 454.948 to 454.981, a hearing is presumed to have
15 been requested primarily for delay if a registered support order is confirmed or
16 enforced without change.]

17

2 [454.912. (a) Participation by a petitioner in a proceeding before a
3 responding tribunal, whether in person, by private attorney, or through services
4 provided by the support enforcement agency, does not confer personal
5 jurisdiction over the petitioner in another proceeding.

6 (b) A petitioner is not amenable to service of civil process while
7 physically present in this state to participate in a proceeding under sections
8 454.850 to 454.997.

9 (c) The immunity granted by this section does not extend to civil
10 litigation based on acts unrelated to a proceeding under sections 454.850 to
11 454.997, committed by a party while present in this state to participate in the
12 proceeding.]

12

2 [454.915. A party whose parentage of a child has been previously
3 determined by or pursuant to law may not plead nonparentage as a defense to a
4 proceeding under sections 454.850 to 454.997.]

4

2 [454.917. (a) The physical presence of the petitioner in a responding
3 tribunal of this state is not required for the establishment, enforcement, or
4 modification of a support order or the rendition of a judgment determining
5 parentage.

6 (b) A verified petition, affidavit, document substantially complying with
7 federally mandated forms, and a document incorporated by reference in any of
8 them, not excluded under the hearsay rule if given in person, is admissible in
9 evidence if given under oath by a party or witness residing in another state.

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

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

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

21 (f) In a proceeding under sections 454.850 to 454.997, a tribunal of this
 22 state may permit a party or witness residing in another state to be deposed or to
 23 testify by telephone, audiovisual means, or other electronic means at a designated
 24 tribunal or other location in that state. A tribunal of this state shall cooperate
 25 with tribunals of other states in designating an appropriate location for the
 26 deposition or testimony.

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

30 (h) A privilege against disclosure of communications between spouses
 31 does not apply in a proceeding under sections 454.850 to 454.997.

32 (i) The defense of immunity based on the relationship of husband and
 33 wife or parent and child does not apply in a proceeding under sections 454.850
 34 to 454.997.]

35

2 [454.920. A tribunal of this state may communicate with a tribunal of
 3 another state in writing, or by telephone or other means, to obtain information
 4 concerning the laws of that state, the legal effect of a judgment, decree, or order
 5 of that tribunal, and the status of a proceeding in the other state. A tribunal of
 6 this state may furnish similar information by similar means to a tribunal of
 7 another state.]

7

[454.922. A tribunal of this state may:

- 2 (1) request a tribunal of another state to assist in obtaining discovery; and
- 3 (2) upon request, compel a person over whom it has jurisdiction to
- 4 respond to a discovery order issued by a tribunal of another state.]

5

2 [454.927. A support enforcement agency or tribunal of this state shall
 3 disburse promptly any amounts received pursuant to a support order, as directed
 4 by the order. The agency or tribunal shall furnish to a requesting party or tribunal
 5 of another state a certified statement by the custodian of the record of the
 6 amounts and dates of all payments received.]

6

2 [454.930. (a) If a support order entitled to recognition under sections
 3 454.850 to 454.997, has not been issued, a responding tribunal of this state may
 4 issue a support order if:

- 5 (1) the individual seeking the order resides in another state; or
- 6 (2) the support enforcement agency seeking the order is located in
 another state.

- 7 (b) The tribunal may issue a temporary child support order if:
- 8 (1) the respondent has signed a verified statement acknowledging
- 9 parentage;
- 10 (2) the respondent has been determined by or pursuant to law to be the
- 11 parent; or
- 12 (3) there is other clear and convincing evidence that the respondent is the
- 13 child's parent.
- 14 (c) Upon finding, after notice and opportunity to be heard, that an obligor
- 15 owes a duty of support, the tribunal shall issue a support order directed to the
- 16 obligor and may issue other orders pursuant to section 454.890.]
- 17

2 [454.932. An income withholding order issued in another state may be
 3 sent to the person or entity defined as the obligor's employer under section
 4 452.350 or section 454.505 without first filing a petition or comparable pleading
 5 or registering the order with a tribunal of this state.]

2 [454.934. (a) Upon receipt of the order, the obligor's employer shall
 3 immediately provide a copy of the order to the obligor.

4 (b) The employer shall treat an income withholding order issued in
 5 another state which appears regular on its face as if it had been issued by a
 6 tribunal of this state.

7 (c) Except as provided in subsection (d) of this section and section
 8 454.936, the employer shall withhold and distribute the funds as directed in the
 9 withholding order by complying with the terms of the order, as applicable, that
 10 specify:

11 (1) the duration and the amount of periodic payments of current child
 12 support, stated as a sum certain;

13 (2) the person or agency designated to receive payments and the address
 14 to which the payments are to be forwarded;

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

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

21 (5) the amount of periodic payments of arrears and interest on arrears,
 22 stated as sums certain.

23 (d) The employer shall comply with the law of the state of the obligor's
 24 principal place of employment for withholding from income with respect to:

25 (1) the employer's fee for processing an income withholding order;

26 (2) the maximum amount permitted to be withheld from the obligor's
 income;

27 (3) the time periods within which the employer must implement the
28 withholding order and forward the child support payment.]
29

2 [454.936. If the obligor's employer receives multiple orders to withhold
3 support from the earnings of the same obligor, the employer shall be deemed to
4 have satisfied the terms of the multiple orders if the employer complied with the
5 law of the state of the obligor's principal place of employment to establish the
6 priorities for withholding and allocating income withheld for multiple child
7 support orders.]

2 [454.938. An employer who complies with an income withholding order
3 issued in another state in accordance with sections 454.932 to 454.946, is not
4 subject to civil liability to any individual or agency with regard to the employer's
5 withholding child support from the obligor's income.]

2 [454.941. An employer who willfully fails to comply with an income
3 withholding order issued by another state and received for enforcement is subject
4 to the same penalties that may be imposed for noncompliance with an order
5 issued by a tribunal of this state.]

2 [454.943. (a) An obligor may contest the validity or enforcement of an
3 income withholding order issued in another state and received directly by an
4 employer in this state in the same manner as if the order had been issued by a
5 tribunal of this state. Section 454.956 applies to the contest.

6 (b) The obligor shall give notice of the contest to:
7 (1) a support enforcement agency providing services to the obligee;
8 (2) each employer which has directly received an income withholding
9 order; and
10 (3) the person or agency designated to receive payments in the income
11 withholding order, or if no person or agency is designated, to the obligee.]

2 [454.946. (a) A party seeking to enforce a support order or an income
3 withholding order, or both, issued by a tribunal of another state may send the
4 documents required for registering the order to a support enforcement agency of
5 this state.

6 (b) Upon receipt of the documents, the support enforcement agency,
7 without initially seeking to register the order, shall consider and, if appropriate,
8 use any administrative procedure authorized by the law of this state to enforce a
9 support order or an income withholding order, or both. If the obligor does not
10 contest administrative enforcement, the order need not be registered. If the
11 obligor contests the validity or administrative enforcement of the order, the
12 support enforcement agency shall register the order pursuant to sections 454.850
to 454.997.]

2 [454.948. A support order or an income withholding order issued by a
3 tribunal of another state may be registered in this state for enforcement.]

2 [454.951. (a) A support order or income withholding order of another
3 state may be registered in this state by sending the following documents and
4 information to the appropriate tribunal in this state:

5 (1) a letter of transmittal to the tribunal requesting registration and
6 enforcement;

7 (2) two copies, including one certified copy, of all orders to be registered,
8 including any modification of an order;

9 (3) a sworn statement by the party seeking registration or a certified
10 statement by the custodian of the records showing the amount of any arrearage;

11 (4) the name of the obligor and, if known:

12 (i) the obligor's address and Social Security number;

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

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

17 (5) the name and address of the obligee and, if applicable, the agency or
18 person to whom support payments are to be remitted. (b) On receipt of a request
19 for registration, the registering tribunal shall cause the order to be filed as a
20 foreign judgment, together with one copy of the documents and information,
21 regardless of their form.

22 (c) A petition or comparable pleading seeking a remedy that must be
23 affirmatively sought under other law of this state may be filed at the same time
24 as the request for registration or later. The pleading must specify the grounds for
25 the remedy sought.]

2 [454.953. (a) A support order or income withholding order issued in
3 another state is registered when the order is filed in the registering tribunal of this
4 state.

5 (b) A registered order issued in another state is enforceable in the same
6 manner and is subject to the same procedures as an order issued by a tribunal of
7 this state.

8 (c) Except as otherwise provided in sections 454.948 to 454.981, a
9 tribunal of this state shall recognize and enforce, but may not modify, a registered
10 order if the issuing tribunal had jurisdiction.]

2 [454.956. (a) The law of the issuing state governs the nature, extent,
3 amount, and duration of current payments and other obligations of support and
4 the payment of arrearages under the order.

5 (b) In a proceeding for arrearages, the statute of limitation under the laws
of this state or of the issuing state, whichever is longer, applies.]

2 [454.958. (a) When a support order or income withholding order issued
3 in another state is registered, the registering tribunal shall notify the
4 nonregistering party. The notice must be accompanied by a copy of the registered
5 order and the documents and relevant information accompanying the order.

6 (b) The notice must inform the nonregistering party:

7 (1) that a registered order is enforceable as of the date of registration in
8 the same manner as an order issued by a tribunal of this state;

9 (2) that a hearing to contest the validity or enforcement of the registered
10 order must be requested within twenty days after the date of mailing or personal
11 service of the notice;

12 (3) that failure to contest the validity or enforcement of the registered
13 order in a timely manner will result in confirmation of the order and enforcement
14 of the order and the alleged arrearages and precludes further contest of that order
15 with respect to any matter that could have been asserted; and

16 (4) of the amount of any alleged arrearages.

17 (c) Upon registration of an income withholding order for enforcement,
18 the registering tribunal shall notify the obligor's employer pursuant to section
19 452.350 or section 454.505.]

2 [454.961. (a) A nonregistering party seeking to contest the validity or
3 enforcement of a registered order in this state shall request a hearing within
4 twenty days after the date of mailing or personal service of notice of the
5 registration. The nonregistering party may seek to vacate the registration, to
6 assert any defense to an allegation of noncompliance with the registered order,
7 or to contest the remedies being sought or the amount of any alleged arrearages
8 pursuant to section 454.963.

9 (b) If the nonregistering party fails to contest the validity or enforcement
10 of the registered order in a timely manner, the order is confirmed by operation of
11 law.

12 (c) If a nonregistering party requests a hearing to contest the validity or
13 enforcement of the registered order, the registering tribunal shall schedule the
14 matter for hearing and give notice to the parties of the date, time, and place of the
15 hearing.]

2 [454.963. (a) A party contesting the validity or enforcement of a
3 registered order or seeking to vacate the registration has the burden of proving
4 one or more of the following defenses:

5 (1) the issuing tribunal lacked personal jurisdiction over the contesting
6 party;

7 (2) the order was obtained by fraud;

8 (3) the order has been vacated, suspended, or modified by a later order;

9 (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;

10 (6) full or partial payment has been made; or
 11 (7) the statute of limitation under section 454.956 precludes enforcement
 12 of some or all of the arrearages.

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

18 (c) If the contesting party does not establish a defense under subsection
 19 (a) to the validity or enforcement of the order, the registering tribunal shall issue
 20 an order confirming the order.]
 21

2 [454.966. Confirmation of a registered order, whether by operation of
 3 law or after notice and hearing, precludes further contest of the order with respect
 4 to any matter that could have been asserted at the time of registration.]

2 [454.968. A party or support enforcement agency seeking to modify, or
 3 to modify and enforce, a child support order issued in another state shall register
 4 that order in this state in the same manner provided in sections 454.948 to
 5 454.956 if the order has not been registered. A petition for modification may be
 6 filed at the same time as a request for registration, or later. The pleading must
 7 specify the grounds for modification.]

2 [454.971. A tribunal of this state may enforce a child support order of
 3 another state registered for purposes of modification, in the same manner as if the
 4 order had been issued by a tribunal of this state, but the registered order may be
 5 modified only if the requirements of section 454.973 have been met.]

2 [454.973. (a) After a child support order issued in another state has been
 3 registered in this state, unless the provisions of section 454.978 apply, the
 4 responding tribunal of this state may modify that order only if, after notice and
 5 hearing, it finds that:

- 5 (1) the following requirements are met:
- 6 (i) the child, the individual obligee, and the obligor do not reside in the
- 7 issuing state;
- 8 (ii) a petitioner who is a nonresident of this state seeks modification; and
- 9 (iii) the respondent is subject to the personal jurisdiction of the tribunal
- 10 of this state; or

- 11 (2) an individual party or the child is subject to the personal jurisdiction
- 12 of the tribunal and all of the individual parties have filed a written consent in the
- 13 issuing tribunal providing that a tribunal of this state may modify the support
- 14 order and assume continuing, exclusive jurisdiction over the order. However, if
- 15 the issuing state is a foreign jurisdiction which has not enacted the Uniform

16 Interstate Family Support Act, as amended, the written consent of the individual
17 party residing in this state is not required for the tribunal to assume jurisdiction
18 to modify the child support order.

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

23 (c) A tribunal of this state may not modify any aspect of a child support
24 order that may not be modified under the law of the issuing state. If two or more
25 tribunals have issued child support orders for the same obligor and child, the
26 order that is controlling and must be recognized under the provisions of section
27 454.871 establishes the nonmodifiable aspects of the support order.

28 (d) On issuance of an order modifying a child support order issued in
29 another state, a tribunal of this state becomes the tribunal of continuing, exclusive
30 jurisdiction.]

31

2 [454.976. A tribunal of this state shall recognize a modification of its
3 earlier child support order by a tribunal of another state which assumed
4 jurisdiction pursuant to sections 454.850 to 454.997 or a law substantially similar
5 to sections 454.850 to 454.997 and, upon request, except as otherwise provided
6 in sections 454.850 to 454.997 shall:

6 (1) enforce the order that was modified only as to amounts accruing
7 before the modification;

8 (2) enforce only nonmodifiable aspects of that order;

9 (3) provide other appropriate relief only for violations of that order which
10 occurred before the effective date of the modification; and

11 (4) recognize the modifying order of the other state, upon registration, for
12 the purpose of enforcement.]

13

2 [454.978. (a) If all of the individual parties reside in this state and the
3 child does not reside in the issuing state, a tribunal of this state has jurisdiction
4 to enforce and to modify the issuing state's child support order in a proceeding
5 to register that order.

6 (b) A tribunal of this state exercising jurisdiction as provided in this
7 section shall apply the provisions of sections 454.850 to 454.877 and sections
8 454.948 to 454.981 to the enforcement or modification proceeding. Sections
9 454.880 to 454.946 and sections 454.983 to 454.989 do not apply and the tribunal
10 shall apply the procedural and substantive law of this state.]

10

2 [454.981. Within thirty days after issuance of a modified child support
3 order, the party obtaining the modification shall file a certified copy of the order
4 with the issuing tribunal which had continuing, exclusive jurisdiction over the
5 earlier order, and in each tribunal in which the party knows that earlier order has

5 been registered. Failure of the party obtaining the order to file a certified copy
6 as required subjects that party to appropriate sanctions by a tribunal in which the
7 issue of failure to file arises, but that failure has no effect on the validity or
8 enforceability of the modified order of the new tribunal of continuing, exclusive
9 jurisdiction.]

10

[454.983. (a) A tribunal of this state may serve as an initiating or
2 responding tribunal in a proceeding brought under sections 454.850 to 454.997
3 or a law or procedure substantially similar to sections 454.850 to 454.997, or a
4 law or procedure substantially similar to the uniform reciprocal enforcement of
5 support act, or the revised uniform reciprocal enforcement of support act to
6 determine that the petitioner is a parent of a particular child or to determine that
7 a respondent is a parent of that child.

8

9

10

11

(b) 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.]

[454.986. (a) For purposes of this article, "governor" includes an
2 individual performing the functions of governor or the executive authority of a
3 state covered by sections 454.850 to 454.997.

(b) The governor of this state may:

5 (1) demand that the governor of another state surrender an individual
6 found in the other state who is charged criminally in this state with having failed
7 to provide for the support of an obligee; or

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

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(c) A provision for extradition of individuals not inconsistent with
sections 454.850 to 454.997, applies to the demand even if the individual whose
surrender is demanded was not in the demanding state when the crime was
allegedly committed and has not fled therefrom.]

[454.989. (a) Before making demand that the governor of another state
2 surrender an individual charged criminally in this state with having failed to
3 provide for the support of an obligee, the governor of this state may require a
4 prosecutor of this state to demonstrate that at least sixty days previously the
5 obligee had initiated proceedings for support pursuant to sections 454.850 to
6 454.997 or that the proceeding would be of no avail.

7 (b) If, under sections 454.850 to 454.997 or a law substantially similar
8 to sections 454.850 to 454.997, the uniform reciprocal enforcement of support
9 act, or the revised uniform reciprocal enforcement of support act, the governor
10 of another state makes a demand that the governor of this state surrender an
11 individual charged criminally in that state with having failed to provide for the

12 support of a child or other individual to whom a duty of support is owed, the
13 governor may require a prosecutor to investigate the demand and report whether
14 a proceeding for support has been initiated or would be effective. If it appears
15 that a proceeding would be effective but has not been initiated, the governor may
16 delay honoring the demand for a reasonable time to permit the initiation of a
17 proceeding.

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

2 [454.991. Sections 454.850 to 454.997 shall be applied and construed to
3 effectuate its general purpose to make uniform the law with respect to the subject
4 of sections 454.850 to 454.997 among states enacting it.]

2 [454.993. Sections 454.850 to 454.997 may be cited as the "Uniform
3 Interstate Family Support Act".]

2 [454.995. If any provision of sections 454.850 to 454.997 or its
3 application to any person or circumstance is held invalid, the invalidity does not
4 affect other provisions or applications of sections 454.850 to 454.997, which can
5 be given effect without the invalid provision or application, and to this end the
6 provisions of 454.850 to 454.997 are severable.]

2 [454.999. The provisions of sections 210.822 and 210.834 shall apply to
3 a proceeding under sections 454.850 to 454.997, but no other provisions of
sections 210.817 through 210.852 shall apply.]

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